



# Kansas City

414 E. 12th Street  
Kansas City, MO 64106

## Agenda

### Neighborhood Planning and Development Committee

Lee Barnes Jr., Chair  
Andrea Bough, Vice Chair  
Dan Fowler  
Brandon Ellington  
Teresa Loar

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**Wednesday, May 11, 2022**

**1:30 PM**

**26th Floor, Council Chamber**

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<https://us02web.zoom.us/j/84530222968>

#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

Beginning of Consent(s)

**220391**

Approving the plat of Blue River Commerce Center Third Plat, an addition in Jackson County, Missouri, on approximately 63.587 acres generally located at the northeast corner of E. Bannister Road and Troost Avenue, creating 2 lots and 1 tract for the purpose of a 2 lot industrial development; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents.  
(CLD-FnPlat-2021-00065)

**Attachments: 2021-00065 Ordinance Fact Sheet**

End of Consent(s)

**220387**

Amending Chapter 50, Code of Ordinances, by repealing Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and amending Chapter 70, Code of Ordinances, by repealing Section 70-73, Obedience to authorized persons directing traffic, and enacting in lieu thereof new sections of like number and subject matter.

**Attachments:** [fact sheet](#)

**220388**

Accepting the recommendation of the Central City Economic Development Tax Board for additional funding in the amount of \$140,000.00, for a total not to exceed \$422,354.00, for an economic development project proposed by CELT Real Estate Holdings, LLC to rehabilitate an existing structure for the Thirty-Eighth Street Studio & Business Incubator and five residential housing units within the boundaries of the Oak Park Neighborhood located at 3841 Agnes; authorizing the City Manager to enter into a Funding Agreement for that purpose.

**Attachments:** [CELT Fact Sheet](#)  
[CELT Fiscal Note](#)

**220390**

Accepting the recommendations of the Tax Increment Financing Commission and approving the Ninth Amendment to the Winchester Center Tax Increment Financing Plan; and directing the City Clerk to send a copy of this ordinance to Jackson County.

**Attachments:** [FACT SHEET](#)

**220398**

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. (CD-CPC-2021-00186

**Attachments:** [CD-CPC-2021-00186\\_Fact Sheet.docx](#)

**Barnes**

**220403**

Accepting the recommendations of the Tax Increment Financing Commission as to the Southpointe Tax Increment Financing Plan; and approving the Southpointe Tax Increment Financing Plan as modified; and approving additional tax increment financing within the Redevelopment Project and authorizing the Director of Finance to enter into one or more agreements in furtherance of such purpose; and directing the Clerk to send a copy of this ordinance to Jackson County.

**Attachments:** [No Fact Sheet](#)

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HELD IN COMMITTEE

**Robinson**

**220233** Amending Section 68-449, Code of Ordinances, to provide parameters for the amendment of contracts for Central City Economic Development Sales Tax funds without City Council approval.

**Attachments:** [220233 No Fact Sheet](#)

**220327** Rezoning an area of about 32 acres generally located on the north side of E. 63rd Street on both sides of Prospect Avenue and bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west from Districts B4-2, B3-2, R-2.5 and R-5 to District UR. (CD-CPC-2021-00211)

**Attachments:** [CD-CPC-2021-00211\\_FACTSHT](#)

**Hall**

**220353** Amending Chapter 18, Article II, Code of Ordinances, by repealing Section 18-40 entitled "Adoption of International Building Code (2018); amendments" and enacting in lieu thereof a new section of like number and subject matter that requires a school obtaining a building permit to upgrade any existing play area to the current requirements of ICC ANSI A117.1- 2009 section 1108 for accessibility.

**Attachments:** [1754 fact sheet](#)

**220371** Vacating an alley generally located north of W. 40th Street in between State Line Road to the west and Bell Street to the east, to allow for the construction of a new apartment building; and directing the City Clerk to record certain documents. (CD-ROW-2021-00037)

**Attachments:** [CD-ROW-2021-00037\\_FactSheet](#)

**Bough and McManus**

**220378** Approving a development plan that will also serve as a preliminary plat in Districts M1-5 to allow for 2.46 million square feet of office, commercial and warehouse development on 12 lots and 2 tracts on approximately 245 acres of land generally located at the northeast corner of Missouri Route 150 and Botts Road. (CD-CPC-2021-00109)

**Attachments:** [No Fact Sheet](#)

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ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.

2. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org). Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: [http://kansascity.granicus.com/ViewPublisher.php?view\\_id=2](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220391

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### ORDINANCE NO. 220391

Approving the plat of Blue River Commerce Center Third Plat, an addition in Jackson County, Missouri, on approximately 63.587 acres generally located at the northeast corner of E. Bannister Road and Troost Avenue, creating 2 lots and 1 tract for the purpose of a 2 lot industrial development; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2021-00065)

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the plat of Blue River Commerce Center Third Plat, a subdivision in Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention and BMP Facilities Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 4. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 5. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Jackson County, Missouri.

Section 6. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on February 15, 2022.

..end

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Approved as to form and legality:

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Eluard Alegre  
Associate City Attorney

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

220391

Ordinance Number

### Brief Title

Approving the plat of Blue River Commerce Center Third Plat, an addition in Kansas City, Jackson County, Missouri

<p><b>Specific Address</b> Approximately 63.587 acres generally located at the northeast corner of E. Bannister Road and Troost Avenue, creating 2 lots and 1 tract.</p>	<p><b>Sponsor</b> Jeffrey Williams, AICP, Director Department of City Planning &amp; Development</p>
<p><b>Reason for Project</b> This final plat application was initiated by Port Authority of Kansas City, Missouri, in order to subdivide the property in accordance with the city codes and state statutes. (The developer intends to construct a 2 lot industrial subdivision.)</p>	<p><b>Programs, Departments, or Groups Affected</b> City-Wide  Council District(s) 5(JA) Barnes, Parks-Shaw  Other districts (school, etc.) Center 120</p>
<p><b>Discussion</b> This is a routine final plat ordinance that authorizes staff to continue to process the plat for recording. This plat can be added to the consent agenda.</p>	<p><b>Applicants / Proponents</b> Applicant(s) Port Authority of Kansas City, Missouri  City Department City Planning and Development  Other</p>
<p><b>CONTROLLING CASE</b> Case No. CD-CPC-2019-00228 – Ordinance No. 200542 passed by the City Council on August 8, 2020, rezoned about 230 acres from District M3-5 (Manufacturing 3) to District UR (Urban Redevelopment), and approved a development plan that allows for redevelopment of the existing Bannister Federal Complex and construction of 2.6 million square feet of manufacturing/ warehousing facilities with 1,730 parking spaces, on 9 lots and five (5) tracts in multiple on about 229 generally located at the northeast corner of E. Bannister Road and Troost Avenue.</p>	<p><b>Opponents</b> Groups or Individuals None Known  Basis of Opposition</p>
	<p><b>Staff Recommendation</b> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:</p>
	<p><b>Board or Commission Recommendation</b> By: City Plan Commission February 15, 2022  <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions</p>
	<p><b>Council Committee Actions</b> <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass</p>

**Details**

<b>Policy / Program Impact</b>	
<b>Policy or Program Change</b> N/A	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b> N/A	
<b>Finances</b>	
<b>Cost &amp; Revenue Projections – Including Indirect Costs</b> N/A	
<b>Financial Impact</b> N/A	
<b>Fund Source and Appropriation Account Costs</b> N/A	
<b>Is it good for the children?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	<p><b>How will this contribute to a sustainable Kansas City?</b></p>	<p>This is the third plat within this Blue River Commerce Center development. This plat proposes two lots which is about 63.5 acres. The lots will house the buildings of approximately 436,121 square foot manufacturing, warehousing and distribution facility. The developed lots will increase the tax base for the City and improve the aesthetics of the site.</p> <p>Written by Lucas Kaspar, PE</p>
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**Project Start Date**

**Projected Completion or Occupancy Date**

**Fact Sheet Prepared by:** **Date:** May 4, 2022  
Thomas Holloway

**Reviewed by:**  
Joe Rexwinkle  
Land Development Division (LDD)  
City Planning & Development

**Reference or Case Numbers:** CLD-FnPlat-2021-00065





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**File #:** 220387

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### ORDINANCE NO. 220387

Amending Chapter 50, Code of Ordinances, by repealing Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and amending Chapter 70, Code of Ordinances, by repealing Section 70-73, Obedience to authorized persons directing traffic, and enacting in lieu thereof new sections of like number and subject matter.

WHEREAS, to clarify the culpable mental state needed to prove a violation of Section 50-44; and to exempt from a violation under such section any person witnessing or documenting the actions of a public safety officer, employee or inspector, so long as they do not "substantially and physically" hinder official duties being performed; and

WHEREAS, to clarify in Section 70-73 that merely witnessing or documenting an officer in the performance of their official duties shall not be a violation unless such act substantially and physically impedes "any" officer from official duties; NOW, THEREFORE,

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

#### **Sec. 50-44. Obstructing or resisting public safety officer, employee or inspector.**

(a) Any person who shall in any way or manner purposely hinder, obstruct, molest, resist or otherwise interfere with any city public safety officer, employee or inspector, including, but not limited to, any firefighter or other fire suppression employee, fire prevention inspector, emergency medical service provider, paramedic, health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, or any officer of the city police department or any member of any other law enforcement agency or police force, in the discharge of their official duties shall be guilty of an ordinance violation. A person shall not be charged with a violation under this section if they are witnessing or documenting (by video or otherwise) the actions of any of the aforementioned individuals in the discharge of their official duties unless such act of witnessing or documenting (by video or otherwise) substantially and physically hinders, obstructs, molests, resists or otherwise interferes with the official duties being performed.

(b) A person who shall attempt to prevent any officer of the city police department or any other member of any other law enforcement agency or police force from arresting any person, or shall attempt to rescue any person in the custody of any officer of the city police department or any other member of any other law enforcement agency or police force, or from anyone called to assist the police or other law enforcement officer, shall be guilty of an ordinance violation.

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 70-73, Obedience to police and fire department officers, and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

**Sec. 70-73. Obedience to authorized persons directing traffic.**

No person shall willfully fail or refuse to comply with a lawful traffic direction given by voice, hand, or other signal by any police officer, parking control officer, firefighter or uniformed adult school crossing guard with authority to direct, control, or regulate traffic. The term "traffic direction" shall not include any order or direction that prevents or impedes the witnessing or documenting (by video or otherwise) of the actions of any officer, firefighter or crossing guard unless such act of witnessing or documenting substantially and physically impedes any officer, firefighter or crossing guard from official duties. In no event shall a person be charged with violating this section unless such person is actually impeding or interfering with traffic.

..end

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Approved as to form and legality:

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Bret Kassen  
Associate City Attorney

# GENERAL

## Ordinance Fact Sheet

220387

Ordinance Number

**Brief Title:** Approval Deadline:

Ordinance amending City Code  
§§ 50-44 and 70-73

**Reason:**

To clarify the culpable mental state in City Code § 50-44 and to clarify in such section and City Code §70-73 the extent to which a person may be exempt from a violation under each section for witnessing and documenting officer actions

### Details

**Reason for Legislation**

To amend Chapter 50, Code of Ordinances, by repealing Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and amending Chapter 70, Code of Ordinances, by repealing Section 70-73, Obedience to authorized persons directing traffic, and enacting in lieu thereof new sections of like number and subject matter.

**Discussion (including relationship to other Council actions)**

The ordinance clarifies the culpable mental state needed to prove a violation of Section 50-44, and exempts from a violation under such section any person witnessing or documenting the actions of a public safety officer, employee or inspector, so long as they do not “substantially and physically” hinder official duties being performed. The ordinance also clarifies in Section 70-73 that merely witnessing or documenting an officer in the performance of their official duties shall not be a violation unless such act substantially and physically impedes “any” officer from official duties;

Is it good for the children? Yes.

### Positions / Recommendations

<b>Sponsor(s)</b>	Matt Gigliotti, City Attorney
<b>Programs, Departments, or Groups Affected</b>	Police and Fire Departments, Law Department
<b>Applicants/Proponents</b>	<b>Applicant</b>  City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>
<b>Staff Recommendation</b>	9 For 9 Against <b>Reasons Against:</b>
<b>Board or Commission Recommendation</b>	9 For 9 Against 9 No Action Taken 9 For, with revisions or conditions
<b>Council Committee Action</b>	9 Do Pass 9 Do Pass (as amended) 9 Committee Substitute 9 No Recommendation 9 Hold 9 Do Not Pass

**Details****Policy / Program Impact**

<b>Policy or Program Change</b>	9 No    9 Yes
<b>Operational Impact Assessment</b>	

**Finances**

<b>Cost and Revenue Projections</b>	<b>Cost of Legislation</b> \$0.00  <b>Increase/Decrease in Revenue Expected Annually</b>
<b>Fund Sources</b>	

**Applicable Dates:****Fact Sheet Prepared By:**

Bret Kassen, Associate City Attorney

**Reviewed By:**

Matt Gigliotti, City Attorney

**Reference Numbers:**



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220388

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### ORDINANCE NO. 220388

Accepting the recommendation of the Central City Economic Development Tax Board for additional funding in the amount of \$140,000.00, for a total not to exceed \$422,354.00, for an economic development project proposed by CELT Real Estate Holdings, LLC to rehabilitate an existing structure for the Thirty-Eighth Street Studio & Business Incubator and five residential housing units within the boundaries of the Oak Park Neighborhood located at 3841 Agnes; authorizing the City Manager to enter into a Funding Agreement for that purpose.

WHEREAS, Section 67.1305 of the Revised Statutes of Missouri authorizes the City to impose a retail sales tax not to exceed one-half of one percent if the imposition of such a retail sales tax is submitted to, and then approved by, a majority of the votes cast; and

WHEREAS, on April 4, 2017, pursuant to authority granted by Section 67.1305, RSMo, a majority of Kansas City, Missouri voters approved a new 1/8 of one percent retail sales tax for funding economic development projects within the area bounded by 9<sup>th</sup> Street on the north, Gregory Boulevard on the south, Paseo Boulevard on the west and Indiana Avenue on the east; and

WHEREAS, as part of the third round of funding, CELT Real Estate Holdings, LLC ("Developer") submitted a proposal seeking \$ 282,354.00 of Central City Economic Development ("CCED") sales tax funds for a proposed project to construct commercial office space, business incubator and 5 residential housing units, to be located in the 3800 block of Agnes (the "Project Site"), all in Kansas City, Jackson County, Missouri; and

WHEREAS, the Council authorized a funding agreement with the developer for the above Project in the amount of \$282,654.00 with its passage of Ordinance No. 200994 on December 17, 2020; and

WHEREAS, Developer subsequently identified a need for additional funding due to increases in construction labor cost and construction materials; and

WHEREAS, at its November 9, 2021 meeting, the Central City Economic Development Sales Tax Board voted to approve a recommendation to the City Council; and

WHEREAS, the Project serves a predominantly public municipal purpose because, without limitation, completion of the Project (i) enhances the tax base of the Project Site; (ii) retains and/or generates jobs; (iii) promotes economic development in the area of the City in which the Project Site is located, and promotes consideration of areas of the City that the City Council has determined to be blighted as a location for business operations; (iv) results in generation of tax revenues to the City from the conduct of business and other activities in the City that would not otherwise occur; (v) serves as a catalyst for additional investment in and

further redevelopment and rehabilitation of the area of the City in which the Project Site is located; and (vi) furthers the City's policy of encouraging economic stability and growth; and

WHEREAS, the City desires to encourage the Developer to carry out the Project for the purpose of realizing these predominantly public purposes by entering into an agreement to contribute certain revenues in an amount needed to cause the project to be undertaken and attract the necessary private investment; and

WHEREAS, the contributions contemplated by the funding agreement are limited to those which have been determined to be needed for the purpose of ensuring that the Project proceeds, and, but for their contribution, the Project would not proceed, to the detriment of the public interest; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the CCED Board's recommendation that CCED sales tax revenues in an additional amount not to exceed \$422,354.00 be utilized for the costs associated with the rehabilitation of an existing structure for the Thirty-Eighth Street Studio & Business Incubator and five residential housing units for its above-referenced Project is hereby accepted.

Section 2. That the City Manager is hereby authorized to enter into an agreement with CELT Real Estate Holdings, LLC for the costs associated with its above-referenced Project in an amount not to exceed \$422,354.00, from funds previously appropriated to Account No. 23-2200-555998-B-57CELT, the Central City Economic Development Sales Tax Fund.

..end

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

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Joseph A Guarino  
Assistant City Attorney

<b>LEGISLATIVE FACT SHEET</b>		Legislation Number: <b>220388</b>																																										
		Approval Deadline:																																										
LEGISLATION IN BRIEF:																																												
What is the reason for this legislation?	<b>Fact Sheet Color Codes</b> <table border="1"> <tr><td>User Entered Field</td></tr> <tr><td>User Select From Menu</td></tr> <tr><td>For OMB Use</td></tr> <tr><td>Sponsor(s)</td></tr> <tr><td>Programs, Departments, or Groups Affected</td></tr> <tr><td>Sub-Program in Budget (page #)</td></tr> <tr><td>City Department</td></tr> <tr><td>Other</td></tr> <tr><td>Staff Recommendation</td></tr> <tr><td>Board or Commission Recommendation</td></tr> <tr><td colspan="2"><b>Future Impacts</b></td></tr> <tr><td>Cost of Legislation current Fiscal Year</td><td colspan="2"></td></tr> <tr><td>Costs in Future Fiscal Years?</td><td colspan="2"></td></tr> <tr><td>Annual Revenue Increase/Decrease</td><td colspan="2"></td></tr> <tr><td>Applicable Dates:</td><td colspan="2"></td></tr> <tr><td>Prepared by:</td><td colspan="2"></td></tr> <tr><td>Date Prepared:</td><td colspan="2"></td></tr> <tr><td>Reviewed by:</td><td colspan="2"></td></tr> <tr><td>Date Reviewed</td><td colspan="2"></td></tr> <tr><td colspan="3">Reference Numbers</td></tr> <tr><td colspan="3"></td></tr> </table>		User Entered Field	User Select From Menu	For OMB Use	Sponsor(s)	Programs, Departments, or Groups Affected	Sub-Program in Budget (page #)	City Department	Other	Staff Recommendation	Board or Commission Recommendation	<b>Future Impacts</b>		Cost of Legislation current Fiscal Year			Costs in Future Fiscal Years?			Annual Revenue Increase/Decrease			Applicable Dates:			Prepared by:			Date Prepared:			Reviewed by:			Date Reviewed			Reference Numbers					
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<b>Citywide Business Plan Strategy</b>																																												

LEGISLATIVE FISCAL NOTE

LEGISLATION  
NUMBER:

220388

LEGISLATION IN BRIEF:

Accepting the recommendation of the Central City Economic Development Tax Board for additional funding in the amount of \$140,000.00, for a total not to exceed amount of \$422,354.00, for an economic development project proposed by CELT Real Estate Holdings, LLC to rehabilitate an existing structure for the Thirty-Eighth Street Studio & Business Incubator and 5 residential housing units within the boundaries of the Oak Park Neighborhood located at 3841 Agnes; authorizing the City Manager to enter into a Funding Agreement for that purpose.

What is the purpose of this legislation?

OPERATIONAL

For the purpose of authorizing expenditures new or planned to conduct municipal services

Does this legislation spend money?

YES

Yes/No

See Sections 01, 02 and 03 for sources of funding

Does this legislation estimate new Revenues?

NO

Yes/No

0

Does this Legislation Increase Appropriations?

NO

Yes/No

Are costs associated with this legislation ongoing (Yes)? Or one-time (No)

NO

Yes/No

See Section 00: "Notes" Below

Section 00: Notes:

The costs associated with legislation of accepting recommendation for additional funding is a one-time expenditure.

Five years of operational costs for ongoing programs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

Section 01: If applicable, where are funds appropriated in the current budget?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2200	555998	619080	57CELT		\$ 140,000.00

Section 02: If applicable, where will new revenues be estimated?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

Section 03: If applicable, where will appropriations be increased?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

NET IMPACT ON OPERATIONAL BUDGET

RESERVE STATUS:

Revenue Supported

SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears

TOTAL REV

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2200	Central City Sales Tax		140,000					

TOTAL EXP

140,000

NET Per-YEAR IMPACT

(140,000)

NET IMPACT (SIX YEARS)

(140,000.00)



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220390

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### ORDINANCE NO. 220390

Accepting the recommendations of the Tax Increment Financing Commission and approving the Ninth Amendment to the Winchester Center Tax Increment Financing Plan; and directing the City Clerk to send a copy of this ordinance to Jackson County.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), the City Council of Kansas City, Missouri (the "Council") by Ordinance No. 54556 passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, as amended, passed on June 18, 2015 (the "Authorizing Ordinances") created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on December 19, 1991, the City Council passed Ordinance No. 911435, which accepted the recommendations of the Commission as to the approval of the Winchester Center Tax Increment Financing Plan ("Redevelopment Plan" or "Plan") and the designation of the Redevelopment Area described therein to be a conservation area; and

WHEREAS, the Redevelopment Plan has been amended 8 times; and

WHEREAS, on April 12, 2022, the Commission, upon the recommendation of its Housing Committee, passed Resolution No. 4-13-22, which recommended that the Council ratify the Commission's approval of extending the time for funding improvements in connection with the neighborhood improvement program to April 2024, by approving the Ninth Amendment to the Plan; NOW, THEREFORE,

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission regarding the Ninth Amendment to the Plan are hereby accepted and the Ninth Amendment, a copy of which is attached hereto, is hereby approved.

Section 2. That all terms used in this Ordinance, not otherwise defined herein, shall be construed as defined in the Act.

Section 3. That the Council finds that:

- (a) Good cause has been shown for amendment of the Redevelopment Plan, and that the previous findings of the City Council with respect to the Redevelopment Plan are not affected by the Ninth Amendment and apply equally to the Ninth Amendment;
- (b) The Redevelopment Area, described in the Redevelopment Plan, as by the Ninth Amendment, is a conservation area, as a whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan, as amended by the Ninth Amendment, and the utilization of tax increment financing;
- (c) The areas selected as Redevelopment Projects include only those parcels of real property and improvements which will be directly and substantially benefited by the public improvements described by the Redevelopment Plan, as amended by the Ninth Amendment;
- (d) The Redevelopment Plan, as amended by the Ninth Amendment, and each Redevelopment Project, conform to the comprehensive plan for the development of the City as a whole;
- (e) The estimated dates of completion of the respective Redevelopment Projects and retirement of any obligations incurred to finance Redevelopment Project Costs have been stated in the Redevelopment Plan, as amended by the Ninth Amendment, and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project authorized by the Plan, as amended;
- (f) The Redevelopment Plan, as amended by the Sixth Amendment, includes a plan for relocation assistance for businesses and residences;
- (g) The Ninth Amendment does not alter the cost-benefit analysis previously incorporated within the Redevelopment Plan.
- (h) The Redevelopment Plan, as amended by the Ninth Amendment does not include the initial development or redevelopment of any gambling establishment; and
- (i) A study has been completed and the findings of such study satisfy the requirements set out in subdivision (1) of Section 99.810, RSMo.

..end

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Approved as to form and legality:

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Emalea Black  
Assistant City Attorney

# GENERAL

## Ordinance Fact Sheet

220390

Brief Title	Approval Deadline	Reason
Winchester Center TIF - Ninth Amendment		

### Details

<p><b>Specific Address</b>  The redevelopment area is generally bound by 63<sup>rd</sup> Street Trafficway on the north, Interstate 435 and Manchester Avenue on the east, 64<sup>th</sup> and 67<sup>th</sup> Street on the south, and the Kansas City Southern Railroad tracks on the west in Kansas City, Jackson County, Missouri (the "Redevelopment Area").</p> <p><b>Reason For Legislation</b>  The Ninth Amendment modifies the Winchester Housing Improvement Program as recommended by the Commission's Neighborhood &amp; Housing Committee. The Ninth Amendment extends the Winchester Housing Program until April 2024.</p> <p><b>Discussion</b>  The TIF Commission's Neighborhood &amp; Housing Committee asked for the Winchester Center TIF Housing Program to be extended as there are still funds available for use. There is a total of \$616,148 available. The Ninth Amendment extends the program until April 2024, with an option for the Commission to extend an additional year thereafter.</p>
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### Positions/Recommendations

<b>Sponsor</b>	
<b>Programs, Departments, or Groups Affected</b>	
<b>Applicants / Proponents</b>	<p><b>Applicant</b>  Tax Increment Financing Commission</p> <p><b>City Department</b></p> <p><b>Other</b></p> <p><b>Basis of opposition</b></p>
<b>Staff (TIF Staff) Recommendation</b>	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against</b></p>
<b>Board or Commission Recommendation</b>	<p><b>By Tax Increment Financing Commission</b></p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken</p> <p><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p> <p><input type="checkbox"/> Not Applicable</p>
<b>Council Committee Actions</b>	<p><input type="checkbox"/> Do pass</p> <p><input type="checkbox"/> Do pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

(Continued on reverse side)

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	Not Applicable

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Fund Source (s) and Appropriation Account Codes</b>	
<b>Is this Ordinance or Resolution Good for the Children?</b>	Yes. Improved housing stock will benefit the children of Kansas City.

**Applicable Dates:**

The TIFC recommended approval by the adoption of Resolution No. 4-13-22 on April 12th, 2022.

**Fact Sheet Prepared by:**

David Leader, Development Services Specialist, Economic Development Corporation of Kansas City, MO

**Reviewed by:**

**Reference Numbers**





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**File #:** 220398

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### ORDINANCE NO. 220398

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. (CD-CPC-2021-00186

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting Section 88-332, and by repealing sections 88-110-03, 88-120-03, 88-130-04, 88-140-03, 88-255, 88-270-08, 88-275-02, 88-305-12, 88-318, 88-321, 88-408, 88-420-04, 88-420-06, 88-445-06, 88-505-12, 88-515-02, 88-517-03, 88-518-03, 88-575-03, 88-620-B, 88-805-04, 88-810-728, 88-810-1430, and 88-820-01, and enacting in lieu thereof new sections of like number and title, with said new sections to read as follows:

#### **88-120-03 USES**

##### **88-120-03-A. USE TABLE**

Uses are allowed in O and B zoning districts in accordance with Table 120-1, below.

##### **88-120-03-B. USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 120-1 lists the groups, categories, and types allowed in one or more O or B districts.

##### **88-120-03-C. PERMITTED USES**

Uses identified with a "P" in Table 120-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

##### **88-120-03-D. SPECIAL USES**

Uses identified with an "S" in Table 120-1 may be allowed if reviewed and approved in accordance with any special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

##### **88-120-03-E. PROHIBITED USES**

Uses not listed in the table and those identified with a "-" are expressly prohibited.

### **88-120-03-F. USE STANDARDS**

The "use standards" column of Table 120-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

### **88-120-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
  - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
  - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



*Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.*

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within  $\frac{1}{4}$  mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



*Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.*

#### **88-120-03-H. SPECIAL STANDARDS FOR PROPERTIES LOCATED WITHIN THE AREA KNOWN AS THE COUNTRY CLUB PLAZA**

Additional restrictions on uses located within the area known as the Country Club Plaza, which is the area bounded by Summit Street, Jefferson Street, and Pennsylvania Avenue on the west; W 47th Street, W 46th Street, and W 46th Terrace on the north; Broadway, Wyandotte Street, and JC Nichols Parkway on the east; and Ward Parkway on the south ("Country Club Plaza") are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral four "[4]" are prohibited within the Country Club Plaza.
2. Uses identified with a bracketed numeral five "[5]" require special use permit approval if located within the Country Club Plaza. (Refer to special use permit procedures in 88-525.)
3. Single family dwellings are prohibited within the Country Club Plaza.

Office, Business, and Commercial	Districts	Use	Table		
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT				Use Standards
Use Category » specific use type	O	B1	B2	B3	B4
<b>RESIDENTIAL</b>					
<b>Household Living</b>					
» Single family home	P	P	P	P	P
» In single-purpose residential building	-	P	P	P	P
» In mixed-use building	P	P	P	P	P
<b>Group Living</b>	P	P	P	P	P[5]
<b>PUBLIC/CIVIC</b>					
<b>Bicycle Sharing Facilities</b>	P	P	P	P	P
<b>Club, Lodge, or Fraternal Organization</b>	P	P	P	P	P[5 for Ground Floor Uses]
<b>College/University</b>	P	P	P	P	P[5 for Ground Floor Uses]
<b>Day Care</b>					
» Home-based (1—5)	P	P	P	P	P[5 for Ground Floor Uses]
» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]
<b>Hospital</b>	S	P	P	P	P[5 for Ground

					Floor Uses]	
<b>Library/Museum/Cultural Exhibit</b>	P	P	P	P	P	
<b>Park/Recreation</b>	P	P	P	P	P	
<b>Religious Assembly</b>	P	P	P	P	P	
<b>Safety Service</b>						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
<b>School</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Utilities and Services (except as noted below)</b>	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08- B
<b>COMMERCIAL</b>						
<b>Adult Business</b>						
» Adult media store	-	-	P[1]	P[1]	P[1][4]	88-310-03
» Adult motion picture theater	-	-	-	P[1]	P[1][4]	88-310-02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310-02
<b>Animal Service</b>						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315
» Veterinary	-	-	P	P	P[5 for Ground Floor Uses]	88-315
<b>Artist Work or Sales Space</b>	-	P	P	P	P	
<b>Building Maintenance Service</b>	-	-	-	P	P[5]	
<b>Business Equipment Sales and Service</b>	-	-	P	P	P	
<b>Business Support Service (except as noted below)</b>	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
<b>Communications Service Establishments</b>	P	-	P	P	P[5]	
<b>Drive-Through Facility</b>	-	-	P[2]	P[2]	P[2]	88-338 and 88- 340
<b>Eating and Drinking Establishments (except as noted below)</b>	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	

<b>Entertainment Venues and Spectator Sports</b>						
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150—499 capacity)	-	-	S	P	P[5 for Ground Floor Uses]	
» Indoor large venue (500+ capacity)	-	-	-	S	P[5 for Ground Floor Uses]	
» Outdoor (all sizes)	-	-	-	S	P[5]	
<b>Financial Services (except as noted below)</b>	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	—	P[1]	P[1]	P[1][4]	88-325
<b>Food and Beverage Retail Sales</b>	-	P	P	P	P	
<b>Funeral and Interment Service</b>						
» Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
» Cremating	-	S	S	S	S	88-345-02
» Undertaking	-	S	P	P	P[5]	88-345
<b>Gasoline and Fuel Sales</b>	-	S[3]	S[3]	S[3]	P[3][5]	88-323
<b>Lodging</b>						
» Bed and Breakfast	-	P	P	P	P[5 for Ground Floor Uses]	88-320
» Hotel/motel	-	-	-	P[2]	P[2]	88-323
» Recreational vehicle park	-	-	-	S[1]	S[1][4]	
» Short term rental	-	P	P	P	P	88-321
<b>Mobile Vendor Park</b>	-	-	-	P	P	88-358
<b>Office, Administrative, Professional or General</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Office, Medical</b>	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	
<b>Parking, Accessory</b>	P	P	P	P	P	88-323
<b>Parking, Non-accessory</b>	-	-	S[1]	P[1]	P[1]	
<b>Personal Improvement Service</b>	P	P	P	P	P	

<b>Repair or Laundry Service, Consumer</b>	-	P	P	P	P	
<b>Research Service</b>	P	P	P	P	P[5 for Ground Floor Uses]	
<b>Retail Sales</b>	-	P	P	P	P	
» Outdoor Retail Sales - Class A	-	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	-	-	-	P	P[4]	88-366-02
<b>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</b>	S	S	S	S	S	
<b>Sports and Recreation, Participant</b>						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
<b>Vehicle Sales and Service</b>						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2][5]	88-323
» Motor vehicle repair, general	-	-	-	S[2]	P[2][5]	88-323
» Vehicle storage/towing	-	-	-	-	P[1][4]	88-375
<b>INDUSTRIAL</b>						
<b>Manufacturing, Production and Industrial Service</b>						
» Artisan	-	P/S	P	P	P	88-318
» Limited						
» General	-	-	-	-	S[4]	
» Intensive	-	-	-	-	S[2][4]	88-323
<b>Recycling Service</b>	-	-	-	-	-	
» Limited						
<b>Self-Storage Warehouse</b>	-	-	-	-	S[1][4]	

<b>Warehousing, Wholesaling, Storage, Freight Movement</b>	-	-	-	-	P[2][4]	88-323, 88-369
» Indoor						
» Outdoor	-	-	-	-	P[2][4]	88-323, 88-378
<b>AGRICULTURAL</b>	-	-	-	-	-	88-378
<b>Agriculture, Animal</b>						
<b>Agriculture, Crop</b>	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
<b>Agriculture, Urban</b>	P	P	P	P	P[4]	88-312-01
» Home Garden						
» Community Garden	P	P	P	P	P	88-312-02-A
» Community Supported Agriculture (CSA)	P	P	P	P	P[4]	88-312-02-B
<b>ACCESSORY SERVICES</b>	P	P	P	P	P[4]	88-312-02-C
<b>Wireless Communication Facility</b>						
» Freestanding						
» Co-located antenna	-	-	P[1]	P[1]	P[1][4]	88-385
	P	P	P	P	P[5]	88-385

## 88-130-04 –USES

### 88-130-04-A. USE TABLE

Uses are allowed in the D zoning districts in accordance with Table 130-1, below.

### 88-130-04-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 130-1 lists the groups, categories, and types allowed in one or more D districts.

### 88-130-04-C. PERMITTED USES

Uses identified with a "P" in Table 130-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### 88-130-04-D. SPECIAL USES

Uses identified with an "S" in Table 130-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### 88-130-04-E. PROHIBITED USES

Uses not listed in the use table and those identified with a "-" are expressly prohibited.

#### **88-130-04-F. USE STANDARDS**

The "use standards" column of Table 130-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

#### **88-130-04-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in table 130-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
  - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
  - b. require special use permit approval if adjacent to and within 150 feet of any



parkway.

*Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.*

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard



and Parkway Standards per 88-323.

*Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.*

Table		130-1		
Downtown Districts Use Table				
USE (refer to 88-805 Use Groups and Categories)	GROUP	Zoning District	Use Standards	
Use » specific use type	Category	DC	DX	DR
<b>RESIDENTIAL</b>				
<b>Household Living</b>				
» Single-family home		P	P	P
» In single-purpose residential building		P	P	P
» In mixed-use building		P	P	P
<b>Group Living</b>		S	S	S
<b>PUBLIC/CIVIC</b>				
<b>Bicycle Sharing Facilities</b>		P	P	P
<b>Club, Lodge, or Fraternal Organization</b>		P	P	P

<u>College/University</u>	P	P	P	
<u>Day Care</u>				
» Home-based (1—5)	P	P	P	
» Family (up to 10)	P	P	P	
» Group (up to 20)	P	P	S	
» Center (21+)	P	P	S	
<u>Hospital</u>	S	S	S	
<u>Library/Museum/Cultural Exhibit</u>	P	P	P	
<u>Park/Recreation (except as noted below)</u>	P	P	P	
» Community center	P	P	P/S	<u>88-365</u>
<u>Religious Assembly</u>	P	P	P	
<u>Safety Service</u>				
» Fire Station	P	P	P	<u>88-365</u>
» Police Station	P	P	P	<u>88-365</u>
» Ambulance service	P	P	P	<u>88-365</u>
<u>School</u>	P	P	P/S	<u>88-365</u>
<u>Utilities and Services (except as noted below)</u>	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	<u>88-425-08-B</u>
<u>COMMERCIAL</u>				
<u>Adult Business</u>				
» Adult media store	P[1]	P[1]	-	<u>88-310-03</u>
» Adult motion picture theater	P[1]	P[1]	-	<u>88-310-02</u>
» Sex shop	P[1]	P[1]	-	<u>88-310-02</u>
<u>Animal Service</u>				
» Sales and grooming	P	P	S	<u>88-315</u>
» Shelter or boarding	P	P	-	<u>88-315</u>
» Stable	-	S	-	<u>88-315</u>
» Veterinary	P	P	S	<u>88-315</u>
<u>Artist Work or Sales Space</u>	P	P	P	
<u>Building Maintenance Service</u>	P	P	-	
<u>Business Equipment Sales and Service</u>	P	P	-	
<u>Business Support Service (except as noted below)</u>	P	P	-	

» Day labor employment agency	-	S[1]	-	
<b>Communications Service Establishments</b>	P	P	-	
<b>Drive-Through Facility</b>	S[2]	S[2]	-	<u>88-338 &amp; 88-340</u>
<b>Eating and Drinking Establishments (except as noted below)</b>	P	P	P	
» Tavern or nightclub	P	P	S	
<b>Entertainment Venues and Spectator Sports</b>				
» Indoor small venue (1—149 capacity)	P	P	S	
» Indoor medium venue (150—499 capacity)	P	P	S	
» Indoor large venue (500+ capacity)	S	S	S	
» Outdoor (all sizes)	S	S	S	
<b>Financial Services (except as noted below)</b>	P	P	P	
» Pawn shop	-	S[1]	-	
» Short-term loan establishment	-	P[1]	-	<u>88-325</u>
<b>Food and Beverage Retail Sales</b>	P	P	P	
<b>Funeral and Interment Service</b>				
» Cemetery/columbarium/mausoleum	-	-	-	
» Cremating	-	-	-	
» Undertaking	P[2]	P[2]	-	<u>88-345</u>
<b>Gasoline and Fuel Sales</b>	S[3]	S[3]	-	<u>88-323</u>
<b>Lodging</b>				
» Bed and Breakfast	P	P	P	
» Hotel/motel	P[2]	P[2]	S[2]	<u>88-323</u>
» Short term rental	P	P	P	<u>88-321</u>
<b>Mobile Vendor Park</b>	P	P	-	<u>88-358</u>
<b>Office, Administrative, Professional or General</b>	P	P	P	
<b>Office, Medical</b>	P	P	P	
» Blood/plasma center	S	S	-	
<b>Parking, Accessory</b>	P	P	P	<u>88-323</u>
<b>Parking, Non-accessory</b>	S[1]	S[1]	S[1]	
<b>Personal Improvement Service</b>	P	P	P	
<b>Repair or Laundry Service, Consumer</b>	P	P	S	

<u>Research Service</u>	P	P	S	
<u>Retail Sales</u>	P	P	P	
» <u>Outdoor Retail Sales - Class A</u>	P	P	P	<u>88-366-01</u>
<u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u>	S	S	S	
<u>Sports and Recreation, Participant</u>				
» <u>Indoor</u>	P	P	S	
» <u>Outdoor</u>	S	S	S	
<u>Vehicle Sales and Service</u>				
» <u>Car wash/cleaning service</u>	S[1]	S[1]	-	
» <u>Heavy equipment sales/rental</u>	-	S[1]	-	
» <u>Light equipment sales/rental (indoor)</u>	S[2]	S[2]	-	<u>88-323</u>
» <u>Light equipment sales/rental (outdoor)</u>	S[1]	S[1]	-	
» <u>Motor vehicle repair, limited</u>	S[2]	S[2]	-	<u>88-323</u>
» <u>Motor vehicle repair, general</u>	-	S[2]	-	<u>88-323</u>
» <u>Vehicle storage/towing</u>	-	S[1]	-	<u>88-375</u>
<u>INDUSTRIAL</u>				
<u>Manufacturing, Production and Industrial Service</u>				
» <u>Artisan</u>	P	P	P/S	<u>88-318</u>
» <u>Limited</u>	S	S	S	
» <u>General</u>	S	S[2]	-	<u>88-323</u>
<u>Recycling Service</u>				
» <u>Limited</u>	-	S[1]	-	
<u>Self-Storage Warehouse</u>	-	S[2]	-	<u>88-323</u> <u>88-369</u>
<u>Warehousing, Wholesaling, Storage, and Freight Movement</u>				
» <u>Indoor</u>	S[2]	S[2]	-	<u>88-323</u> <u>88-378</u>
» <u>Outdoor</u>		S[2]	-	<u>88-323</u> <u>88-378</u>
<u>AGRICULTURAL</u>				
<u>Agriculture, Animal</u>	-	P/*	-	<u>Chapter 14</u>
<u>Agriculture, Crop</u>	P	P	P	<u>88-312-01</u>

<u><b>Agriculture, Urban</b></u>					
<a href="#">» Home Garden</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-02-A</u>	
<a href="#">» Community Garden</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-02-B</u>	
<a href="#">» Community Supported Agriculture (CSA)</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-312-02-C</u>	
<u><b>ACCESSORY</b></u>					
<u><b>Wireless Communication Facility</b></u>					
<a href="#">» Freestanding</a>	<u>z</u>	<u>z</u>	<u>z</u>		
<a href="#">» Co-located antenna</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-385</u>	

### **88-140-03 – USES**

#### **88-140-03-A. USE TABLE**

Uses are allowed in M zoning districts in accordance with Table 140-1, below.

#### **88-140-03-B. USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 140-1 lists the groups, categories, and types allowed in M districts.

#### **88-140-03-C. PERMITTED USES**

Uses identified with a "P" in Table 140-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

#### **88-140-03-D. SPECIAL USES**

Uses identified with an "S" in Table 140-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

#### **88-140-03-E. PROHIBITED USES**

Uses not listed and those identified with a "-" are expressly prohibited.

#### **88-140-03-F. USE STANDARDS**

The "use standards" column of Table 140-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

#### **88-140-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in table 140-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
  - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
  - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within 1/4 mile of a development node shall comply with Boulevard



and Parkway Standards per 88-323.

*Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.*

<b>Table</b> <b>Manufacturing Districts Use Table</b>		<b>140-1</b>			
<b>USE</b> <b>(refer to 88-805 Use Groups and Categories)</b>	<b>GROUP</b>	<b>Zoning District</b>		<b>Use Standards</b>	
<b>Use</b> <b>» specific use type</b>	<b>Category</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>	<b>M4</b>
<b><u>RESIDENTIAL</u></b>					
<b><u>Household Living</u></b>					
» Single-family home	S	-	-	-	
» In single-purpose residential building	P	S	-	-	
» In mixed-use building	P	S	-	-	
<b><u>Group living</u></b>	S	-	-	-	
<b><u>PUBLIC/CIVIC</u></b>					
<b><u>Bicycle Sharing Facility</u></b>	P	P	P	P	88-322
<b><u>Club, Lodge, or Fraternal Organization</u></b>	P	P	-	-	
<b><u>College/University</u></b>	P	P	-	-	
<b><u>Day Care</u></b>	P	P	S	S	
<b><u>Detention and Correctional Facilities</u></b>	S[1]	S[1]	S[1]	S[1]	88-335
<b><u>Halfway House</u></b>	S	S	S	S	88-352
<b><u>Hospital</u></b>	P	-	-	-	
<b><u>Park/Recreation</u></b>	P	P	P	P	
<b><u>Religious Assembly</u></b>	P	P	P	P	
<b><u>Safety Service</u></b>	P	P	P	P	
<b><u>Schools</u></b>	P	P	P	P	
<b><u>Utilities and Services (except as noted below)</u></b>	S[1]	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	P	88-425-08-B
<b><u>COMMERCIAL</u></b>					

<b><u>Adult Business</u></b>					
» Adult media store	P[1]	P[1]	P[1]	P[1]	88-310
» Adult motion picture theater	P[1]	P[1]	P[1]	P[1]	88-310
» Sex shop	P[1]	P[1]	P[1]	P[1]	88-310
<b><u>Animal Service</u></b>	P	P	P	P	88-315
<b><u>Artist Work or Sales Space</u></b>	P	P	P	P	
<b><u>Building Maintenance Service</u></b>	P	P	P	P	
<b><u>Business Equipment Sales and Service</u></b>	P	P	P	P	
<b><u>Business Support Service (except as noted below)</u></b>	P	P	P	P	
» Day labor employment agency	S[1]	S[1]	P[1]	P[1]	
<b><u>Communications Service Establishments</u></b>	P	P	P	P	
<b><u>Drive-through Facility</u></b>	P[2]	P[2]	-	-	88-340
<b><u>Eating and Drinking Establishments</u></b>	P	P	P	P	
<b><u>Entertainment Venues and Spectator Sports</u></b>	P	S	S	-	
<b><u>Financial Services (except as noted below)</u></b>	P	P	P	P	
» Pawn shop	P[1]	S[1]	S[1]	S[1]	
» Short-term loan establishment	P[1]	P[1]	P[1]	P[1]	88-325
<b><u>Food and Beverage Retail Sales</u></b>	P	P	P	P	
<b><u>Funeral and Interment Service</u></b>					
» Cemetery/columbarium/mausoleum	-	-	-	-	
» Cremating	P	P	P	P	
» Undertaking	P	P	P	P	
<b><u>Gasoline and Fuel Sales</u></b>	P[3]	P[3]	P[3]	P[3]	88-323
<b><u>Lodging (except as noted below)</u></b>	-	-	-	-	
» Hotel/motel	S[1]	-	-	-	
» Short term rental	P	-	-	-	88-321
<b><u>Mobile Vendor Park</u></b>	P	P	P	-	88-358
<b><u>Office, Administrative, Professional or General</u></b>	P	P	P	P	
<b><u>Office, Medical</u></b>	P	P	-	-	
<b><u>Parking, Accessory</u></b>	P	P	P	P	
<b><u>Parking, Non-accessory</u></b>	P[1]	P[1]	P[1]	P[1]	
<b><u>Personal Improvement Service</u></b>	P	P	P	P	

<u>Repair or Laundry Service, Consumer</u>	P	P	P	-	
<u>Research Service</u>	P	P	P	P	
<u>Retail Sales</u>	P	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	P	<a href="#">88-366-01</a>
» Outdoor Retail Sales - Class B	P	P	P	P	<a href="#">88-366-02</a>
<u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u>	S	S	S	S	
<u>Sports and Recreation, Participant</u>	P	S	S	-	
<b><u>Vehicle Sales and Service</u></b>					
» Car wash/cleaning service	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	
» Heavy equipment sales/rental	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	
» Light equipment sales/rental (indoor)	<a href="#">P[2]</a>	<a href="#">P[2]</a>	-	-	<a href="#">88-323</a>
» Light equipment sales/rental (outdoor)	<a href="#">P[1]</a>	<a href="#">P[1]</a>	-	-	
» Motor vehicle repair, limited	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">88-323</a>
» Motor vehicle repair, general	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">88-323</a>
» Vehicle storage/towing	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">88-375</a>
<b><u>INDUSTRIAL</u></b>					
<u>Junk/Salvage Yard</u>	-	-	<a href="#">S[1]</a>	<a href="#">P[1]</a>	<a href="#">88-425-09</a>
<b><u>Manufacturing, Production and Industrial Service</u></b>					
» Artisan	P	P	P	P	<a href="#">88-318</a>
» Limited	P	P	P	P	
» General	<a href="#">S[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">88-323</a>
» Intensive	-	-	<a href="#">P[1]</a>	<a href="#">P[1]</a>	
<u>Mining/Quarrying</u>	S	S	S	S	<a href="#">88-355</a>
<b><u>Recycling Service</u></b>					
» Limited	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	
» General	S	S	S	P	
<u>Self-Storage Warehouse</u>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	-	<a href="#">88-323</a> & <a href="#">88-369</a>
<b><u>Warehousing, Wholesaling, Storage, and Freight Movement</u></b>					
» Indoor	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">88-378</a>
» Outdoor	<a href="#">S[1]</a>	<a href="#">P[1]</a>	<a href="#">P[2]</a>	<a href="#">P[2]</a>	<a href="#">88-378</a>
<b><u>Waste-Related Use</u></b>					

<a href="#">» Composting facility</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">88-328</a>
<a href="#">» Demolition debris landfill</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">88-380</a>
<a href="#">» Solid waste separation facility</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">88-380</a>
<a href="#">» Transfer station</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">S[1]</a>	<a href="#">S[1]</a>	<a href="#">88-380</a>

## **AGRICULTURAL**

<a href="#">Agriculture, Animal</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">Chapter 14</a>
<a href="#">Agriculture, Crop</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-01</a>

## **Agriculture, Urban**

<a href="#">» Home garden</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02-A</a>
<a href="#">» Community garden</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02-B</a>
<a href="#">» Community supported agriculture (CSA)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02-C</a>

## **ACCESSORY SERVICES**

<a href="#">Wireless Communication Facility</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">88-385</a>
<a href="#">» Freestanding</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-385</a>

## **88-318 ARTISAN MANUFACTURING<sup>1</sup>**

### **88-318-01 USE STANDARDS**

The use standards of this section apply to all artisan manufacturing uses to ensure that the use and its impacts are compatible with surrounding uses and contribute to the comfort and convenience of the public.

**88-318-01-A.** The production process shall not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

**88-318-01-B.** All equipment used in the production and all products produced must be located within the principal building.

**88-318-01-C.** In districts B1 and DR, the total floor area of the establishment, including production and retail areas, shall not exceed 5,000 square feet, unless otherwise authorized by the issuance of a special use permit in accordance with 88-525, but in no event shall the total floor area exceed 20,000 square feet. In all other districts, the total floor area of the establishment, including production and retail areas, shall not exceed 20,000 square feet, and no special use permit shall be required..

**88-318-01-D.** In Districts B1, B2, DC, DX and DR, at least 10 percent of the total revenue generated at the business shall be attributed to onsite retail sales to the public. In such cases, no more than 90% of the total revenue generated at the business shall be attributed to online sales for offsite consumption or use, or as wholesale.

**88-318-01-E.** When artisan manufacturing is located in the Crossroads Area, Downtown Loop, Downtown Streetcar Area, or Westport Area, all as defined in this zoning and development code, at least 10 percent of the total revenue generated at the business shall be attributed to onsite retail sales to the public, regardless of the zoning district. In such cases no more than 90% of the total revenue generated at the business shall be attributed to online sales for offsite consumption or use, or as wholesale.

## **88-805-05 INDUSTRIAL USE GROUP**

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The industrial use group includes the following use categories:

### **88-805-05-A. JUNK/SALVAGE YARD**

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk or salvage yard includes an auto wrecking yard, but does not include waste-related uses or recycling facilities.

#### **1. AUTO WRECKING**

The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

## **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 food and beverage production such as distilleries, breweries, and caterers; small scale personal and household product manufacturing such as 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.

#### **2. LIMITED**

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: medical marijuana-infused products manufacturing facilities, 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-C. MINING/QUARRYING**

The extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel, or other aggregate materials; mining; and oil and gas drilling.

### **88-805-05-D. RECYCLING SERVICE**

Any building, portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

#### 1. LIMITED

A recycling facility in which recyclable materials are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans, and glass items are considered an accessory use and may be allowed in any zoning district.)

#### 2. GENERAL

A recycling facility that, in addition to any activity permitted as part of a limited recycling service, engages in processing of recyclable materials such as cleaning, bundling, compacting, or packing of recyclable materials.

**88-805-05-E. SELF-STORAGE WAREHOUSES**

Storage or warehousing service for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere.

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

Storage, wholesale sales, and distribution of materials and equipment. Typical uses include storage warehouses; moving and storage firms; trucking or cartage operation; truck staging or storage areas; outdoor storage areas; and wholesale sales of materials and equipment to parties other than the general public.

**88-805-05-G. WASTE-RELATED USE**

Waste-related uses are characterized by the receiving of solid or liquid wastes from other users and sites for transfer to another location; by the collection of sanitary wastes, or other approved waste materials for on-site disposal in landfills; or by the manufacture or production of goods from the composting of organic material. Biomass energy systems that produce energy from the biological breakdown of organic matter produced on-site are considered accessory to the principal waste-related use of the site, except that small, neighborhood or campus-scale waste-to-energy systems are minor, basic utilities and services. The following are specific examples of waste-related uses:

**1. DEMOLITION DEBRIS LANDFILL**

A facility or site used for the disposal of demolition waste, construction materials, used building materials, brush, wood waste, soil, rock, concrete and inert solids soluble in water.

**2. SOLID WASTE SEPARATION FACILITY**

A facility where mixed municipal solid waste is separated into recovered materials and other components either manually or mechanically and further processed for transporting to other facilities, including a solid waste disposal area.

**3. TRANSFER STATION**

A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

**88-332 DEDICATED PICKUP AREAS**

**88-332-01 DEFINITION**

Dedicated pickup areas are vehicular use areas permanently designed and arranged for drive-up services including but not limited to the delivery of a product sold onsite to an individual in their vehicle, whether that individual is the end consumer or a delivery service employee, or ride services offered to patrons who will or have obtained a product or service available onsite.

### **88-332-02 PURPOSE**

The purpose of these standards is to acknowledge the rapid changes in shopping and transportation technologies and their impacts including the safety of persons involved, signage and lighting.

### **88-332-03 APPLICABILITY**

These- standards apply to all principal uses with dedicated pickup areas as defined by 88-332-01.

### **88-332-04 STANDARDS**

#### **88-332-04-A. LOCATION**

After accessible parking spaces are established, dedicated pickup spaces shall be located on the shortest path to the entrance used by employee or patron. Facilities with multiple such entrances may disperse dedicated pickup spaces.

#### **88-332-04-B. SIGNS**

1. Non-illuminated permanent wayfinding signs for the purpose of directing drivers and pedestrians to the dedicated pickup area are permitted so long as such signage does not exceed four feet in height, is located onsite, is necessary to direct traffic and for pedestrian safety, and does not impede the safe and efficient flow of pedestrian and vehicular traffic; and
2. Permanent pickup area signs are permitted at a rate of one sign per parking space within the dedicated pickup area when such signs do not exceed 6 feet in height and 10 square feet in area. Permanent pickup area signs are permitted at a rate of one sign per two parking spaces within the dedicated pickup area when such signs exceed 6 feet in height and 10 square feet in area. In no case shall these signs exceed 12 feet in height or 20 square feet in area. If illuminated such signs shall be internally illuminated.

#### **88-332-04-C. STRIPING**

1. In cases where two or more spaces are located within a dedicated pickup area the area between and around the spaces shall be striped in a manner which clearly delineates pedestrian zones from the parking space to ensure pedestrian safety.
2. In cases where pedestrians must cross a drive-aisle to access the dedicated pickup area a striped crosswalk shall be provided to alert drivers for pedestrian safety.

#### **88-332-04-D. NO IDLING**

1. Pavement marking or signage shall be located at each spot directed toward drivers that idling is not permitted.

#### **88-332-04-E. EFFECT ON MINIMUM PARKING REQUIREMENTS**

1. For every 1 space provided in the designated pickup area a total of 5 spaces may be subtracted from the minimum number of parking spaces required by Section 88-420-06 and Table 420-1 of this zoning and development code, except that in the case of eating and drinking establishments, 10 spaces may be subtracted from the minimum number of required parking spaces for each individual space provided in the designated pickup area. Notwithstanding the foregoing, in no case shall the total number of parking spaces provided fall below 50 percent of the minimum required by Section 88-420-06 and Table 420-1 of this zoning and development code. .

### **88-575-03 APPLICATION FILING**

**88-575-03-A.** Complete applications for appeals of administrative decisions must be filed with appropriate personnel in the city planning and development department.

**88-575-03-B.** Appeals of administrative decisions must be filed within 15 days of the date of the decision being appealed.

### **88-515-02 PREAPPLICATION CONSULTATION**

A preapplication consultation is required in accordance with 88-505-02 prior to the filing of a zoning map amendment application.

### **88-505-12 PUBLIC ENGAGEMENT**

#### **88-505-12-A. PURPOSE.**

The public engagement process described in this section provides a framework for the notification and meeting process for applicants and registered neighborhood/civic organizations and nearby property owners to provide an opportunity for applicants to provide information and answer questions and hear any concerns about a land use development proposal which may impact the adjacent area.

#### **88-505-12-B. APPLICABILITY.**

The public engagement process described in this section is required in conjunction with the following application types and major amendments to said application types:

1. 88-515 Zoning Map Amendments, including:
  - a. 88-260 Urban Redevelopment Districts;
  - b. 88-520 Master Planned Developments;
2. 88-517 Development Plan Approvals;
3. 88-260 UR Preliminary Development Plans and 88-520 MPD Preliminary Development Plans;
4. 88-525 Special Use Permits;

5. 88-545 Preliminary Plats which propose waivers or modifications pursuant to 88-405-25.

### **88-505-12-C. PUBLIC ENGAGEMENT PROCESS**

1. If a subject property is located within the boundaries of only one registered neighborhood organization or civic organization, the applicant shall send notice of application to that registered neighborhood organization or civic organization prior to facilitating the required public meeting.

The notice must be sent not later than seven calendar days after filing any application referenced in 88-505-12B by non-signature certified mail and email (if available) to the contact of record on the City's website of registered neighborhood and civic organizations. Notification shall occur on the form provided by the city planning and development director. The notice shall describe the application and provide the recipient with the option to host a meeting on the application. A copy of the notice shall be provided to the city planning and development department. The registered neighborhood and/or civic organization shall respond to the applicant and city staff in writing, via email within 10 calendar days of the postmark date of the notice or date of electronic transmission to confirm which party will host a public meeting, as well as the date, time and location of the meeting.

2. If a subject property is located within the boundaries of more than one registered neighborhood organization or civic organization, or is not located within the boundaries of any registered neighborhood and/or civic organization, the applicant shall hold a meeting in accordance with the criteria in 88-505-12-C-3.

#### **3. Required Public Meeting**

- a. At least one public meeting shall be required for all application types listed in 88-505-12-B and must meet the following criteria:
  - i. Be held at least seven calendar days prior to the first scheduled public hearing;
  - ii. Be open to the public and, if held in-person, hosted in an accessible building as defined by the Americans with Disabilities Act;
  - iii. If held in person, not be located in the applicant's office or any place of business affiliated with the applicant;
  - iv. If held in person, not be located in a residential unit;
  - v. Be held at a time outside of normal business hours (normal business hours are defined as 9:00 a.m. to 5:00 p.m., Monday

through Friday), unless otherwise agreed to by the applicant and the registered neighborhood and/or civic organizations; and

vi. If held in-person, be located within three miles of the subject property unless there is no public building with accessible space located within three miles of the subject property, and agreed to by the registered neighborhood and/or civic organizations.

Although additional meetings may be held, the applicant is not required to follow the criteria set out above.

**b. Required Public Meeting Notice**

Notice of the required public meeting shall be sent via regular mail, in the form provided by the city planning and development director, to all property owners within 300 feet of the subject property and to each contact of record for the registered neighborhood and/or civic organizations whose boundaries include the subject property. Said notice shall be postmarked a minimum of ten calendar days prior to the required public meeting date. A copy of said notice shall also be provided to the city planning and development department by the same date or the case will be removed from the docket by staff.

**c. Meeting Information Required**

The applicant shall provide to the city planning and development department documentation of the required public meeting including date, time, location, internet link and/or dial-in information if the meeting will be held virtually, and a copy of the attendance sheet, in the form provided by the city planning and development director. Said documentation shall be provided to the city planning and development department at least six calendar days prior to the first scheduled public hearing.

A summary may be provided to city planning and development staff by the applicant or any attendee; it must be received at least six calendar days prior to the first scheduled public hearing. Anyone wishing to submit written testimony to the board of zoning adjustment is advised to comply with the rules and regulations of the board of zoning adjustment, and the admission of any such testimony is subject to the discretion of the board of zoning adjustment.

**88-505-12-D. FAILURE TO COMPLY**

Failure to comply with anything required in this section may be cause for continuance by the city plan commission.

**88-505-12-E. MEETING FORMAT**

Meetings may be held virtually, in-person, or in a hybrid format. Nothing in this ordinance shall be construed as requiring one or the other; however, when a registered neighborhood

or civic organization is present and expresses preference for a particular format within the time frame allotted them in 88-505-12-C-1 the applicant is strongly encouraged to comply with the request.

### **88-110-03 USES**

#### **88-110-03-A. USE TABLE**

Uses are allowed in R zoning districts in accordance with Table 110-1, below.

#### **88-110-03-B. USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 110-1 lists the groups, categories, and types allowed in one or more R districts.

#### **88-110-03-C. PERMITTED USES**

Uses identified with a "P" in Table 110-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

#### **88-110-03-D. SPECIAL USES**

Uses identified with an "S" in Table 110-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

#### **88-110-03-E. PROHIBITED USES**

Uses not listed in the table and those identified with a "-" are expressly prohibited.

#### **88-110-03-F. USE STANDARDS**

The "use standards" column of Table 110-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

#### **88-110-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 110-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":

- a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
- b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



*Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.*

## **88-120-03 USES**

### **88-120-03-A. USE TABLE**

Uses are allowed in O and B zoning districts in accordance with Table 120-1, below.

### **88-120-03-B. USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 120-1 lists the groups, categories, and types allowed in one or more O or B districts.

### **88-120-03-C. PERMITTED USES**

Uses identified with a "P" in Table 120-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### **88-120-03-D. SPECIAL USES**

Uses identified with an "S" in Table 120-1 may be allowed if reviewed and approved in accordance with any special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### **88-120-03-E. PROHIBITED USES**

Uses not listed in the table and those identified with a "-" are expressly prohibited.

### **88-120-03-F. USE STANDARDS**

The "use standards" column of Table 120-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

### **88-120-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.

2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
  - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
  - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

#### **88-120-03-H. SPECIAL STANDARDS FOR PROPERTIES LOCATED WITHIN THE AREA KNOWN AS THE COUNTRY CLUB PLAZA**

Additional restrictions on uses located within the area known as the Country Club Plaza, which is the area bounded by Summit Street, Jefferson Street, and Pennsylvania Avenue on the west; W 47th Street, W 46th Street, and W 46th Terrace on the north; Broadway, Wyandotte Street, and JC Nichols Parkway on the east; and Ward Parkway on the south ("Country Club Plaza") are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral four "[4]" are prohibited within the Country Club Plaza.
2. Uses identified with a bracketed numeral five "[5]" require special use permit approval if located within the Country Club Plaza. (Refer to special use permit procedures in 88-525.)
3. Detached houses are prohibited within the Country Club Plaza.

Table 120-1 Office, Business, and Commercial Districts Use Table							
USE (refer to 88-805 Use Groups and Categories)	GROUP	ZONING DISTRICT				Use Standards	
Use Category » specific use type	O	B1	B2	B3	B4		
<b>RESIDENTIAL</b>							
<b>Household Living</b>							
» Detached houses	P	P	P	P	P	88-120-03-H.3	
» In any other residential building type	-	P	P	P	P	88-323	
» In mixed-use building	P	P	P	P	P		
<b>Group Living</b>	P	P	P	P	P[5]		
<b>PUBLIC/CIVIC</b>							
<b>Bicycle Sharing Facilities</b>	P	P	P	P	P	88-322	
<b>Club, Lodge, or Fraternal Organization</b>	P	P	P	P	P[5 for Ground Floor Uses]		
<b>College/University</b>	P	P	P	P	P[5 for Ground Floor Uses]		
<b>Day Care</b>							
» Home-based (1—5)	P	P	P	P	P[5 for Ground Floor Uses]		
» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]		
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]		
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]		
<b>Hospital</b>	S	P	P	P	P[5 for Ground Floor]		

					<u>Uses</u>	
<u>Library/Museum/Cultural Exhibit</u>	P	P	P	P	P	
<u>Park/Recreation</u>	P	P	P	P	P	
<u>Religious Assembly</u>	P	P	P	P	P	
<b>Safety Service</b>						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
<u>School</u>	P	P	P	P	P[5] for Ground Floor Uses]	
<u>Utilities and Services (except as noted below)</u>	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08-B
<b>COMMERCIAL</b>						
<b>Adult Business</b>						
» Adult media store	-	-	P[1]	P[1]	P[1][4]	88-310-03
» Adult motion picture theater	-	-	-	P[1]	P[1][4]	88-310-02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310-02
<b>Animal Service</b>						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315
» Veterinary	-	-	P	P	P[5] for Ground Floor Uses]	88-315
<u>Artist Work or Sales Space</u>	-	P	P	P	P	
<u>Building Maintenance Service</u>	-	-	-	P	P[5]	
<u>Business Equipment Sales and Service</u>	-	-	P	P	P	
<u>Business Support Service (except as noted below)</u>	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
<u>Communications Service Establishments</u>	P	-	P	P	P[5]	
<u>Drive-Through Facility</u>	-	-	P[2]	P[2]	P[2]	88-338 and 88- 340
<u>Eating and Drinking Establishments (except as noted below)</u>	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
<b>Entertainment and Spectator Sports</b>						
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5] for	

					<u>Ground Floor Uses]</u>	
<u>» Indoor medium venue (150—499 capacity)</u>	<u>—</u>	<u>—</u>	<u>S</u>	<u>P</u>	<u>P[5 for Ground Floor Uses]</u>	
<u>» Indoor large venue (500+ capacity)</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>S</u>	<u>P[5 for Ground Floor Uses]</u>	
<u>» Outdoor (all sizes)</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>S</u>	<u>P[5]</u>	
<b><u>Financial Services (except as noted below)</u></b>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Pawn shop</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>» Short-term loan establishment</u>	<u>—</u>	<u>—</u>	<u>P[1]</u>	<u>P[1]</u>	<u>P[1][4]</u>	<u>88-325</u>
<b><u>Food and Beverage Retail Sales</u></b>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Funeral and Interment Service</u></b>						
<u>» Cemetery/columbarium/mausoleum</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>88-345</u>
<u>» Cremating</u>	<u>—</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>88-345-02</u>
<u>» Undertaking</u>	<u>—</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P[5]</u>	<u>88-345</u>
<b><u>Gasoline and Fuel Sales</u></b>	<u>—</u>	<u>S[3]</u>	<u>S[3]</u>	<u>S[3]</u>	<u>P[3][5]</u>	<u>88-323</u>
<b><u>Lodging</u></b>						
<u>» Bed and Breakfast</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P[5 for Ground Floor Uses]</u>	<u>88-320</u>
<u>» Hotel/motel</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>P[2]</u>	<u>P[2]</u>	<u>88-323</u>
<u>» Recreational vehicle park</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>S[1]</u>	<u>S[1][4]</u>	
<u>» Short term rental</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-321</u>
<b><u>Mobile Vendor Park</u></b>	<u>—</u>	<u>—</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>88-358</u>
<b><u>Office, Administrative, Professional or General</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P[5 for Ground Floor Uses]</u>	
<b><u>Office, Medical</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P[5 for Ground Floor Uses]</u>	
<u>» Blood/plasma center</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>S</u>	<u>S</u>	
<b><u>Parking, Accessory</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>88-323</u>
<b><u>Parking, Non-accessory</u></b>	<u>—</u>	<u>—</u>	<u>S[1]</u>	<u>P[1]</u>	<u>P[1]</u>	
<b><u>Personal Improvement Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Repair or Laundry Service, Consumer</u></b>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Research Service</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P[5 for</u>	

					<u>Ground Floor Uses]</u>	
<b><u>Retail Sales</u></b>	-	P	P	P	P	
» Outdoor Retail Sales - Class A	-	P	P	P	P	<u>88-366-01</u>
» Outdoor Retail Sales - Class B	-	-	-	P	P[4]	<u>88-366-02</u>
<b><u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u></b>	S	S	S	S	S	
<b><u>Sports and Recreation, Participant</u></b>						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
<b><u>Vehicle Sales and Service</u></b>						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	<u>88-323</u>
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2][5]	<u>88-323</u>
» Motor vehicle repair, general	-	-	-	S[2]	P[2][5]	<u>88-323</u>
» Vehicle storage/towing	-	-	-	-	P[1][4]	<u>88-375</u>
<b><u>INDUSTRIAL</u></b>						
<b><u>Manufacturing, Production and Industrial Service</u></b>						
» Artisan (except as noted below)	-	-	-	-	P	
» Artisanal Food and Beverage Manufacturing	-	-	-	S	P	<u>88-318</u>
» Catering Establishments	-	-	-	S	P	<u>88-318</u>
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	<u>88-323</u>
» Intensive	-	-	-	-	-	
<b><u>Recycling Service</u></b>						
» Limited	-	-	-	-	S[1][4]	
<b><u>Self-Storage Warehouse</u></b>	-	-	-	-	P[2][4]	<u>88-323,</u>

						<a href="#">88-369</a>
<b><a href="#">Warehousing, Wholesaling, Storage, Freight Movement</a></b>						
<a href="#">» Indoor</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">P[2][4]</a>	<a href="#">88-323, 88-378</a>
<a href="#">» Outdoor</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">88-378</a>
<b><a href="#">AGRICULTURAL</a></b>						
<a href="#">Agriculture, Animal</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*</a>	<a href="#">P/*[4]</a>	<a href="#">*Chapter 14</a>
<a href="#">Agriculture, Crop</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P[4]</a>	<a href="#">88-312-01</a>
<b><a href="#">Agriculture, Urban</a></b>						
<a href="#">» Home Garden</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">88-312-02- A</a>
<a href="#">» Community Garden</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P[4]</a>	<a href="#">88-312-02- B</a>
<a href="#">» Community Supported Agriculture (CSA)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P[4]</a>	<a href="#">88-312-02- C</a>
<b><a href="#">ACCESSORY SERVICES</a></b>						
<b><a href="#">Wireless Communication Facility</a></b>						
<a href="#">» Freestanding</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">P[1]</a>	<a href="#">P[1]</a>	<a href="#">P[1][4]</a>	<a href="#">88-385</a>
<a href="#">» Co-located antenna</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P[5]</a>	<a href="#">88-385</a>

## **88-130-04 ALLOWED USES**

### **88-130-04-A. USE TABLE**

Uses are allowed in the D zoning districts in accordance with Table 130-1, below.

### **88-130-04-B. USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 130-1 lists the groups, categories, and types allowed in one or more D districts.

### **88-130-04-C. PERMITTED USES**

Uses identified with a "P" in Table 130-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### **88-130-04-D. SPECIAL USES**

Uses identified with an "S" in Table 130-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### **88-130-04-E. PROHIBITED USES**

Uses not listed in the use table and those identified with a "-" are expressly prohibited.

#### **88-130-04-F. USE STANDARDS**

The "use standards" column of Table 130-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

#### **88-130-04-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in table 130-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
  - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
  - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

Table		130-1		
Downtown Districts Use Table				
USE (refer to 88-805 Use Groups and Categories)	GROUP	Zoning District	Use Standards	
Use	Category	DC	DX	DR
» specific use type				
<u>RESIDENTIAL</u>				
<u>Household Living</u>				
» Detached houses		P	P	P
» In any other residential building type		P	P	P
» In mixed-use building		P	P	P
<u>Group Living</u>		S	S	S
[...]				

### 88-140-03 ALLOWED USES

#### 88-140-03-A. USE TABLE

Uses are allowed in M zoning districts in accordance with Table 140-1, below.

### **88-140-03-B. USE CLASSIFICATION SYSTEM**

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 140-1 lists the groups, categories, and types allowed in M districts.

### **88-140-03-C. PERMITTED USES**

Uses identified with a "P" in Table 140-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### **88-140-03-D. SPECIAL USES**

Uses identified with an "S" in Table 140-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

### **88-140-03-E. PROHIBITED USES**

Uses not listed and those identified with a "-" are expressly prohibited.

### **88-140-03-F. USE STANDARDS**

The "use standards" column of Table 140-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

### **88-140-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS**

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in table 140-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
  - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
  - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within  $\frac{1}{4}$  mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

Table		140-1			
Manufacturing Districts Use Table					
USE (refer to 88-805 Use Groups and Categories)	GROUP	Zoning District		Use Standards	
Use	Category	M1	M2	M3	M4
» specific use type					
<b>RESIDENTIAL</b>					
<b>Household Living</b>					
» Detached houses	S	-	-	-	
» In any other residential building type	P	S	-	-	
» In mixed-use building	P	S	-	-	
<b>Group living</b>	S	-	-	-	
[...]					

## **88-255-08 FINAL PLAT AND FINAL PLAN**

### **88-255-08-A. FINAL PLAT**

Prior to the issuance of a building permit for any construction within an SC district, the area included within the building permit must be platted. At the option of the applicant, any portion of the community master plan may serve also as the preliminary subdivision plat. Such option must be declared prior to the hearing before the city plan commission. At the time of submission of a final plat, the applicant for the final plat must provide an audit of the neighborhood development as of the date of the submission of the application for a final plat demonstrating that densities established by the community and neighborhood plans have not been exceeded and further that the audit identify the existing parkland dedication and any deficiencies or surpluses in the amount of required dedication.

### **88-255-08-B. FINAL PLAN**

1. Prior to the issuance of any building permit within the area zoned SC, the applicant for the building permit must present a final plan for review and approval by the city plan commission. In the case of detached house residential development, the final plat will serve as the final plan. The final plan must include specific information regarding the location of the proposed use on the property subject to the final plan defined by legal description, precise setback distances, specific methods of light, landscaping, grading, and architectural characteristics, if required, and any other information necessary to effectuate the purpose of the district. The city plan commission must consider whether the final plan is in substantial compliance with the intent of the community master plan and consistent with the neighborhood plan including any variations or modifications approved by the city planning and development director as part of the neighborhood plan approval process. If the city plan commission determines that the final plan is in compliance with the approved community master plan, the commission must approve the final plan and so advise the city planning and

development director. If the city plan commission determines that the final plan is not in substantial compliance with the approved plans, the applicant may elect to proceed as identified in 88-255-09.

2. At the time of approval of the final plan (or final plat for residential) the applicant may request and the commission may approve variations or modifications to the bulk and area standards requested by the applicant subject to consideration of the following criteria:
  - (a) The modification is limited to a use specifically set forth for the subdistrict or a use which is compatible with other uses permitted in the subdistrict;
  - (b) The modification is limited to application of the standards of the subdistrict and may not permanently alter such standards;
  - (c) Except for the specific modification, the other standards of the subdistrict will remain in effect;
  - (d) The modification must reflect the spirit and intent of the SC district as a whole and must maintain any unique planning design which are inherent to the development of the neighborhood area.
  - (e) Absent approvals provided herein the standards for a subdistrict (or incorporated provisions of other zoning regulations) apply without exception.
3. In the course of implementing the approved final plan, certain revisions or adjustments of detail may be permitted if approved by the city planning and development director. However, such revision or adjustment of detail must be in substantial compliance with the final plan approved by the city plan commission. If the city planning and development director finds that such revisions or adjustments of detail are not in conformance with the approved final plan, the applicant may submit a new final plan to the city plan commission for its review and approval.

#### **88-305-12 LODGING AND BOARD**

The furnishing of lodging or board for not more than one individual or two individuals who are related to each other by blood or marriage. No display or sign shall be used to advertise such use. The lodger or boarder must live in common with the household, sharing a common entrance, kitchen facilities, and living areas. However, in no case shall more than five unrelated individuals reside within the dwelling.

#### **88-321-02 SHORT TERM RENTAL OWNER OCCUPIED REGULATIONS (TYPE 1)**

A short term rental owner occupied is a principal residential dwelling unit that is occupied by the resident (who may be either the owner or the tenant/lessee of the owner authorized by the owner to offer the unit for short term rental) for a cumulative minimum of 270 days per calendar year.

**88-321-02-A. STANDARDS AND CONDITIONS FOR OWNER OCCUPIED PROPERTIES AS PERMITTED IN ALL APPLICABLE ZONING DISTRICTS**

1. Short term rental owner occupied regulations are applicable to all properties in zoning districts which allow short term rental and may be further regulated by provisions of any approved development or project plan.
2. The dwelling unit to be rented may be within a detached house, semi-attached house, multi-unit building, or certain carriage houses.
3. A carriage house, as defined in 88-810-280 and permitted in accordance with 88-305-05, may be approved as short term rental owner occupied if the principal building for such property is owner occupied.
4. During the possible 95 days the resident is not present, the property or unit may continue to be used as a short term rental.
5. While not present, the resident may not enter into a contract with more than one party during any given period. While present, the resident may enter into a contract with two parties, provided there shall be at least one bedroom in the dwelling for the resident.
6. No more than 2 persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed 8 guests per dwelling unit, may occupy the dwelling unit.
7. Except for units within a carriage house or semi-attached house structure, guests shall live in common with the household, sharing a common entrance, kitchen facilities, and living areas.
8. The unit must be located within the principal building on the property and may not be located within an accessory building.
9. The unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
10. No food service may be provided by the resident.
11. The city-issued short term rental permit for such dwelling unit shall be on display in the interior of the unit.
12. No exterior evidence that the property is being used as a short term rental shall be allowed, including signs.

**88-321-02-B. APPROVAL REQUIRED FOR OWNER OCCUPIED PROPERTIES AS PERMITTED IN R DISTRICTS**

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1. In R-10 and R-7.5 districts, short term rental is allowed only as follows:
  - a. Property that is designated as a historic landmark or located in a historic district may qualify for an owner occupied permit, upon issuance of a special use permit in accordance with 88-525.
  - b. If the resident host has been operating a short-term rental at the property prior to the passage date of this ordinance and can provide documentary evidence to the satisfaction of the director of the city planning and development department of such use, the resident host may continue to operate a short-term rental upon issuance of a special use permit in accordance with 88-525.
2. In other R districts, prior to accommodating any guest on the property, the resident host of an owner occupied short term rental must submit, initially, an administrative approval application for and obtain the approval of the city planning and development director. If the host residing in the short term rental unit is not the owner of such unit, the application must include a notarized affidavit from the owner allowing the unit to be used by the host for short term rentals.
3. The resident host shall submit a notarized affidavit stating that notification of short term rental use was provided by certified or registered mail and by regular mail to:
  - a. All adjacent property owners (including those adjoining and immediately across the street).
  - b. In the case of a short term rental unit within a multi-unit building (condominium or otherwise), the affidavit must also state that such notification was provided to any condominium association and to all condominium unit owners and tenants of units adjoining and immediately across a hallway and those immediately adjacent on floors above or below the short term rental unit.
  - c. Any applicable homeowner's association and neighborhood and civic organizations registered with the city.
4. Upon approval, the resident host will receive a permit number, indicating that the property is eligible for short term rental use and listing on a short term rental intermediary platform.
5. Thereafter, annual registry is required (but not a new administrative approval application or affidavit).

**88-321-02-C. APPROVAL REQUIRED FOR OWNER OCCUPIED PROPERTIES IN AG-R, B, D, UR, MPD AND M1 DISTRICTS**

There are no approval requirements, but registration of the short term rental unit with the city planning and development director and issuance of a short term rental permit with annual renewal is required.

**88-321-03 SHORT TERM RENTAL NON-OWNER OCCUPIED REGULATIONS (TYPE 2)**

A short term rental non-owner occupied is a unit not used as a principal residential unit by the host. Application for non-owner occupied short term rental shall be for either a "seasonal" permit (for properties rented 95 days or less per year) or "year around" permit (for properties rented more than 95 days per year).

**88-321-03-A. STANDARDS AND CONDITIONS FOR NON-OWNER OCCUPIED PROPERTIES AS PERMITTED IN ALL APPLICABLE ZONING DISTRICTS**

1. Short term rental non-owner occupied regulations are applicable to all properties in zoning districts which allow short term rental under 88-321.
2. The dwelling unit to be rented may be within a detached house, semi-attached house, or multi-unit building.
3. A carriage house, as defined in 88-810-280 and permitted in accordance with 88-305-05, may be approved as short term rental non-owner occupied.
4. The unit must be located within the principal building on the property and may not be located within an accessory structure, except for carriage houses that are located on a property designated as a historic landmark or located in a historic district.
5. In a multi-unit building, only 1 unit or 25% of all units, whichever is greater, may be used for short term rental.
6. In a multi-unit building, the same host may not have more than 4 short term rental units in the same structure.
7. No more than 2 persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed 8 guests, may occupy the dwelling unit.
8. The host may not enter into a contract with more than one party during any given period.
9. The unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
10. No food service may be provided by the host.

11. The city-issued short term rental permit for such dwelling unit shall be on display in the interior of the unit.

12. No exterior evidence that the property is being used as a short term rental shall be allowed, including signs.

**88-321-03-B. APPROVAL REQUIRED FOR NON-OWNER OCCUPIED PROPERTIES AS PERMITTED IN CERTAIN R DISTRICTS**

1. In R-10 and R-7.5 districts, short term rental is allowed only as follows:

a. Property that is designated as a historic landmark or located in a historic district may qualify for a non-owner occupied permit, upon issuance of a special use permit in accordance with 88-525.

b. If a non-owner occupied property has been used as a short-term rental prior to the passage date of this ordinance and the owner can provide documentary evidence to the satisfaction of the director of the city planning and development department of such use, the use may continue upon issuance of a special use permit in accordance with 88-525.

2. In other R districts, prior to accommodating any guests on the property, the host of a non-owner occupied short term rental must submit, initially, an administrative approval application for and obtain the approval of the city planning and development director prior to accommodating any guests.

3. The host of a non-owner occupied short term rental shall submit a notarized affidavit stating that notification of short term rental use was provided by certified or registered mail and by regular mail to:

a. All adjacent property owners (including those adjoining and immediately across the street).

b. In the case of a short term rental unit within a multi-unit building (condominium or otherwise), the affidavit must also state that such notification was provided to any condominium association and to all condominium unit owners and tenants of units adjoining and immediately across a hallway and those immediately adjacent on floors above or below the short term rental unit.

c. Any applicable homeowner's association and neighborhood and civic organizations registered with the city.

4. The host of a non-owner occupied "year around" short term rental shall be further required to satisfy one of the following:

- a. Obtain administrative approval of the city planning and development director, upon submittal of a notarized affidavit containing signatures of at least 55 percent of adjacent residential property owners (including those adjoining and immediately across the street).
- b. Or, when signatures of at least 55 percent of neighboring property owners or tenants cannot be secured, obtain a special use permit in accordance with 88-525 for each property to be used as a non-owner occupied short term rental.

5. Upon approval, the host will receive a permit number indicating that the property is eligible for listing on a short term rental intermediary platform.
6. Thereafter, annual registry is required (but not a new administrative approval application, affidavit, or special use permit, unless an applicable special use permit requires otherwise).

#### **88-321-03-C. APPROVAL REQUIRED FOR NON-OWNER OCCUPIED PROPERTIES IN AG-R, B, D, UR, MPD AND M1 DISTRICTS**

There are no approval requirements, but registration of the short term rental unit with the city planning and development director and issuance of a short term rental permit with annual renewal is required.

#### **88-321-04 GENERAL REQUIREMENTS**

##### **88-321-04-A. ELIGIBILITY FOR PLATFORM**

1. The city planning and development director shall prepare and maintain a list of all short term rentals that are eligible to be listed on a short term rental intermediary's platform. The list shall be made available to all short term rental intermediaries, the public, and all regulatory authorities in a form and manner prescribed by the director.
2. The city planning and development director shall notify the short term rental intermediaries in the case of a suspension or revocation of a short term rental unit on the city's registry of short term rentals.

##### **88-321-04-B. RECORD-KEEPING AND MONITORING OF COMPLAINTS**

1. The short term rental host and/or the applicable short term rental intermediary's platforms shall maintain records of each short term rental as required by the city and permitted by law.
2. The short term rental host shall monitor, and the host and the applicable short term rental intermediaries' platforms (as permitted by law) shall record, any complaints each may receive from guests, local residents, or others regarding any nuisance activity or sanitary, health, or life safety conditions observed on the property.

3. Pursuant to valid legal process, all records and information regarding each short term rental and any information on complaints received shall be made available by the short term rental host or short term rental intermediaries' platforms, as each has such records or information, to the city planning and development director.

#### **88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION**

1. A short term rental permit may be denied, or once issued, suspended or revoked when, in the determination of the city planning and development director, the rental of the short term rental property is ineligible under, or fails to comply with, this chapter or other provisions of the Code of Ordinances.
2. Upon determining that a short term rental is ineligible to be listed under this section, the director shall notify the short term rental host or proposed host, in writing, of such fact and of the basis for the determination of ineligibility. Such notice shall include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575.
3. If a short term rental host or proposed host fails to request a hearing within the prescribed time, the short term rental shall be deemed to be ineligible to be listed on any short term rental intermediary platform for 12 months.

#### **88-321-04-D. OTHER REQUIREMENTS AND LEGAL DUTIES**

Each short term rental host shall:

1. Provide to the city planning and development director a notarized affidavit from the owner of record of the property or unit (unless the host is the owner of record) consenting to the short term rental of the property.
2. Comply with all applicable federal, state, and local laws, including but not limited to collection and certification of payment of taxes and procurement of any required licenses and permits.
3. Comply with the Code of Ordinances, unless specified in this section, and provide certification that the property is in compliance with all property maintenance, building, electrical, mechanical, and plumbing codes.
4. Post, within each unit, contact information for the owner, host, and/or other local emergency contact information.
5. For a short term rental within a multi-unit building, post a map depicting all (minimum of two) evacuation routes by doors in the event of an emergency. The map shall be posted on or immediately adjacent to every required egress door

from each unit, but is not required when a door leads directly to the outside of the building at grade level.

6. Install and maintain smoke and carbon monoxide detectors in locations as specified for dwelling units by the Building Code.
7. Place in each short term rental dwelling unit a working fire extinguisher and a working battery powered portable flashlight or lantern or other emergency lighting device that is workable during an electrical power outage.
8. For purposes of sending notices to and obtaining consents from adjacent property owners under this section, utilize owners' names and addresses as provided in current county tax assessors' records.
9. Agree, as part of the short term rental application approval process, to allow inspection of the short term rental dwelling unit by the city for compliance with 88-321 and for fire, public safety, health/sanitation and other city code compliance purposes upon reasonable prior notice (which may be oral or electronic) at times that such unit is not occupied by a short term rental guest; and further agree that if the host for any reason does not allow requested city inspection of such unit, the short term rental permit for such unit may be suspended by the director until such inspection is allowed by the host.
10. Provide evidence to the city planning and development director that there is at least \$300,000 of liability insurance for the proposed short term rental dwelling unit in question, which insurance may be provided by a short term rental intermediary; provided that no short term rental intermediary shall have any obligation or liability to the city with respect to whether such insurance is so provided. Said \$300,000 minimum amount of liability insurance shall be subject to adjustment by the city planning and development director for changes in the consumer price index as described in 88-620-B.6 for adjustments to fees by the city manager. Proof of insurance shall be provided at the time of application and with annual registration.

#### **88-321-04-E. PENALTIES**

Any penalty for violation of this section shall be as stated in 88-615.

#### **88-408 PARKLAND DEDICATION**

In subdividing land, re-subdividing an existing plat, or otherwise creating any new residential unit(s), a developer must provide suitable sites for parks, playgrounds or other public or private recreational areas or open spaces. This parkland requirement may be met by dedication of land to the city for park purposes, platting of private open space tracts for recreational purposes per an approved plan, payment in lieu of parkland, or any combination thereof.

#### **88-408-A. CALCULATION OF LAND DEDICATION REQUIREMENTS**

Parkland dedication requirements are calculated in 4 steps, as follows:

1. First, multiply the number of detached houses to be included in the development times 3.7 people per dwelling unit; then multiply the resulting number times 0.006 of an acre per person.
2. Second, multiply the number of dwelling units in semi-attached houses to be included in the development times 3 people per dwelling unit; then multiply the resulting number times 0.006 of an acre per person.
3. Third, multiply the number of dwelling units in multi-unit buildings to be included in the development times 2 people per unit; then multiply the resulting number times 0.006 of an acre per person.
4. Finally, add the results of the preceding detached house, two-unit house and multi-unit building land dedication calculations. This sum represents the development's total parkland dedication requirement, which may be satisfied by the actual dedication of land or through the payment of money in lieu of dedication, in accordance with the provisions of this section.

#### **88-408-B. LAND DEDICATION GENERALLY**

1. The dedication of land for park uses must be at locations designated in the comprehensive plan, or the official parks plan adopted by the board of parks and recreation commissioners, or as determined by the developer and the staff of the city planning and development and parks and recreation departments.
2. When the required parkland dedication is less than 4 acres, the city plan commission or staff may require the open space to be located at a suitable place on the periphery of the development, so a more usable tract will result when additional open space is obtained when adjacent land is subdivided.
3. If the development is being platted, the developer must dedicate such approved parkland to the city for park purposes as a condition of final subdivision approval.
4. All land to be dedicated to the city for park purposes must have the prior approval of the board of parks and recreation commissioners, and must be shown and marked on any plat as "dedicated to Kansas City, Missouri, for park and recreation purposes." The number of the board resolution approving the dedication must be shown on the plat.
5. Notwithstanding anything else contained in this section, if the developer and the staff of the city planning and development and parks and recreation departments are unable to agree upon the location of the land to be dedicated as required under this section, then the developer must pay money in lieu of land dedication, as required in 88-408-C.
6. Also, notwithstanding anything else contained in this section, if the required parkland dedication is less than 2 acres, then the city may elect to require the developer to pay money in lieu of land dedication, as required in 88-408-C.

### **88-408-C. PAYMENT IN LIEU OF LAND DEDICATION**

1. Notwithstanding anything contained in 88-408-B, the developer may elect, at any time before approval of the preliminary plat by the development review committee or the city plan commission, to pay money in lieu of dedicating land.
2. When the developer elects to pay money in lieu of dedicating land, the developer must, before recording the subdivision plat or minor subdivision, or (if platting or minor subdivision is not required) receiving a certificate of occupancy for a new residential unit, deposit with the city treasurer a monetary payment to the parks and recreation acquisition or development trust fund equal to the required parkland dedication (calculated pursuant to 88-408-A) multiplied by the current year's price for the calendar year in which the approval is granted (date of preliminary plat approval by the development review committee or the city plan commission, administrative approval of minor subdivision, or — in the absence of platting or minor subdivision — issuance of a building permit for a newly created unit) less a credit based on the ratio that any land actually dedicated for park purposes bears to the required parkland dedication. The monetary payment must be without recourse or the right of recovery. For purposes of administering this provision, "current year's price" means the average cost per acre actually paid by the city for all purchases of tracts of parkland of 49 acres or less, whether through negotiation or condemnation, but excluding all acquisitions wholly or partially obtained through gift, during the 5 calendar years immediately preceding the subject calendar year.
3. Money-in-lieu funds paid to the city before May 1, 2003, must be used for the acquisition, development, or improvement of a public park, generally within one mile of the periphery of the subdivision for which they were paid.
4. Money-in-lieu funds and the accrued interest on the funds, paid to the city on or after May 1, 2003, must be used for the acquisition, development, or improvement of a public park, generally within 3 miles of the periphery of the subdivision for which they were paid. Funds must be used for such purposes within 15 years of the date the payment is received by the city, provided that any such funds that are used for parks located more than one mile from the periphery of the subdivision for which they were paid will not be used for a neighborhood park, as defined by parks and recreation department standards.

### **88-408-D. CREDITS**

In calculating land dedication and money in lieu requirements, an applicant proposing to replat land, convert existing residential units to condominiums, or create new residential units must be given credit for any previous parkland dedications or monetary payments in lieu for the subject property.

### **88-408-E. PRIVATE DEVELOPMENT AND OPERATION OF RECREATIONAL OPEN SPACE**

The applicant may elect to comply with the land dedication/fee-in-lieu requirements of this section by providing an area that meets the minimum standards of 88-408-B, provided that such area must be developed and maintained by the developer or by the lot owners in the subdivision as private property under a legal arrangement approved by the city attorney as adequate to ensure its continued operation and maintenance. The city may require that such private open space area be improved as a useable recreation area, with trails, ball fields, playgrounds or other active recreation amenities.

#### **88-408-F. QUALITY OF DEDICATED PARK SITES**

Lands to be dedicated in accordance with the parkland dedication requirements of this section are subject to the following standards:

1. Land proposed to be dedicated for park and recreation use must be suitable for such use and receive the approval of the director of parks and recreation and the city plan commission.
2. If the minimum parkland dedication requirement exceeds 10 acres, the parks and recreation department may require that the dedication comprise more than one parcel within the subdivision, subject to the approval of the city plan commission.
3. The dedicated parkland must be a cohesive whole, but may be of irregular outline or shape.
4. The developer may, with the concurrence of the parks and recreation department, make improvements or provide recreational facilities. The developer must improve the land to be dedicated as follows:
  - a. If the required parkland dedication is 4 acres or less, the developer must provide within the park area, as approved by the city plan commission, a play area of 20,000 square feet with not more than a 4% gradient or which could reasonably be graded to such.
  - b. If the required parkland dedication is 9 acres or more, provide a play and game area within the park area of not less than 85,000 square feet with a maximum gradient of 4% or which could reasonably be graded to such.
  - c. If the required parkland dedication is between 4 acres and 9 acres, provide a proportionate share of game area.
  - d. Any land within the park area disturbed by construction activity must have topsoil restored and the soil stabilized by appropriate vegetative cover.
5. Each park open space must have frontage on a public street as the city plan commission deems necessary to provide acceptable access to the open space from a public street, taking into account the amount of frontage reasonably required by the circumstances of the particular open space. This frontage may serve as a corridor from

the public street to the main body of the park area as the city plan commission deems necessary to provide acceptable access to the open space from the public street. This corridor must have a gradient adequate for pedestrian or vehicle use.

#### **88-408-G. ADDITIONAL RECREATIONAL RESERVATIONS**

The provisions of this section are minimum standards. Nothing in this section is to be construed as prohibiting a developer from dedicating or reserving other land for recreation purposes in addition to the requirements of this section.

#### **88-408-H. TRAILS**

Trails may be counted toward satisfying the parkland dedication requirements of 88-408. Unless otherwise expressly approved at the time of subdivision approval, the maximum credit allowed is 50 feet times the length of the dedicated trail segment. Decision-making bodies are authorized to allow greater land dedication credit if the trail provides immediate access to a useable open space or recreation amenity or it otherwise provides greater amenity value than a linear trail corridor.

### **88-420-04 EXEMPTIONS, REDUCTIONS AND SPECIAL AREA STANDARDS**

#### **88-420-04-A. DC ZONING DISTRICT**

No off-street parking is required in the DC (Downtown Core) zoning district.

#### **88-420-04-B. DX ZONING DISTRICT**

Nonresidential uses in the DX district outside of the Crossroads area are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

#### **88-420-04-C. CROSSROADS AREA**

1. Retail sales-related uses in the Crossroads area are not required to provide off-street parking for the first 4,000 square feet of gross floor area. For purposes of this paragraph, "retail sales-related uses" include general retail sales, food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.
2. Restaurants in the Crossroads area are not required to provide off-street parking spaces for the first 2,000 square feet of gross floor area, per building.

#### **88-420-04-D. BROOKSIDE BUSINESS DISTRICT AREA**

There are no minimum nonresidential parking requirements or residential parking requirements for residential units in mixed-use structures in the Brookside Business District Area. Individual non-residential uses may not provide more than 1.5 times the minimum parking requirements of 88-420-06 on the same lot or on a combination of the same and contiguous lots in any zoning district, provided however, any individual use that would require 4 or fewer spaces may provide up to 6 parking spaces. Multiple tenants in a common structure or structures sharing a common wall will be considered an individual use for

purposes of this calculation. Mixed-use structures may provide a maximum of one parking space per dwelling unit for purposes of this calculation.

**88-420-04-E. DOWNTOWN LOOP**

Uses within the Downtown Loop are not required to provide off-street parking or loading.

**88-420-04-F. B1 ZONING DISTRICT**

Nonresidential uses in the B1 district are not required to provide off-street parking unless such uses exceed 2,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 2,000 square feet.

**88-420-04-G. PEDESTRIAN-ORIENTED OVERLAY DISTRICT**

Nonresidential uses that are subject to the P/O district regulations of 88-230 are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

**88-420-04-H. LANDMARKS AND HISTORIC DISTRICTS**

1. No off-street parking or loading spaces are required for rehabilitation or reuse of an official local or national historic landmark.
2. No off-street parking or loading spaces are required for rehabilitation or reuse of an existing contributing building within an official local or national historic district.

**88-420-04-I. WESTPORT AREA**

Restaurants in the Westport Area must provide off-street parking at a minimum rate of 2.5 spaces per 1,000 square feet.

**88-420-04-J. RAPID TRANSIT STOPS**

Special parking regulations apply to uses on lots located within 1,000 feet of a rapid transit stop, as follows.

1. Office and manufacturing uses are not required to provide off-street parking spaces for the first 10,000 square feet of gross floor area.
2. The following uses are not required to provide off-street parking for the first 4,000 square feet of gross floor area: artist work or sales space, food and beverage retail sales, personal improvement service, and retail sales. Uses may not exceed otherwise applicable minimum off-street parking requirements by more than 3 spaces or 33%, whichever is greater, unless such "extra" spaces are provided in a parking garage.
3. Restaurants are not required to provide off-street parking for the first 2,000 square feet of gross floor area per building.

4. The above exemptions may be used in combination with any other exemption, reduction, or special area standards.

#### **88-420-04-K. EFFECT OF VEHICLE PARKING REDUCTION OR EXEMPTION ON BICYCLE PARKING REQUIREMENTS**

The bicycle parking requirements of 88-420-09 apply regardless of any vehicle parking exemptions and reductions authorized in this section (88-420-04).

#### **88-420-04-L. DOWNTOWN STREETCAR AREA**

Uses within the Downtown Streetcar Area are not required to provide off-street parking.

#### **88-420-04-M. AFFORDABLE HOUSING**

For a multi-unit building with more than 10 units, when at least twenty percent (20%) of the total number of units is provided as affordable housing, parking shall be required in the amount of 0.5 space per dwelling unit. However, if required parking is less than 0.5 space per dwelling unit due to other provisions of this section 88-420-04, the lesser requirement is applicable.

#### **88-420-04-N. DETACHED HOUSES OR SEMI-ATTACHED HOUSES**

For any detached house or semi-attached house on a lot platted prior to September 10, 1951, no off-street parking shall be required.

### **88-445-06 SIGNS IN RESIDENTIAL DISTRICTS**

#### **88-445-06-A. RESIDENTIAL SIGNS**

Only the following signs are allowed in residential zoning districts (including AG-R):

##### **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.

**2. DETACHED HOUSE AND SEMI-ATTACHED HOUSE**

A lot with a principal use of a detached house or semi-attached house may have:

- a. For each entrance (excluding garage entrances) to a dwelling unit, one wall sign, not to exceed 80 square inches in area.
- b. One interim sign bearing a noncommercial message or a message related to the sale, lease, rental, or construction of the home. Such sign may not exceed 8 square feet in area or 4 feet in height.
- c. 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.
- d. 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.

**3. MULTI-UNIT BUILDINGS**

A lot with a principal use of a multi-unit building may have:

a. **WALL SIGNS**

1. One wall sign per building not to exceed 12 square feet in area. The message on such sign may include a commercial message related to the sale, lease, or rental of units in the building or complex.
2. For each building entrance providing access to multiple dwelling units, an additional sign to identify the dwelling units in that building, not to exceed 4 square feet in area, provided that no

message on such sign other than a word such as "directory" or similar identifying word may be legible from a location on the public right-of-way or on private property other than that which is part of the same complex.

3. For each entrance (excluding garage entrances) to an individual dwelling unit, one wall sign, not to exceed 80 square inches in area.
4. For any multi-unit building residential building containing one or more offices, as permitted under the zoning for the district, one additional wall sign is permitted, which sign may not exceed 16 square feet in area. The wall sign may bear a commercial message related to activities lawfully conducted on the premises or a noncommercial message.

**b. INCIDENTAL SIGNS**

One additional sign per driveway is permitted, which sign may not exceed 36 inches in height and 2 square feet in area. Such sign may not contain a commercial message.

**c. INTERIM SIGNS**

- (1) One interim sign bearing a noncommercial message or a message related to the sale, lease, rental, or construction of the units. 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 displaying noncommercial messages. No such sign may exceed 8 square feet in area or 4 feet in height.

**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.

**5. HOSPITAL SIGNS**

A signage plan portraying signs necessary for the proper identification of the facilities within a hospital may be approved by special use permit. Such signs shall be on-premises signs and limited to proper identification of the facilities. Such signs may be internally or externally illuminated.

**6. RESIDENTIAL ENTRANCE SIGNS**

One monument sign is allowed at each street entrance, identifying the name of the residential neighborhood or multi-unit building or complex. The area of the sign face shall not exceed 32 square feet in area or 6 feet in height; however, the monument structure on which the sign is located may be approved for up to 25 feet in height through the project plan process.

## **7. INTERIM SUBDIVISION DEVELOPMENT SIGNS**

As an interim use accessory to the permitted activity of lawful subdivision development in a development which will contain at least 20 dwelling units, interim identification signs are permitted, provided that such signs may not exceed 100 square feet in sign area nor more than 15 feet in height; if there is more than one such sign, such signs must be at least 1,000 feet apart. Each such sign may remain in place until 90 percent of the lots in the sector are sold, but no longer than 18 months from the date of erection. All such signs must be located at least 15 feet from the pavement edge or edge of the street or thoroughfare to which it is directed, but not within the sight triangle. All such signs must be within the development or within 2000 feet of the development. These signs may not be illuminated.

## **8. GROUP HOMES**

A lot with a principal use of a group home may have:

- (a) For each entrance (excluding garage entrances) one wall sign, not to exceed 80 square inches in area.
- (b) One interim sign bearing a noncommercial message or a message related to the sale, lease, rental, or construction of the home. Such sign may not exceed 8 square feet in area or 4 feet in height.
- (c) Additional interim signs not bearing commercial messages. No such sign may exceed 8 square feet in area or 4 feet in height. A total of 16 square feet of sign area is allowed per lot.
- (d) During the period from six weeks prior to a public election to be held in the city to two 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. OTHER PRINCIPAL USES AND VACANT LOTS**

A lot with a principal use not described in this section, or a vacant lot may have:

- (a) 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.
- (b) Additional interim signs not bearing commercial messages. No such sign may exceed 8 square feet in area or 4 feet in height. A total of 16 square feet of sign area is allowed per lot.
- (c) During the period from six weeks prior to a public election to be held in the city to two 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.

#### **10. AUXILIARY PARKING**

Signs to identify parking areas allowed by special use permit shall be approved in conjunction with such special use permit, although no sign may exceed 12 square feet in area or 6 feet in height. Such signs may show only the hours in which the parking lot is open and the persons authorized to use the parking area.

#### **88-517-03 EXEMPTION**

The development plan review procedures of this article do not apply to development of detached houses or any developments for which plans have been reviewed and approved pursuant to the urban redevelopment, master planned development, or other equivalent development plan procedures of this zoning and development code. This provision is intended to clarify that development plan review is not required for projects that have received equivalent review through the city's other plan review procedures.

#### **88-518-03 EXEMPTION**

The project plan review procedures of this article do not apply to development of detached houses or to any developments for which plans have been reviewed and approved pursuant to the urban redevelopment, master planned development, or other equivalent development plan procedures of this zoning and development code. This provision is intended to clarify that project plan review is not required for projects that have received equivalent review through the city's other development plan review procedures. Existing approved development plans for planned districts (per the prior zoning ordinance) are also exempt. This exemption is not intended to exempt any development from the building permit process.

#### **88-620-B. APPLICATIONS TO THE CITY PLAN COMMISSION, THE BOARD OF ZONING ADJUSTMENT, AND ADMINISTRATIVE APPROVALS**

Certain fees are hereby established for the filing of applications to the board of zoning adjustment and the city plan commission as follows:

1. City plan commission:

a. For applications to rezone: \$678.00.

b. Development plan:

1. Residential: \$678.00 plus \$4.00 per dwelling unit, not to exceed \$3,793.00.

2. Nonresidential: \$678.00 plus \$97.00 per acre or fraction thereof, not to exceed \$3,793.00.

c. Project plan:

1. Residential: \$271.00 plus \$4.00 per dwelling unit.

2. Nonresidential: \$271.00 plus \$97.00 per acre or fraction thereof.

d. Major amendments:

1. Residential: \$325.00 plus \$4.00 per dwelling unit, not to exceed \$1,355.00.

2. Nonresidential: \$325.00 plus \$97.00 per acre or fraction thereof, not to exceed \$1,355.00.

e. Urban redevelopment district:

1. \$678.00 plus \$97.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,793.00.

f. Master plan development:

1. \$678.00 plus \$97.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,793.00.

g. For approval of a council approved signage plan: \$271.00.

h. For application for special review district: \$460.00.

i. For text amendments: \$542.00.

j. For land use plan amendments: \$867.00.

k. For major street plan amendments: \$433.00.

l. For applications for appeal from the decision of the director of city planning and development: \$542.00.

m. For neighborhood rezoning projects and overlay districts:

from 0—200 parcels/lots \$2,709.00.

from 201—500 parcels/lots \$4,876.00.

from 501+ parcels/lots \$5,960.00.

n. Vacation of alleys, streets, and plats: \$303.00.

o. For all other applications: \$651.00.

2. Board of zoning adjustment:

a. For applications for variances involving the following uses:

1. Detached house and semi-attached house and accessory uses: \$271.00.
2. All other uses: \$542.00.
- b. For applications for appeal from the decision of the director of city planning and development: \$542.00.
- c. For applications for rehearing before the board of zoning adjustment: \$271.00.
- d. Certificates of legal nonconformance: For all applications for certificate of legal nonconformance, there shall be a charge of \$136.00 for applications related to detached houses and semi-attached houses and \$325.00 for all other applications. For all requests for approval of a change in use for an existing legal nonconforming use pursuant to 88-610 there shall be a charge of \$54.00 for requests related to detached houses and semi-attached houses and \$189.00 for all other requests.
- e. For applications for all other requests: \$407.00.
- f. For stay of enforcement: \$433.00.
- g. Special use permits:
  1. Ambulance service: \$894.00.
  2. Bed & breakfast: \$623.00.
  3. Blood/plasma center: \$867.00.
  4. Car wash/cleaning service: \$894.00.
  5. Cemetery/columbarium/mausoleum: \$894.00.
  6. Check-cashing, short-term loan/title loan establishment: \$1,571.00.
  7. College/university: \$894.00.
  8. Community center: \$407.00.
  9. Community supported agriculture: \$105.00.
  10. Crematory: \$894.00.
  11. Day care (home & family): \$623.00.

12. Day care (11—20 children) (group): \$623.00.
13. Day care center (21+): \$867.00.
14. Day labor employment agency: \$867.00.
15. Demolition debris landfill: \$1,571.00.
16. Detention and correctional facilities: \$1,571.00.
17. Drive-thru facility: \$894.00.
18. Entertainment and spectator sports: \$894.00.
19. Entertainment: small venue (1—149 capacity): \$487.00.
20. Entertainment: medium venue (150—499 capacity): \$894.00.
21. Entertainment: large venue (500 + capacity): \$1,571.00.
22. Entertainment: outdoor (all sizes): \$1,571.00.
23. Financial services (except check-cashing and pawn shops): \$867.00.
24. Gasoline and fuel sales: \$894.00.
25. Group living: \$623.00.
26. Heavy equipment sales/rental: \$894.00.
27. Historic landmark (reuse of officially designated historic landmark, local or national): \$271.00.
28. Hospital: \$894.00.
29. Hotel/motel: \$894.00.
30. Household living: \$894.00.
31. Junk/salvage yard: \$1,571.00.
32. Library/museum/cultural exhibit: \$407.00.
33. Light equipment sales/rental (indoor): \$894.00.
34. Light equipment sales/rental (outdoor): \$1,571.00.

35. Manufacturing, production, and industrial service - limited: \$1,571.00.
36. Manufacturing, production, and industrial service - general: \$1,571.00.
37. Mining and quarrying: \$1,571.00.
38. Motor vehicle repair limited: \$894.00.
39. Motor vehicle repair general: \$894.00.
40. Neighborhood-serving retail: \$894.00.
41. Nursing homes: \$867.00.
42. Office, administrative, professional or general: \$894.00.
43. Park/recreation: \$487.00.
44. Parking, non-accessory: \$894.00.
45. Pawn shops: \$1,571.00.
46. Recreation vehicle park: \$1,571.00.
47. Recycling service - limited: \$1,571.00.
48. Recycling service - general: \$1,571.00.
49. Religious assembly: \$407.00.
50. Repair or laundry service, consumer: \$894.00.
51. Residential storage warehouse: \$894.00.
52. Safety service (except for police and fire stations) \$894.00.
53. School: \$407.00.
54. Signs: \$353.00.
55. Solid waste separation facility: \$1,571.00.
56. Sports and recreation, participant (indoor): \$894.00.
57. Sports and recreation, participant (outdoor): \$1,571.00.

58. Stable: \$867.00.
59. Tavern or nightclub: \$894.00.
60. Transfer station: \$1,571.00.
61. Undertaking: \$894.00.
62. Utilities and services (except basic, minor): \$894.00.
63. Vehicle sales and service: \$894.00.
64. Vehicle storage/towing: \$1,571.00.
65. Warehousing, wholesaling, freight movement—indoor: \$894.00.
66. Warehousing, wholesaling, freight movement—outdoor: \$1,571.00.
67. Waste related use: \$1,571.00.
68. All other uses: \$894.00.

3. Administrative fees:

A. Minor amendment to an approved development plan:

1. Residential: \$244.00 plus \$4.00 per dwelling unit, not to exceed \$678.00.
2. Nonresidential: \$244.00 plus \$97.00 per acre or fraction thereof, not to exceed \$678.00.

B. Administrative adjustment: \$271.00.

C. Administrative approval: \$271.00.

D. For any request for continuance by the applicant: \$136.00.

E. Short term rental:

1. Administrative approval: \$271.00
2. Special use permit: \$623.00
3. First year registration: \$288.00 (if administrative approval or special use permit not required, as those fees include first year registration)

4. Annual renewal of registration: \$183.00
4. The city plan commission and the board of zoning adjustment shall have the authority to waive the fees set out in this subsection in the interests of justice.
5. Transcripts on appeal to circuit court. Transcripts, necessary upon appeal to the circuit court, shall be furnished by the appellant. These may be obtained, upon payment of the current charge, from the reporting service employed by the board of zoning adjustment to take testimony given at the public hearing. The board may waive the transcription costs where it is determined that the appellant is unable to pay the costs. The cost of the transcript will be refunded to the appellant if the appellate court orders such refund upon judgment.
6. The city manager shall have authority annually to adjust the fees listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing the applications fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of processing the applications. The adjustments shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

#### **88-810-728 LODGER**

One who, by agreement with the owner of a property, acquires no interest or possession therein but only the right to occupy a room or rooms that remain in the owner's legal possession and who dwells in common with the household.

#### **88-810-1430 RESIDENTIAL BUILDING**

A building that is arranged, designed, used, or intended to be used:

- exclusively for residential occupancy by one or more households; or
- for a mixture of nonresidential and residential occupancy and in which the floor area devoted to residential dwelling units makes up 50% or more of the building's total gross floor area.

#### **88-820-01 LOT AREA**

##### **88-820-01-A. MEASUREMENT**

The total land area contained within the property lines of a lot.

##### **88-820-01-B. EXCEPTIONS**

1. A detached house, wherever permitted as an allowable use, may be erected on any area of land in separate ownership that was in existence at the time of the passage

of the original Ordinance No. 45608, passed June 4, 1923, or any subsequent amendment thereto that causes the area of land in separate ownership to contain less area than required for a detached house in the district in which it is located, provided all setback, height, and parking requirements of this zoning and development code are met. For purposes of this section, separate ownership means any lot previously established by a recorded subdivision plat or any lot established by a recorded conveyance made prior to March 1, 1954, or made in conformance with subdivision regulations of this code, or as otherwise lawfully established.

2. A detached house, wherever permitted as an allowable use, may be erected on any area of land established by an approved lot split or subdivision plat.

### 88-110

[...]

<u>Table 110-1</u>												
<u>Residential Districts Use Table</u>		<u>ZONING DISTRICT</u>										
<u>USE</u> <u>(refer to 88-805 Use Groups and Categories)</u>	<u>GROUP</u>	<u>R-80</u>	<u>R-10</u>	<u>R-7.5</u>	<u>R-6</u>	<u>R-5</u>	<u>R-2.5</u>	<u>R-1.5</u>	<u>R-0.75</u>	<u>R-0.5</u>	<u>R-0.3</u>	<u>Use Standard</u>
Use » specific use type	Category	P	P	P	P	P	P	P	P	P	P	s
<u>RESIDENTIAL</u>												
<u>Household Living</u>		P	P	P	P	P	P	P	P	P	P	<u>88-110-06-C &amp; 88-323</u>
<u>Group Living (except as noted below)</u>		-	-	-	-	-	-	S	S	S	S	<u>88-350</u>
» Group homes		-	-	-	-	-	-	P	P	P	P	<u>88-350</u>
» Nursing home		S	S	S	S	S	S	P	P	P	P	<u>88-350</u>
<u>PUBLIC/CIVIC</u>												
<u>Bicycle-Sharing Facilities</u>		P	P	P	P	P	P	P	P	P	P	<u>88-322</u>
<u>Club, Lodge, or Fraternal Organization</u>		-	-	-	-	-	-	P	P	P	P	
<u>College/University</u>		P/S	P/S	P/S	P/ S	P/ S	P/S	P/S	P/S	P/S	P/S	<u>88-365</u>
<u>Day Care</u>												
» Home-based (1—5)		P	P	P	P	P	P	P	P	P	P	
» Family (up to 10)		P	P	P	P	P	P	P	P	P	P	<u>88-330-01</u>
» Group (up to 20)		P	S	S	S	S	S	P	P	P	P	<u>88-330-02</u>
» Center (21+)		P	-	-	-	-	-	-	-	-	-	<u>88-330-02</u>
<u>Detention and Correctional Facilities</u>		S[1] 1	-	-	-	-	-	-	-	-	-	<u>88-335</u>
<u>Halfway House</u>		S	-	-	-	-	-	-	-	-	-	<u>88-352</u>

Table 110-1 Residential Districts Use Table											
USE (refer to 88-805 Use Groups and Categories)	GROUP										Use Standard
	ZONING DISTRICT										
Use » specific use type	Category	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3
<u>Hospital</u>		-	-	-	-	-	-	-	-	S	S
<u>Library/Museum/Cultural Exhibit</u>		P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	88-365
<u>Park/Recreation</u>		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
» Homes Association Amenities		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-805-03-H
<u>Religious Assembly</u>		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<u>Safety Service (except as noted below)</u>		S	S	S	S	S	S	S	S	S	88-365
» Fire station		P	P	P	P	P	P	P	P	P	88-365
» Police station		P	P	P	P	P	P	P	P	P	88-365
<u>School</u>		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
<u>Utilities and Services (except as noted below)</u>		S[1] 1	S	S	S	S	S	S	S	S	
» Basic, minor		P	P	P	P	P	P	P	P	P	88-425-08-B
<b>COMMERCIAL</b>											
<u>Animal Service</u>											
» Shelter or boarding		P	-	-	-	-	-	-	-	-	88-315
» Stable		P	-	-	-	-	-	-	-	-	88-315
» Veterinary Office		P	-	-	-	-	-	-	-	-	
<u>Entertainment Venue and Spectator Sports</u>		S	-	-	-	-	-	-	-	-	
<u>Funeral and Interment Service</u>											
» Cemetery/columbarium/mausoleum		S	S	S	S	S	S	S	S	S	88-345
» Crematory		S	S	S	S	S	S	S	S	S	88-345
» Undertaking		-	-	-	-	-	-	-	S	S	
<u>Lodging</u>											
» Bed and breakfast		S	-	-	S	S	S	S	S	S	88-320
» Recreational vehicle park		S[1] 1	-	-	-	-	-	-	-	-	

Table 110-1 Residential Districts Use Table											
USE (refer to 88-805 Use Groups and Categories)	GROUP ZONING DISTRICT										Use Standard
Use Category	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3	s
» <u>specific use type</u>											
» Short term rental	Refer to 88-321										
<u>Neighborhood-serving retail</u>	S	S	S	S	S	S	S	S	S	S	88-360
<u>Office, Administrative, Professional or General</u>	-	-	-	-	-	-	S	S	S	S	
<u>Reuse of officially designated historic landmark (local or national) if proposed use is not permitted</u>	S	S	S	S	S	S	S	S	S	S	
<u>Sports and Recreation, Participant</u>	S	-	-	-	-	-	-	-	-	-	
[...]											

### **88-270 AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT**

#### **88-270-01 PURPOSE**

The AG-R, Agricultural-Residential district is primarily intended for areas of the city on the outer edge of urbanized development. Subdivision of land to higher density development is usually premature, due to lack of adequate utility services, roadways and other transportation systems. Land use regulations and lot and building standards are primarily geared to agricultural activities and very low-density residential development.

#### **88-270-02 USES**

##### **88-270-02-A. USES PERMITTED SUBJECT TO DEVELOPMENT PLAN APPROVAL**

The following uses are permitted as-of-right in the AG-R district, subject to development plan review and approval in accordance with 88-517.

1. Utilities and Services
2. Funeral and Interment Service (cemetery/columbarium/mausoleum only)
3. School
4. Religious Assembly
5. Park/Recreation
6. Sports and Recreation, Participant (Outdoor)
7. Entertainment Venues and Spectator Sports

8. Lodging (camp grounds only)
9. Animal Service (veterinary only)
10. Horticultural services
11. Nurseries for trees, plants, and shrubs including retail sale when grown on the premises
12. Mining and quarrying, subject to 88-355 (asphalt plants and concrete mixing plants may be allowed as accessory uses)
13. Wireless communication facilities, subject to 88-385

**88-270-02-B. USES PERMITTED WITHOUT DEVELOPMENT OR PROJECT PLAN APPROVAL**

The following uses are permitted as of right in the AG-R district.

1. Detached houses (including short term rental in accordance with 88-321)
2. Orchards
3. Agriculture, Crop or Animal
4. Agricultural services, such as grist milling, corn shelling, hay baling and threshing services
5. Sorting, grading, and packaging of fruits and vegetables and retail fruit and vegetable stands for products grown on the premises
6. Animal Services, Stables

88-270-02-C. Uses not expressly permitted or authorized by the city planning and development director as similar uses are prohibited in the AG-R district.

**88-270-02-D. SPECIAL STANDARDS ADJACENT TO PARKS, BOULEVARDS AND PARKWAYS**  
**RESERVED**

**88-270-03 LOT AND BUILDING STANDARDS**

**88-270-03-A. MAXIMUM BUILDING HEIGHT**

The maximum building height shall be 35 feet

**88-270-03-B. MINIMUM LOT AREA**

1. For detached houses: 40 acres
2. For religious assembly and elementary schools: 5 acres
3. For secondary junior and senior high schools and institutions of higher learning: 10 acres

### **88-270-03-C. SETBACKS**

Minimum setback from all property lines: 30 feet, provided that detached houses may, as an alternative, provide a rear setback of not less than 20 feet for decks and balconies that are 500 square feet or smaller in area.

## **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 Venues 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. Other commercial and industrial uses that are compatible with airport operations.](#)

**88-275-02-C.** Uses not expressly permitted or authorized by the city planning and development director as similar uses are prohibited in the KCIA district.

**88-275-02-D. SPECIAL STANDARDS ADJACENT TO PARKS, BOULEVARDS, AND PARKWAYS**  
**RESERVED**

**88-420-06 PARKING RATIOS**

Except as otherwise expressly stated, off-street parking must be provided in accordance with the following minimum ratios. In lieu of complying with these minimum standards, applicants may apply for approval of an alternative compliance parking plan, in accordance with 88-420-15. See also the exemptions reductions and special area standards of 88-420-04. Bicycle parking must be provided in accordance with 88-420-09.

Table	420-1	Parking	Ratios
<b><u>USE GROUP</u></b>			
Use	Category	Minimum Vehicle Parking Ratio	
» specific use type			
<b><u>RESIDENTIAL</u></b>			
<b><u>Household Living</u></b>			
» Elderly Housing		1 per 3 dwelling units	
» All other		1 per dwelling unit (unless exempted by 88-420-04-N)	
<b><u>Group Living</u></b>		1 per 4 dwelling units or 1 per 4 beds/sleeping rooms	
<b><u>PUBLIC/CIVIC</u></b>			
College/University		1 per 4 employees, plus 1 per 10 students	
Day Care			

» Home-based (1—5)	None
» All other	1 per 4 employees
<b>Hospital</b>	1 per 3 beds, plus 1 per 4 employees
<b>Library/Cultural Exhibit</b>	2.5 per 1,000 square feet
<b>Park/Recreation</b>	
» Community center	2.5 per 1,000 square feet
» All other park/recreation	per 88-420-08
<b>Religious Assembly</b>	1 per 7 seats in main assembly area
<b>Safety Service</b>	
» Fire station	1 per 4 employees
» Police station	1 per 4 employees
» Ambulance service	1 per 4 employees
<b>School</b>	
» Elementary/Junior High	1 per 4 employees
» Senior High	1 per 4 employees, plus 1 per 15 students
<b>Utilities and Services</b>	
» Basic, minor	None
» All other utilities and services	Per 88-420-08
<b>COMMERCIAL</b>	
<b>Adult Business</b>	
» Adult media store	2.5 per 1,000 square feet
» Adult motion picture theater	1 per 4 seats or person capacity
» Sex shop	2.5 per 1,000 square feet
<b>Animal Service</b>	
» Sales and grooming	2.5 per 1,000 square feet
» Shelter or boarding	2.5 per 1,000 square feet, not including animal pen areas
» Veterinary	2.5 per 1,000 square feet, not including animal pen areas
» Stable	1 per 10 stalls
<b>Artist Work or Sales Space</b>	2.5 per 1,000 square feet of sales space
<b>Building Maintenance Service</b>	1 per 4 employees
<b>Business Equipment Sales and Service</b>	2.5 per 1,000 square feet
<b>Business Support Service</b>	
» Day labor employment agency	per 88-420-08
» Employment agency	2.5 per 1,000 square feet
» All other business support service	2.5 per 1,000 square feet
<b>Communication Service</b>	2.5 per 1,000 square feet
<b>Eating and Drinking Establishments</b>	
» Tavern or nightclub	20 per 1,000 square feet
» uncovered patios or decks	20 per 1,000 square feet
» All other eating/drinking establishments	10 per 1,000 square feet
» uncovered patios or decks	5 per 1,000 square feet

<b>Entertainment Venues and Spectator Sports</b>	<u>1 per 4 seats or person capacity</u>
<b>Financial Services</b>	
» Pawn shop	<u>2.5 per 1,000 square feet</u>
» All other financial services	<u>2.5 per 1,000 square feet</u>
<b>Food and Beverage Retail Sales</b>	<u>2.5 per 1,000 square feet</u>
<b>Funeral and Interment Service</b>	
» Cemetery/ columbarium/mausoleum	<u>per 88-420-08</u>
» Cremating	<u>1 per 4 employees</u>
» Undertaking	<u>1 per 4 seats or person capacity</u>
<b>Gasoline and Fuel Sales</b>	<u>1 per pump</u>
<b>Lodging</b>	
» 1—20 rooms	<u>1 per room</u>
» 21—40 rooms	<u>1 per 4 rooms</u>
» 41+ rooms	<u>1 per 6 rooms</u>
<b>Office, Admin. Professional or General</b>	<u>1 per 1,000 square feet</u>
<b>Office, Medical</b>	<u>4 per 1,000 square feet</u>
<b>Personal Improvement Service</b>	<u>2.5 per 1,000 square feet</u>
<b>Repair or Laundry Service, Consumer</b>	<u>2.5 per 1,000 square feet</u>
<b>Research Service</b>	<u>1 per 1,000 square feet</u>
<b>Retail Sales</b>	<u>2.5 per 1,000 square feet</u>
<b>Sports and Recreation, Participant</b>	
» Indoor	<u>1 per 4 seats or person capacity</u>
» Outdoor	<u>per 88-420-08</u>
<b>Vehicle Sales and Service</b>	
» Car wash/cleaning service	<u>None</u>
» Heavy equipment sales/rental	<u>1 per 1,000 square feet of office space and covered display area</u>
» Light equipment sales/rental (indoor)	<u>1 per 1,000 square feet of office space and covered display area</u>
» Light equipment sales/rental (outdoor)	<u>1 per 1,000 square feet of office space and covered display area</u>
» Motor vehicle repair, limited	<u>2 per service bay</u>
» Motor vehicle repair, general	<u>2 per service bay</u>
» Vehicle storage/towing	<u>1 per employee</u>
<b>INDUSTRIAL</b>	
<b>Manufacturing, Production and Industrial Service</b>	<u>1 per 4 employees</u>
<b>Recycling Service</b>	<u>1 per 4 employees</u>
<b>Residential Storage Warehouse</b>	<u>3, plus 1 per 75 storage spaces</u>
<b>Warehousing, Wholesaling, Freight Movement</b>	<u>1 per 4 employees</u>
<b>OTHER</b>	
<b>Agriculture, Crop</b>	<u>None</u>

<u>Wireless Communication Facility</u>	<u>None</u>
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**88-620-B. APPLICATIONS TO THE CITY PLAN COMMISSION, THE BOARD OF ZONING ADJUSTMENT, AND ADMINISTRATIVE APPROVALS**

Certain fees are hereby established for the filing of applications to the board of zoning adjustment and the city plan commission as follows:

1. City plan commission:

a. For applications to rezone: \$678.00.

b. Development plan:

1. Residential: \$678.00 plus \$4.00 per dwelling unit, not to exceed \$3,793.00.

2. Nonresidential: \$678.00 plus \$97.00 per acre or fraction thereof, not to exceed \$3,793.00.

c. Project plan:

1. Residential: \$271.00 plus \$4.00 per dwelling unit.

2. Nonresidential: \$271.00 plus \$97.00 per acre or fraction thereof.

d. Major amendments:

1. Residential: \$325.00 plus \$4.00 per dwelling unit, not to exceed \$1,355.00.

2. Nonresidential: \$325.00 plus \$97.00 per acre or fraction thereof, not to exceed \$1,355.00.

e. Urban redevelopment district:

1. \$678.00 plus \$97.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,793.00.

f. Master plan development:

1. \$678.00 plus \$97.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,793.00.

g. For approval of a council approved signage plan: \$271.00.

h. For application for special review district: \$460.00.

i. For text amendments: \$542.00.

- j. For land use plan amendments: \$867.00.
- k. For major street plan amendments: \$433.00.
- l. For applications for appeal from the decision of the director of city planning and development: \$542.00.
- m. For neighborhood rezoning projects and overlay districts: from 0—200 parcels/lots \$2,709.00.  
from 201—500 parcels/lots \$4,876.00.  
from 501+ parcels/lots \$5,960.00.
- n. Vacation of alleys, streets, and plats: \$303.00.
- o. For all other applications: \$651.00.

2. Board of zoning adjustment:

- a. For applications for variances involving the following uses:
  - 1. One- and two-family dwelling and accessory uses: \$271.00.
  - 2. All other uses: \$542.00.
- b. For applications for appeal from the decision of the director of city planning and development: \$542.00.
- c. For applications for rehearing before the board of zoning adjustment: \$271.00.
- d. Certificates of legal nonconformance: For all applications for certificate of legal nonconformance, there shall be a charge of \$136.00 for applications related to one- and two-family residences and \$325.00 for all other applications. For all requests for approval of a change in use for an existing legal nonconforming use pursuant to 88-610 there shall be a charge of \$54.00 for requests related to one- and two-family residences and \$189.00 for all other requests.
- e. For applications for all other requests: \$407.00.
- f. For stay of enforcement: \$433.00.
- g. Special use permits:
  - 1. Ambulance service: \$894.00.

2. Bed & breakfast: \$623.00.
3. Blood/plasma center: \$867.00.
4. Car wash/cleaning service: \$894.00.
5. Cemetery/columbarium/mausoleum: \$894.00.
6. Check-cashing, short-term loan/title loan establishment: \$1,571.00.
7. College/university: \$894.00.
8. Community center: \$407.00.
9. Community supported agriculture: \$105.00.
10. Crematory: \$894.00.
11. Day care (home & family): \$623.00.
12. Day care (11—20 children) (group): \$623.00.
13. Day care center (21+): \$867.00.
14. Day labor employment agency: \$867.00.
15. Demolition debris landfill: \$1,571.00.
16. Detention and correctional facilities: \$1,571.00.
17. Drive-thru facility: \$894.00.
18. Entertainment venue and spectator sports: \$894.00.
19. Entertainment venue and spectator sports: small venue (1—149 capacity): \$487.00.
20. Entertainment venue and spectator sports: medium venue (150—499 capacity): \$894.00.
21. Entertainment venue and spectator sports: large venue (500 + capacity): \$1,571.00.
22. Entertainment venue and spectator sports: outdoor (all sizes): \$1,571.00.
23. Financial services (except check-cashing and pawn shops): \$867.00.

24. Gasoline and fuel sales: \$894.00.
25. Group living: \$623.00.
26. Heavy equipment sales/rental: \$894.00.
27. Historic landmark (reuse of officially designated historic landmark, local or national): \$271.00.
28. Hospital: \$894.00.
29. Hotel/motel: \$894.00.
30. Household living: \$894.00.
31. Junk/salvage yard: \$1,571.00.
32. Library/museum/cultural exhibit: \$407.00.
33. Light equipment sales/rental (indoor): \$894.00.
34. Light equipment sales/rental (outdoor): \$1,571.00.
35. Manufacturing, production, and industrial service - limited: \$1,571.00.
36. Manufacturing, production, and industrial service - general: \$1,571.00.
37. Mining and quarrying: \$1,571.00.
38. Motor vehicle repair limited: \$894.00.
39. Motor vehicle repair general: \$894.00.
40. Neighborhood-serving retail: \$894.00.
41. Nursing homes: \$867.00.
42. Office, administrative, professional or general: \$894.00.
43. Park/recreation: \$487.00.
44. Parking, non-accessory: \$894.00.
45. Pawn shops: \$1,571.00.

46. Recreation vehicle park: \$1,571.00.
47. Recycling service - limited: \$1,571.00.
48. Recycling service - general: \$1,571.00.
49. Religious assembly: \$407.00.
50. Repair or laundry service, consumer: \$894.00.
51. Residential storage warehouse: \$894.00.
52. Safety service (except for police and fire stations \$894.00.
53. School: \$407.00.
54. Signs: \$353.00.
55. Solid waste separation facility: \$1,571.00.
56. Sports and recreation, participant (indoor): \$894.00.
57. Sports and recreation, participant (outdoor): \$1,571.00.
58. Stable: \$867.00.
59. Tavern or nightclub: \$894.00.
60. Transfer station: \$1,571.00.
61. Undertaking: \$894.00.
62. Utilities and services (except basic, minor): \$894.00.
63. Vehicle sales and service: \$894.00.
64. Vehicle storage/towing: \$1,571.00.
65. Warehousing, wholesaling, freight movement—indoor: \$894.00.
66. Warehousing, wholesaling, freight movement—outdoor: \$1,571.00.
67. Waste related use: \$1,571.00.
68. All other uses: \$894.00.

3. Administrative fees:

A. Minor amendment to an approved development plan:

1. Residential: \$244.00 plus \$4.00 per dwelling unit, not to exceed \$678.00.
2. Nonresidential: \$244.00 plus \$97.00 per acre or fraction thereof, not to exceed \$678.00.

B. Administrative adjustment: \$271.00.

C. Administrative approval: \$271.00.

D. For any request for continuance by the applicant: \$136.00.

E. Short term rental:

1. Administrative approval: \$271.00
2. Special use permit: \$623.00
3. First year registration: \$288.00 (if administrative approval or special use permit not required, as those fees include first year registration)
4. Annual renewal of registration: \$183.00
4. The city plan commission and the board of zoning adjustment shall have the authority to waive the fees set out in this subsection in the interests of justice.
5. Transcripts on appeal to circuit court. Transcripts, necessary upon appeal to the circuit court, shall be furnished by the appellant. These may be obtained, upon payment of the current charge, from the reporting service employed by the board of zoning adjustment to take testimony given at the public hearing. The board may waive the transcription costs where it is determined that the appellant is unable to pay the costs. The cost of the transcript will be refunded to the appellant if the appellate court orders such refund upon judgment.
6. The city manager shall have authority annually to adjust the fees listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing the applications fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of processing the applications. The adjustments shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

## **88-805-04 COMMERCIAL USE GROUP**

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories.

### **88-805-04-A. ADULT BUSINESS**

"Adult business" is an inclusive term used to describe collectively: adult cabaret; adult motion picture theatre; adult media store; bathhouse; massage shop; modeling studio; and/or sex shop. This collective term does not describe a specific land use and will not be considered a single use category.

#### **1. ADULT CABARET**

An adult live entertainment facility, or that part of an adult live entertainment facility, that regularly features or otherwise offers to the public, customers or members in a viewing area, any live exhibition, performance or dance by persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appear unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

#### **2. ADULT MEDIA STORE**

An establishment that rents and/or sells adult media and that meets any of the following tests:

- (a) More than 40% of the gross public floor area is devoted to adult media;
- (b) More than 40% of the stock in trade consists of adult media; or
- (c) A media store that advertises or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as an adult business.

#### **3. ADULT MOTION PICTURE THEATER**

A building or portion of a building (including any portion of a building that contains more than 150 square feet) used for presenting motion pictures, movies, videos or other projected images if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if, as a prevailing practice, the movies, videos or other material presented are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

#### **4. BATHHOUSE**

An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state.

#### **5. MASSAGE SHOP**

An establishment that has a fixed place of business having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of, external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity provided that this term does not include any establishment operated by a medical practitioner, professional physical therapist, or massage therapist licensed by the state.

**6. MODELING STUDIO**

Modeling studio means an establishment or business that provides the services of modeling for the purposes of reproducing the human body, wholly or partially in the nude, by means of photography, painting, sketching, drawing, or otherwise.

**7. SEX SHOP**

A business offering goods for sale or rent and that meets any of the following tests:

- (a) It offers for sale items from any two of the following categories: adult media; sexually-oriented toys or novelties; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10% of the stock in trade of the business or occupies more than 10% of the gross public floor area of the business;
- (b) More than 5% of the stock in trade of the business consists of sexually-oriented toys or novelties; or
- (c) More than 5% of the gross public floor area of the business is devoted to the display of sexually oriented adult toys or novelties.

**88-805-04-B. ANIMAL SERVICES**

The following are animal services use types:

**1. SALES AND GROOMING**

Sales and grooming of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons, and pet grooming shops.

**2. SHELTER OR BOARDING KENNEL**

Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, pet resorts/hotels, dog training centers, and animal rescue shelters.

**3. VETERINARY**

Typical uses include pet clinics, dog and cat hospitals, and animal hospitals.

**4. STABLE**

Stables and boarding facilities for horses and similar large animals.

**88-805-04-C. ARTIST WORK OR SALES SPACE**

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the "Libraries and Cultural Exhibits" use category.

**88-805-04-D. BUILDING MAINTENANCE SERVICE**

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance, and window cleaning services. Also includes exterminator services for residential, commercial, or industrial applications.

**88-805-04-E. BUSINESS EQUIPMENT SALES AND SERVICE**

Sales, rental, or repair of office, professional and service equipment and supplies to companies rather than to individuals. Excludes automotive and heavy equipment sales or service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

**88-805-04-F. BUSINESS SUPPORT SERVICE**

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Typical uses include employment agencies and telephone answering services and business or trade schools. Business or trades schools that involve outdoor storage and work areas or manufacturing processes are not considered business support services but rather are to be classified in an Industrial use group category.

**1. DAY LABOR EMPLOYMENT AGENCY**

Any enterprise, other than a labor union or a not-for-profit organization, engaged in procuring or providing persons to perform temporary unskilled work at a site other than the day labor business premises in which (1) the day laborers are paid, by the day labor business or a third party employer, each work day or on the business day following the work day, and (2) persons arrive at the day labor business premises to make application for work as a day laborer, to obtain assignment for day labor, to obtain transportation to a day labor site or to obtain payment of wages or benefits for day labor. For purposes of this definition, "unskilled work" means work involving physical tasks for which the (1) the worker is not required by law to hold a professional or occupational license, or (2) the employer or contractor controlling the site of the work does not require the worker to have (a) a high school diploma or its equivalent, or (b) education beyond high school, or (c) relevant vocational education or (d) demonstrated proficiency with a specified type of machinery to be used in the work, but does not include white collar, secretarial, clerical or professional work.

**88-805-04-G. COMMUNICATIONS SERVICE ESTABLISHMENTS**

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "major utilities and services" and "minor utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers, data centers, and telegraph service offices.

**88-805-04-H. DRIVE-THROUGH FACILITY**

Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle. Also includes "drive-in" businesses and facilities, such as drive-in restaurants and car washes.

**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 50% of the establishment's gross income, pursuant to Chapter 10 of the municipal code.

**2. TAVERN OR NIGHTCLUB**

An establishment that is not a restaurant and that is primarily engaged in the serving of alcohol for consumption on the premises or engaged in allowing the smoking of tobacco or other substances.

**88-805-04-J. ENTERTAINMENT VENUES AND SPECTATOR SPORTS**

Provision of cultural, entertainment, athletic and other events to spectators, such as occurs in theaters, cinemas, auditoriums, fairgrounds, sports stadiums and racetracks. The following are spectator sports and entertainment use types:

**1. SMALL VENUE**

Entertainment and spectator sports establishments with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

**2. MEDIUM VENUE**

Entertainment and spectator sports establishments with a capacity of more than 149 and fewer than 500 persons. Typical uses include theaters and meeting or banquet halls.

**3. LARGE VENUE**

Entertainment and spectator sports establishments with a capacity of 500 persons or more. Typical uses include large theaters, cinemas and meeting or banquet halls.

**4. OUTDOOR VENUE**

Entertainment and spectator sports functions held outdoors. Typical uses include theaters, fairgrounds, sports stadiums, and racetracks.

**88-805-04-K. FINANCIAL SERVICES**

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, mortgage companies, pawnshops, and short-term loan establishments.

**1. BANK**

An establishment that is engaged in the business as a bank or trust company, and is federally chartered or state chartered. "Bank" also includes credit unions that are federally or state chartered, and mortgage companies that provide mortgage loans as a principal part of their operation, with the loans secured by an interest in real property as collateral for the loan.

**2. PAWN SHOP**

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by Chapter 367, RSMo.

**3. SAVINGS AND LOAN ASSOCIATION**

An establishment that is engaged in the business as a savings and loan association and is federally chartered or state chartered.

**4. SHORT-TERM LOAN ESTABLISHMENT**

An establishment which (a) engages in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or (b) is registered as a lender under state or federal law. The classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stores, and car title loan stores.

**88-805-04-L. FOOD AND BEVERAGE RETAIL SALES**

Retail sale of food and beverages for home consumption. Typical uses include groceries and liquor stores.

**88-805-04-M. FUNERAL AND INTERMENT SERVICES**

Provision of services involving the care, preparation, or disposition of human dead. The following are funeral and interment services use types:

**1. CEMETERY/COLUMBIARIUM/MAUSOLEUM**

Land or facilities used for burial of the dead, including pet cemeteries.

**2. CREMATING**

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

**3. UNDERTAKING**

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

**88-805-04-N. GASOLINE AND FUEL SALES**

Uses primarily engaged in retail sales of personal automobile and vehicle fuels, including rapid (level 3) battery charging stations, battery exchange stations and retail electric charging of vehicles.

**88-805-04-O. 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 of not more than 30 days for placement of two or more recreational vehicles, including all buildings used or maintained for the use of the occupants in the recreational vehicle park.

**88-805-04-P. OFFICE**

**1. ADMINISTRATIVE, PROFESSIONAL OR GENERAL OFFICE**

Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include administrative offices, law offices, architectural firms, insurance companies, and government offices.

**2. MEDICAL OFFICE**

Personal health services including prevention, diagnosis and treatment; rehabilitation services provided by physicians, dentists, nurses, and other health personnel; and medical testing and analysis services, including medical marijuana testing facilities. Typical uses include medical and dental offices, health maintenance organizations, blood banks, plasma centers, and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

**88-805-04-Q. PARKING, NON-ACCESSORY**

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

**88-805-04-R. PERSONAL IMPROVEMENT SERVICE**

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, health clubs, yoga or dance studios, driving schools and martial arts studios.

**88-805-04-S. REPAIR OR LAUNDRY SERVICE, CONSUMER**

Provision of repair, dry cleaning, or laundry services to individuals and households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

**88-805-04-T. RESEARCH SERVICE**

An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution, or sale of products. Research services do not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such external impacts are classified as "manufacturing, production, and industrial services."

**88-805-04-U. RESIDENTIAL SUPPORT SERVICES**

Commercial uses provided primarily to serve the needs of residents in large, multi-unit residential buildings. The following are considered residential support services:

1. Restaurants;
2. Financial services, except pawnshops, consumer loan agencies, and payday loan stores;
3. Food and beverage retail sales;
4. Medical office (other than blood/plasma center);
5. Administrative, Professional, or General Offices;
6. Personal improvement service; and
7. Retail sales establishments.

**88-805-04-V. RETAIL SALES**

Businesses involved in the sale, lease, or rent of new or used products or merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores. Also includes medical marijuana dispensary facilities.

**1. OUTDOOR RETAIL SALES - CLASS A**

Outdoor retail sales - class A are permanent uses outside of a completely enclosed building or structure used to display goods for sale to the general public as part of and subordinate to retail sales or similar business establishment. This includes but is not limited to garden supplies, building supplies, and plant materials.

**2. OUTDOOR RETAIL SALES - CLASS B**

Outdoor retail sales - class B are permanent uses where the majority of the retail space is outdoors and items are for sale to the general public. This includes but is not limited to garden nurseries, manufactured home sales, and recreational and play equipment sales.

**88-805-04-W. SPORTS AND RECREATION, PARTICIPANT**

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). Examples include bowling alleys, skating rinks, billiard parlors, driving ranges and miniature golf courses, shooting and archery ranges, batting cages, and go-cart tracks.

**88-805-04-X. VEHICLE SALES AND SERVICE**

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

**1. CAR WASH/CLEANING SERVICE**

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

**2. HEAVY EQUIPMENT SALES/RENTALS**

Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

**3. LIGHT EQUIPMENT SALES/RENTALS**

Sale, retail, wholesale, or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

**4. MOTOR VEHICLE REPAIR, LIMITED**

a. A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.

b. Also included vehicle repair establishments that provide replacement of passenger vehicle parts or repairs that do not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

**5. MOTOR VEHICLE REPAIR, GENERAL**

Any vehicle repair activity other than "minor vehicle repair." Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

**6. VEHICLE STORAGE AND TOWING**

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services; private tow lots; impound yards; parking station for buses; 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.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

..end

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

# COMMUNITY PROJECT/REZONING

220398

## Ordinance Fact Sheet

Case No. CD-CPC-2021-00186

### Brief Title

A request to amend Chapter 88 as part of the 2021 Quarter 4 periodic review.

## Details

<b>Location:</b> City Wide
<b>Reason for Legislation:</b> To amend Chapter 88, through revisions, clarifications, and other administrative changes throughout the chapter in accordance with the Zoning & Development Code periodic review.
<b>PLAN REVIEW</b>
<p><b>1. Artisanal Manufacturing</b></p> <ul style="list-style-type: none"> <li>a. Allows Artisanal Manufacturing by right in all B Districts and D Districts (already permitted in all M Districts) with use standards.</li> <li>b. Requires onsite retail sales in defined special areas regardless of zoning. These areas include Crossroads, Westport, Streetcar, and Downtown Loop and in B1 and B2 Districts.</li> <li>c. Relaxes the building floor area cap in all locations except those zoned B1 and DR.</li> </ul> <p><b>2. Dedicated Pickup Areas</b></p> <ul style="list-style-type: none"> <li>a. Allows dedicated pickup areas by right in association with any permitted principal use.</li> <li>b. Accommodates specific signage needs associated to the use.</li> <li>c. Ensures that pedestrian safety is accounted for.</li> <li>d. Acknowledges that the shift in consumer demand to such services reduces parking demand in the remainder of the principal use's parking lot.</li> </ul> <p><b>3. Appeal Applications</b></p> <ul style="list-style-type: none"> <li>a. Removes a redundancy from the section of the code titled: Appeals of Administrative Decisions – Application Filing.</li> </ul> <p><b>4. Pre-Application Consultations</b></p> <ul style="list-style-type: none"> <li>a. Requires pre-application meetings for all rezoning applications, rather than only requiring a meeting for those that are inconsistent with the area plan.</li> </ul> <p><b>5. Public Engagement Meeting Format</b></p> <ul style="list-style-type: none"> <li>a. Allows public engagement meetings to occur virtually, in-person, or hybrid formats.</li> </ul>

Ordinance Number

## Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	City Wide
<b>Applicants / Proponents</b>	<p><b>Applicant</b></p> <p><b>City Department</b> City Planning &amp; Development <b>Other</b></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</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against</b></p>
<b>Board or Commission Recommendation</b>	<p>City Plan Commission (6-0) 12-07-2021</p> <p>By Beasley, Crowl, Enders, Hill, Rojas, Allender</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
<b>Council Committee Actions</b>	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

**Continued from Page 1****6. Replacement of "Family" with "Household"**

- a. Replaces references to "family" as a way to describe housing, building type, or capacity with "household".

**7. Corrections and Clarifications**

- a. Adds "Venue" to the name of the use "Entertainment and Spectator Sports" to clarify the inclusion of entertainment venues that are not sport-related.
- b. Removes the term "allowed" from a few section titles to maintain formatting consistency.

**CPC RECOMMENDATION**

On April 19, 2022 the CPC recommended approval of CD-CPC-2021-00186 without conditions, and with the following modifications to the standards listed within Section 88-318 (Artisanal Manufacturing):

**88-318-01-C.** The total floor area of the establishment, including production and retail areas, shall not exceed 5,000 square feet in districts B1 and DR without a Special Use Permit, and 20,000 square feet in other districts.

**88-318-01-D.** In Districts B1, B2, DC, DX and DR, at least 10 percent of the product produced onsite shall be offered for onsite retail sales to the public. In such cases, no more than 90 percent of the product produced onsite shall be sold online for offsite consumption or use, or as wholesale.

**88-318-01-E.** When artisan manufacturing is in the Crossroads Area, Downtown Loop, Downtown Streetcar Area, or Westport Area, at least 10 percent of the product produced onsite shall be offered for onsite retail sales to the public, regardless of the zoning. In such cases no more than 90% of the product produced onsite shall be sold online for offsite consumption or use, or as wholesale.

<b>Policy or Program Change</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Operational Impact Assessment</b>		

**Finances****Cost & Revenue Projections –**

	<b>Including Indirect Costs</b>	
	<b>Financial Impact</b>	
	<b>Funding Source(s) and Appropriation Account Codes</b>	

**Fact Sheet Prepared By:**      **Date:** 4-21-2022

Jared Clements  
Planner

**Reviewed By:**                      **Date:**

Joseph Rexwinkle  
Division Manager  
**Reference Numbers:**  
Case No. CD-CPC-2021-00186

**Initial Application Filed:**

**City Plan Commission:** 4-19-2022

**Revised Plans Filed:** N/A



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220403

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### ORDINANCE NO. 220403

Accepting the recommendations of the Tax Increment Financing Commission as to the Southpointe Tax Increment Financing Plan; and approving the Southpointe Tax Increment Financing Plan as modified; and approving additional tax increment financing within the Redevelopment Project and authorizing the Director of Finance to enter into one or more agreements in furtherance of such purpose; and directing the Clerk to send a copy of this ordinance to Jackson County.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, As Amended, passed on August 29, 1991, Ordinance No. 100089, As Amended, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, passed on June 18, 2015, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS the Southpointe Tax Increment Financing Plan (the "Original Redevelopment Plan") was proposed to the Commission; and

WHEREAS, the Commission has been duly constituted and its members appointed; and, after all proper notice was given, the Commission met in public hearing regarding the Original Redevelopment Plan on March 28, 2022, at which time, after receiving the comments of all interested persons and taxing districts, closed said public hearing and approved Resolution No. 3-18-22 and 3-19-22 ("Resolutions") recommending to the City Council acceptance of certain findings related to the Original Redevelopment Plan, the approval of the Original Redevelopment Plan and the designation of the Redevelopment Area described by the Original Redevelopment Plan and the redevelopment project area for the Redevelopment Project described therein ("Redevelopment Project Area"); and

WHEREAS, Resolution No. 3-19-22 stated that the Commission's recommendations to the City Council for the acceptance of certain findings related to the Original Redevelopment Plan, the approval of the Original Redevelopment Plan and the designation of the Redevelopment Project Area, were dependent on staff receiving evidence of the commitment to finance the redevelopment project costs described therein, as contemplated by the Source of Funds described the TIF Plan; and

WHEREAS, at this time, the TIF Commission has not provided certification that it has received final proof of the commitment to finance the redevelopment project costs described

therein, as contemplated by the Source of Funds described the TIF Plan, but such final proof is believed to be forthcoming; and

WHEREAS, subsequent to the Commission's adoption of the Resolutions, certain amendments were made to the Original Redevelopment Plan, including (1) a modification to the description the PIEA Benefits described therein to include an exemption of sales taxes on construction materials, along with an exemption on residential real property taxes within the Redevelopment Area and (ii) additional evidence of private debt and equity commitments (collectively, the "Additional Modifications"); and

WHEREAS, the Additional Modifications do not enlarge the exterior boundaries of the Redevelopment Area, and do not affect the general land uses established in the Original Redevelopment Plan or change the nature of the Redevelopment Project, and notice of such amendments was duly given as required by the TIF Act; and

WHEREAS, the Original Redevelopment Plan, as so amended by the Additional Modifications (the "Redevelopment Plan" or "Plan") provides for the construction of approximately 113,800 square feet of office space over approximately 42,200 square feet of retail space, an approximately 76,200 square foot hotel, with approximately 114 rooms and 114 surface parking spaces, approximately 308,100 gross square feet of residential space and a surface parking lot to support the same (the "Project Improvements"), together with the construction or reconstruction of such other public infrastructure improvements such as signage, signaling, sidewalks, storm drainage facilities, utility relocation and upgrades, curbs, and such other related public infrastructure improvements that support and enhance the Project Improvements (the "Public Improvements"); and

WHEREAS the Redevelopment Area described by the Plan is generally bounded by 59th Street on the north, 63<sup>rd</sup> Street on the south, Bruce R. Watkins Highway on the east and Brooklyn Avenue on the west, all in Jackson County, Kansas City, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Redevelopment Plan as set forth in the Resolutions are hereby accepted and the Redevelopment Plan, including the Additional Modifications, a copy of which is attached hereto, is hereby approved, contingent on City and Commission staff providing sufficient evidence of the commitment to finance the redevelopment project costs described therein, as contemplated by the Source of Funds described the TIF Plan.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Section 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act").

Section 3. That, contingent on City and Commission staff receiving sufficient evidence of the commitment to finance the redevelopment project costs described therein, as contemplated

by the Source of Funds described the TIF Plan, the following described area is hereby designated as a Redevelopment Area:

All that part of the Northwest Quarter of Section 3 and Northeast Quarter of Section 4, Township 48, Range 33, including all that part of Lot 1, Summers Wharf, Lots 1 thru 6, inclusive, and Lots 18 thru 105, inclusive, Beachwood, Lots 1 thru 25, inclusive, Eastlake Addition, Lots 1 thru 22, inclusive, Millers Addition, Lots 69 thru 73, inclusive, Beaufort, and Lots 1 thru 15, inclusive, Jost Plaza, all in Kansas City, Jackson County, Missouri, together with the rights-of-ways of Prospect Avenue, Wabash Avenue, Olive Street, Park Avenue, E. 61st Street and E. 62nd Street, all described as follows:

Beginning at the southerly most southeast corner of said Lot 1, Summers Wharf, said point being on the north right-of-way line of E. 63rd Street, 50 feet north of the centerline thereof; thence North 86°58'41" West (plat: North 86°49'02" West), along the north right-of-way line of said E. 63rd Street and its westerly prolongation, 50 feet north of and parallel with the centerline thereof, 295.91 feet to the west right-of-way line of Wabash Avenue, said point being on the east line of Lot 40 in said Beachwood; thence South 02°15'37" West, along the east line of said Lot 40, 10.00 feet to the north right-of-way line said E. 63rd Street, 30.00 feet north of the south line of the Northeast Quarter of said Section 4; thence North 86°58'41" West, along the north right-of-way line of said E. 63rd Street and its westerly prolongation thereof, 30.00 feet north of and parallel with the south line of said Northeast Quarter, 885.65 feet to the southeast corner of a tract of land for new right-of-way described by Document No. 1990-K-0930339, being the west 5 feet of the south 5 feet of Lot 99 in said Beachwood; thence North 02°15'37" East, parallel with the west line of said Lot 99, 5.00 feet to the northeast corner of said tract of land; thence 86°58'41" West, parallel with the north right-of-way line of said E. 63rd Street, 5.00 feet to the west line of said Lot 99, said point being on the east right-of-way line of Brooklyn Avenue; thence North 02°15'37" East, along said east right-of-way line, 280.05 feet to the northwest corner of Lot 105 in said Beachwood; thence South 86°58'41" East, along the north line of said lot, 137.64 feet to the northeast corner thereof, said point being the southwest corner of Lot 91 in said Beachwood; thence North 02°15'37" East, along the west line of lots 91, 90, 89, 88, 87, 86, and 85 in said Beachwood, 280.04 feet to the northwest corner of said Lot 85, said point being on the south right-of-way line of E. 62nd Street; thence South 86°58'41" East, along said south right-of-way line and its easterly prolongation thereof, 316.34 feet (plat: 316.09 feet) to the northeast corner of Lot 84 in said Beachwood; thence North 01°56'58" East, 50.01 feet to the north right-of-way line of said e. 62nd street, said point being the southwest corner of Lot 15 in said Eastlake Addition; thence North 02°15'30" East, along the west line of Lots 15 thru 25, inclusive, in said Eastlake Addition, 385.00 feet, to the northwest corner of said Lot 25; thence South 86°58'41" East, along the north line of said lot, 146.79 feet to the northeast corner thereof, said point being on the west right-of-way line of Olive Street; thence South 86°58'41" East, 51.15 feet to the east right-of-way line

of said Olive Street, said point being the southwest corner of Lot 3 in said Eastlake Addition; thence in a northerly direction, along the east right-of-way line of said Olive Street, along a curve to the right with an initial tangent bearing of North  $15^{\circ}36'49''$  East, having a radius of 700.00 feet through a central angle of  $014^{\circ}13'02''$ , an arc distance of 173.70 feet (plat: 172.64 feet) to the northwest corner of Lot 1 in said Eastlake Addition; thence South  $87^{\circ}28'08''$  East, along the north line of said lot, 49.50 feet (plat: 50 feet) to the northeast corner thereof, said point being on the west line of Lot 22 in said Millers Addition; thence North  $02^{\circ}15'37''$  East, along the west line of said lot, 16.45 feet to the northwest corner thereof; thence South  $86^{\circ}58'41''$  East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being on the west right-of-way line of Wabash Avenue; thence continuing South  $86^{\circ}58'41''$  East, 50.00 feet to the east right-of-way line of said Wabash Avenue, said point being the northwest corner of Lot 1 in said Millers Addition; thence South  $86^{\circ}58'41''$  East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being 169 feet west of the east line of the Northeast Quarter of said Section 4; thence North  $02^{\circ}15'37''$  East, 169 feet west of and parallel with the east line of said Northeast Quarter, 380.84 feet to the northwest corner of a tract of land described by Document No. 1993-K-1106908; thence South  $87^{\circ}28'09''$  East, along the north line of said tract of land, 129.00 feet to the northeast corner thereof, said point being on the west right-of-way line of Prospect Avenue; thence South  $02^{\circ}15'37''$  West, along said west right-of-way line, 331.87 feet to the westerly prolongation of the north right-of-way line of E. 61st Street; thence South  $86^{\circ}43'02''$  East, along the north right-of-way line of said E. 61st Street, and its westerly prolongation thereof, 280.01 feet to the southeast corner of Lot 74 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40350 in Document No. 2006-E-0030540, said point being on the westerly right-of-way line of Missouri Route 71; thence along the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South  $02^{\circ}15'37''$  West, 150.00 feet to the southeast corner of Lot 73 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40351 in said Document No. 2006-E-0030540, said point being 211.58 feet right of Centerline Sta. 355+55.67; thence South  $02^{\circ}15'37''$  West, 150.00 feet to a point 212.42 feet right of Centerline Sta. 357+07.08; thence South  $07^{\circ}09'08''$  West, 234.50 feet to a point 232.19 feet right of Centerline Sta. 359+41.67, said point being on the south line of Lot 69 in said Beaufort; thence North  $86^{\circ}43'02''$  West, along the south line of said Lot 69 and continuing along the westerly right-of-way line of said Missouri Route 71, 50.00 feet to the northeast corner of the west 10 feet of lot 28 in said Jost Plaza; thence South  $02^{\circ}15'37''$  West, 656.21 feet to the northeast corner of a tract of land for said Missouri Route 71 right-of-way by Document No. 1990-K-0914472; thence along the north line of said tract of land, being the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South  $74^{\circ}14'22''$  West (deed: North  $74^{\circ}08'08''$  East), 45.75 feet; thence South  $82^{\circ}04'12''$  West (deed: North  $81^{\circ}57'58''$  East), 25.50 feet; thence North  $86^{\circ}37'12''$  West (deed: South  $86^{\circ}43'26''$  East), 61.39 feet to the east right-of-way line of Prospect Avenue; thence leaving the westerly right-of-way line of said

Missouri Route 71, North 83°50'28" West, 80.19 feet to the northerly most southeast corner of said Lot 1, Summers Wharf, said point being the intersection of the west right-of-way line of said Prospect Avenue with the north right-of-way line of said E. 63rd Street; thence South 43°01'57" West (plat: South 43°51'23" West), along the north right-of-way line of said E. 63rd Street, 18.54 feet (plat: 18.46 feet) to the point of beginning, containing 31.897 acres, more or less.

Section 4. That in accordance with the recommendations of the Commission as set forth in the Resolutions, the Council hereby finds that:

- (a) The Redevelopment Area as a whole is a blighted area, as defined by the Act. A Blight Study undertaken by Belke Appraisal & Consulting Services, Inc., attached as Exhibit 11 to the Redevelopment Plan, provides evidence that defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivisions or obsolete platting, endanger by fire of other causes and the existence of conditions which endanger life by fire or other causes and is detrimental to the public health, safety, morals, or welfare are present in the Redevelopment Area;
- (b) The Redevelopment Area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan;
- (c) The Redevelopment Plan conforms with the City's current comprehensive plan (FOCUS Plan) and the Swope Area Plan. The Redevelopment Area and Redevelopment Project Areas shall be subject to the applicable provisions of the City's Zoning Ordinance as well as other codes and ordinances as may be amended from time to time;
- (d) The area selected for the Redevelopment Projects includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Project Improvements;
- (e) The estimated date of completion of the Project Improvements within the areas described by the Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area;
- (f) A plan has been developed for relocation assistance for businesses and residences;
- (g) A cost-benefit analysis showing the impact of the Redevelopment Plan on each taxing district at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act; and

(h) The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

Section 5. That, , contingent on City and Commission staff receiving sufficient evidence of the commitment to finance the redevelopment project costs described therein, as contemplated by the Source of Funds described the TIF Plan, the Commission is authorized to issue obligations in one or more series of bonds secured by the Southpointe Account of the Special Allocation Fund to finance Redevelopment Project Costs identified by the Redevelopment Plan and subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and take all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan pursuant to the power delegated to it by the Council. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 and 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 6. That pursuant to the provisions of the Redevelopment Plan, the City Council approves the pledge of economic activity taxes and payments in lieu of taxes generated from the Redevelopment Projects that are deposited into the Southpointe Account of the Special Association Fund to the payment of Redevelopment Project Costs identified by the Redevelopment Plan and authorizes the Commission to pledge such funds on its behalf, contingent on City and Commission staff receiving sufficient evidence of the commitment to finance the redevelopment project costs described therein, as contemplated by the Source of Funds described the TIF Plan.

Section 7. That the City Council hereby agrees to provide additional funding for payment of Certified Costs identified by the TIF Plan, by committing, subject to annual appropriation and subject to actual collection, in addition to the revenues available under the TIF Act, a defined portion of certain tax revenues realized by the City and generated in the Redevelopment Area that are not otherwise captured by the TIF Act as more particularly described in the Redevelopment Plan (the “Additional City EATS”), in an amount not to exceed \$17,534,804 payable over a period not to exceed twenty-three (23) years, contingent on City and Commission staff receiving sufficient evidence of the commitment to finance the redevelopment project costs described therein, as contemplated by the Source of Funds described the TIF Plan..

Section 8. That the Director of Finance is authorized to enter into a Financing Agreement with the Commission for the purposes of contributing Additional City EATS to the Commission for the payment of certified redevelopment project costs identified by the Redevelopment Plan, contingent on City and Commission staff receiving sufficient evidence of the commitment to finance the redevelopment project costs described therein, as contemplated by the Source of Funds described the TIF Plan. The Financing Agreement is approved in substantial form to that which is attached hereto.

Section 9. That the City, pursuant to Resolution No. 210850, hereby waives the financial return analysis required by Section 2, Paragraph B, Second Committee Substitute for Ordinance No. 160383, As Amended, or any AdvanceKC related process or procedure with respect to its approval of the Redevelopment Plan, its contribution of the Additional City EATS, and its execution and delivery of the Financing Agreement.

Section 10. That the City Clerk shall send a copy of this ordinance to the County Clerk and County Executive of Jackson County, Missouri.

..end

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

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Emalea Black  
Assistant City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220403**



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220233

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### ORDINANCE NO. 220233

Amending Section 68-449, Code of Ordinances, to provide parameters for the amendment of contracts for Central City Economic Development Sales Tax funds without City Council approval.

*WHEREAS, Ordinance No. 160861 put before the voters the question of enacting an economic development sales tax devoted to projects located within the area bounded by 9th Street on the north, Gregory Boulevard on the south, The Paseo on the west, and Indiana Avenue on the east; and*

*WHEREAS, in a Special Election called on April 4, 2017, the voters of the City of Kansas City, Missouri approved Question 4 allowing the City of Kansas City to impose a sales tax of 1/8 percent to be used for funding economic development projects within the above defined area; and*

*WHEREAS, upon the voters' approval of Question 4, the imposition of this sales tax and the establishment of a Central City Economic Development ("CCED") Sales Tax Board responsible for analyzing and considering project proposals for the use of CCED sales tax revenues and providing the Council with its recommendations regarding which projects to fund with CCED sales tax revenues were codified in Section 68-449, Code of Ordinances; and*

*WHEREAS, Section 68-449, Code of Ordinances was amended in 2019 by Ordinance. No. 190738; and*

*WHEREAS, the Council recognizes the need for contracts for the use of CCED sales tax funds to be flexible with an efficient process, while still ensuring accountability and appropriate use of funds, and wishes to set standards for the amending of contracts without city council approval; NOW, THEREFORE,*

***BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:***

*Section 1. That Section 68-449, Code of Ordinances, is hereby amended by repealing Section 68-449 and enacting a new subsection, to read as follows:*

**Sec. 68-449. Imposition of tax (Central City Economic Development Sales Tax 2017)**

(a) *Sales tax enacted.* Pursuant to the authority granted by and subject to the provisions

of section 67.1305, RSMo, a tax for the benefit of the city is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 – 144.525 RSMo, and the rules and regulations of the director of revenue issued pursuant thereto. The rate of the tax shall be 1/8 percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the city, if such property and such services are subject to taxation by the state under the provisions of section 144.010 – 144.525 RSMo. The tax shall become effective October 1, 2017, for a period of 10 years and shall apply to all sales made after September 30, 2017, and shall be collected as provided in section 67.1305, RSMo.

(b) *Use of sales tax - geographic limitations.* The sales tax authorized pursuant to this section shall be used for projects located in the area bounded by 9th Street on the north; Gregory Boulevard on the south; The Paseo on the west; and Indiana Avenue on the east.

(c) *Economic development tax board.* A five member economic development tax board shall be established with City representatives appointed by the Mayor and approved by the City Council pursuant to section 67.1305, RSMo. prior to the expenditure of any revenue received pursuant to this sales tax for the purpose of:

- (1) considering economic development plans, economic development projects, or designations of an economic development area;
- (2) holding public hearings and providing notice of any such hearings;
- (3) recommending to the City Council actions concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area;
- (4) considering, as to each proposed project, the following criteria: (i) effect on the City's long-term strategic plans for the impacted community, (ii) economic impact, including impact on the tax base, (iii) compliance with the City's existing zoning and area plan, (iv) relevant demographic data, including, but not limited to, the current population and expected population growth or decline in the impacted community, (v) current neighborhood stabilization and potential disruption of the neighborhood and (vi) environmental impacts; and
- (5) performing other duties established by the City Council.

(d) *Exclusion of revenues.* When imposed within a special taxing district this economic development sales tax shall be excluded from the calculation of revenues available to such districts, and no revenues from this sales tax shall be used for the purposes of any such special taxing district unless recommended by the economic development tax board and approved by the governing body imposing the tax. A special taxing district includes, but is not limited to a tax increment financing district, neighborhood improvement district, or community improvement district.

(e) *Debt retirement.* No revenues generated from the sales tax authorized pursuant to this section shall be expended for the retirement of debt under previously authorized bonded indebtedness or to repay bonds not yet issued unless such expenditures are expressly authorized by ordinance or resolution adopted by the City Council. The appropriation of funds to the Central City Economic Development Sales Tax Fund shall not be deemed sufficient for purposes of granting the authorization required herein.

(f) *Assistance of strategic long-term planner.* Without utilization of revenues from this sales tax, the economic development tax board shall be provided an experienced long-term strategic planner to assist it in carrying out its responsibilities. In addition to other assigned responsibilities, the strategic long-term planner shall assist the economic development tax board with analyzing all of the criteria listed above in Subsection 68-449(c)(4), as well as with the preparation of a chronological timeline of activities related to the assessment of proposed projects, an evaluation presented in an easily understood format compiling relevant data regarding each proposed project's impacts on population growth or decline, economic impact, economic impact on the tax base, a detailed listing of the individual and business organizations working on the proposed project and a detailed compilation of resources related to the proposed project and any cross benefits to be derived from the proposed project.

(g) *Amendment of contracts.* Any contract entered into upon authorization by city council for use of revenues of this sales tax may subsequently be amended by written agreement signed by the director of housing and community development without further city council authorization, provided that the amendment has been considered and recommended by the economic development tax board, does not alter the amount of this sales tax contributed under the contract by more than ten percent, and does not substantively change the development project. The city council may by ordinance modify the threshold for amendment without council approval.

..end

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Approved as to form and legality:

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Emalea Black  
Assistant City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220233**



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220327

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### ORDINANCE NO. 220327

Rezoning an area of about 32 acres generally located on the north side of E. 63<sup>rd</sup> Street on both sides of Prospect Avenue and bordered by E. 61<sup>st</sup> Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west from Districts B4-2, B3-2, R-2.5 and R-5 to District UR. (CD-CPC-2021-00211)

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A-1323, rezoning an area of approximately 32 acres generally located on the north side of E. 63rd Street on both sides of Prospect Avenue and bordered by E. 61<sup>st</sup> Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west, from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment), which also serves as a preliminary plat to allow for mixed use development that includes multifamily residential, office and retail/ commercial, said section to read as follows:

Section 88-20A-1323. That an area legally described as:

All that part of the Northwest Quarter of Section 3 and Northeast Quarter of Section 4, Township 48, Range 33, including all that part of Lot 1, Summers Wharf, Lots 1 thru 6, inclusive, and Lots 18 thru 105, inclusive, Beachwood, Lots 1 thru 25, inclusive, Eastlake Addition, Lots 1 thru 22, inclusive, Millers Addition, Lots 69 thru 73, inclusive, Beaufort, and Lots 1 thru 15, inclusive, Jost Plaza, all in Kansas City, Jackson County, Missouri, together with the rights-of-ways of Prospect Avenue, Wabash Avenue, Olive Street, Park Avenue, E. 61st Street and E. 62nd Street, all described as follows:

Beginning at the southerly most southeast corner of said Lot 1, Summers Wharf, said point being on the north right-of-way line of E. 63rd Street, 50 feet north of the centerline thereof; thence North 86°58'41" West (plat: North 86°49'02" West), along the north right-of-way line of said E. 63rd Street and its westerly prolongation, 50 feet north of and parallel with the centerline thereof, 295.91 feet to the west right-of-way line of Wabash Avenue, said point being on the east line of lot 40 in said Beachwood; thence South 02°15'37" West, along the east line of said Lot 40, 10.00 feet to the north right-of-way line said E. 63rd street, 30.00 feet north of the south line of the Northeast Quarter of said Section 4; thence North

86°58'41" West, along the north right-of-way line of said E. 63rd Street and its westerly prolongation thereof, 30.00 feet north of and parallel with the south line of said Northeast Quarter, 885.65 feet to the southeast corner of a tract of land for new right-of-way described by Document No. 1990-K-0930339, being the west 5 feet of the south 5 feet of Lot 99 in said Beachwood; thence north 02°15'37" East, parallel with the west line of said Lot 99, 5.00 feet to the northeast corner of said tract of land; thence North 86°58'41" West, parallel with the north right-of-way line of said E. 63rd Street, 5.00 feet to the west line of said Lot 99, said point being on the east right-of-way line of Brooklyn Avenue; thence North 02°15'37" East, along said east right-of-way line, 280.05 feet to the northwest corner of Lot 105 in said Beachwood; thence South 86°58'41" East, along the north line of said lot, 137.64 feet to the northeast corner thereof, said point being the southwest corner of Lot 91 in said Beachwood; thence North 02°15'37" East, along the west line of Lots 91, 90, 89, 88, 87, 86, and 85 in said Beachwood, 280.04 feet to the northwest corner of said Lot 85, said point being on the south right-of-way line of E. 62nd Street; thence South 86°58'41" East, along said south right-of-way line and its easterly prolongation thereof, 316.34 feet (plat: 316.09 feet) to the northeast corner of Lot 84 in said Beachwood; thence North 01°56'58" East, 50.01 feet to the north right-of-way line of said E. 62nd Street, said point being the southwest corner of Lot 15 in said Eastlake Addition; thence North 02°15'30" East, along the west line of lots 15 thru 25, inclusive, in said Eastlake Addition, 385.00 feet, to the northwest corner of said Lot 25; thence South 86°58'41" East, along the north line of said lot, 146.79 feet to the northeast corner thereof, said point being on the west right-of-way line of olive street; thence South 86°58'41" East, 51.15 feet to the east right-of-way line of said Olive Street, said point being the southwest corner of Lot 3 in said Eastlake Addition; thence in a northerly direction, along the east right-of-way line of said Olive Street, along a curve to the right with an initial tangent bearing of North 15°36'49" East, having a radius of 700.00 feet through a central angle of 014°13'02", an arc distance of 173.70 feet (plat: 172.64 feet) to the northwest corner of Lot 1 in said Eastlake Addition; thence South 87°28'08" East, along the north line of said lot, 49.50 feet (plat: 50 feet) to the northeast corner thereof, said point being on the west line of Lot 22 in said Millers Addition; thence North 02°15'37" East, along the west line of said lot, 16.45 feet to the northwest corner thereof; thence South 86°58'41" East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being on the west right-of-way line of Wabash Avenue; thence continuing South 86°58'41" East, 50.00 feet to the east right-of-way line of said Wabash Avenue, said point being the northwest corner of Lot 1 in said Millers Addition; thence South 86°58'41" East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being 169 feet west of the east line of the Northeast Quarter of said Section 4; thence North 02°15'37" East, 169 feet west of and parallel with the east line of said Northeast Quarter, 380.84 feet to the northwest corner of a tract of land described by Document No. 1993-K-1106908; thence South 87°28'09" East, along the north line of said tract of land, 129.00 feet to the northeast corner thereof, said point being on the west right-of-way line of Prospect Avenue; thence South 02°15'37" West, along said west right-of-way

line, 331.87 feet to the westerly prolongation of the north right-of-way line of E. 61st Street; thence South 86°43'02" East, along the north right-of-way line of said E. 61st Street, and its westerly prolongation thereof, 280.01 feet to the southeast corner of Lot 74 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40350 in Document No. 2006-E-0030540, said point being on the westerly right-of-way line of Missouri Route 71; thence along the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South 02°15'37" West, 150.00 feet to the southeast corner of Lot 73 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40351 in said Document No. 2006-E-0030540, said point being 211.58 feet right of Centerline Sta. 355+55.67; thence South 02°15'37" West, 150.00 feet to a point 212.42 feet right of Centerline Sta. 357+07.08; thence South 07°09'08" West, 234.50 feet to a point 232.19 feet right of Centerline Sta. 359+41.67, said point being on the south line of Lot 69 in said Beaufort; thence North 86°43'02" West, along the south line of said Lot 69 and continuing along the westerly right-of-way line of said Missouri Route 71, 50.00 feet to the northeast corner of the west 10 feet of Lot 28 in said Jost Plaza; thence South 02°15'37" West, 656.21 feet to the northeast corner of a tract of land for said Missouri Route 71 right-of-way by Document No. 1990-K-0914472; thence along the north line of said tract of land, being the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South 74°14'22" West (deed: North 74°08'08" East), 45.75 feet; thence South 82°04'12" West (deed: North 81°57'58" East), 25.50 feet; thence North 86°37'12" West (deed: South 86°43'26" East), 61.39 feet to the east right-of-way line of Prospect Avenue; thence leaving the westerly right-of-way line of said Missouri Route 71, North 83°50'28" West, 80.19 feet to the northerly most southeast corner of said Lot 1, Summers Wharf, said point being the intersection of the west right-of-way line of said Prospect Avenue with the north right-of-way line of said E. 63rd Street; thence South 43°01'57" West (plat: South 43°51'23" West), along the north right-of-way line of said E. 63rd Street, 18.54 feet (plat: 18.46 feet) to the point of beginning, containing 31.897 acres, more or less.

And the vacant lot prt NE 1/4 NE 1/4 Sec 4 48 33 including prt vac Wabash Ave beg on s li 60 St 129 ft w of w li Prospect Ave th s 125 ft th w to sly prolg Wabash Ave th n 125 ft th e to beg also beg on s li 60 St 258 ft w of w li of Prospect Ave th s 125 ft th e 129 ft th s 450.23 ft th w 179 ft th n to pt 125 ft s of 60 St th e to sly prolg of w li of Wabash Ave th n 125 ft to 60th St th e to beg also beg sw cor 60th St & Prospect Ave th w alg s li of 60th St 308.0 ft th s 200 ft to tpob th s 375.57 ft th e to tpob also beg 1227.15 ft s & 169 ft w of ne cor sd sec th s 35 ft th w 308 ft th n 51.08 ft th e 129 ft th s 16.08 ft th e to beg also beg 200 ft s of se cor of 60<sup>th</sup> St & Olive St th e 129 ft th s 425 ft th w 129 ft th n 425 ft to beg exc prt in Wabash Ave also exc prt in 61st St. Containing 5.135 acres, more or less.

is hereby rezoned from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban

Redevelopment), all as shown outlined on a map marked Section 88-20A-1323, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
2. The developer shall submit a design guideline for the proposed development per staff approval prior to ordinance request. The design guidelines shall incorporate the Heart of the City design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials. Staff recommends that the guidelines call for four-sided architecture for buildings E, I, J and K. See sample uploaded in Compass. If there are no design guidelines, the developer shall submit a project plan in lieu of a final UR plan to the City Plan Commission for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) and building elevations prior to issuance of a building permit.
3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
4. The developer shall apply for a street naming plan prior to issuance of any building permit if streets are to be vacated.
5. The developer shall design and construct all interior streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
6. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the

sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

7. The arterial improvements proposed on the development plans must be reviewed and accepted by the Transportation Development Committee and the Impact Fee District Committee before an application for impact fee credits will be accepted.
8. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
9. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
10. The developer must grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
11. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
12. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
13. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.

14. The developer shall dedicate additional right-of-way for Prospect Avenue as required by the adopted Major Street Plan along those areas being platted or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
15. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
16. Please note that any proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by Public Works staff during the plan review process.
17. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
18. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
19. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
20. The developer shall provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
21. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5-inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA

standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.

22. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
23. The developer shall show the limits of the 100-year floodplain plus the 1-foot freeboard on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
24. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
25. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
26. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri
27. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
28. The developer shall dedicate additional right-of-way for 63rd Street as required by the adopted Major Street Plan along those areas being platted or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
29. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
30. Fire hydrant distribution shall follow IFC-2018, Table C102.1.
31. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018§ 501.4 and 3312.1; NFPA -2013 § 8.7.2)

32. Fire Department connection buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
33. The building's Fire Department Connection shall be immediately recognizable from the street or nearest point of Fire Department access. (IFC-2018 § 912.2.1).
34. All Fire Department Connections (FDC) shall be threaded connections, Storz connections are not allowed in the City of Kansas City, Missouri. (IFC-2018 § 903.3.6; NFPA 13-2010 § 6.8.1).
35. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
36. Access aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
37. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way
38. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. If dedicating private open space, said areas must be platted into private open space tracts. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to a certificate of occupancy.
39. The developer indicates 5 tracts totaling 3.45 acres are to be platted as private open space tracts to satisfy the parkland dedication requirements of 88-408. The developer shall submit a final UR plan via the City Planning and Development Management detailing each private open space tract reserved for parkland dedication detailing amenities to be provided within each tract. The final plan shall be submitted and approved by the Parks and Recreation/City Planning staff prior to recording final plat.
40. The developer shall construct a westbound right turn lane with 150 feet of storage plus taper on 63rd Street at Prospect Avenue, prior to a certificate of occupancy.
41. The developer shall construct an additional left turn only lane with 170 feet of storage plus taper on the southbound US-71 exit ramp at Prospect Avenue, prior

to a certificate of occupancy.

42. The layout and design of Prospect Avenue will need further review prior to construction.
43. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
44. An engineer will need to perform a water flow and pressure analysis in the area of the development. This analysis will need to confirm the adequacy of the water distribution system for the new fire and domestic demands. If the existing system is inadequate the developer will be required to make all improvements necessary to deliver adequate flows and pressures.
45. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.
46. The developer shall provide a soils analysis showing the soil is asbestos free, before any underground work is started for the Kansas City Water Services Department.
47. The developer shall provide a utility plan showing and labeling the water mains including designating size, type, as well as public or private. Show and label existing and proposed easements, domestic and fire service lines, kills, meters, and backflow preventers.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

..end

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case No. CD-CPC-2021-00211

### Brief Title

### Approval Deadline

To consider rezoning about 32 acres from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment).

### Details

<p><b>Specific Address</b> Generally at on the north side of E. 63rd Street on both sides of Prospect Avenue.</p> <p><b>Reason for Legislation</b> To consider rezoning about 32 acres from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment), which also serves as a preliminary to allow for mixed use development that includes multifamily residential, office and retail/ commercial on about 32 acres generally located at on the north side of E. 63rd Street on both sides of Prospect Avenue.</p> <p><b>Discussion</b> <b>SEE ATTACHED STAFF REPORT.</b></p>
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Ordinance Number

### Positions/Recommendations

<p><b>Sponsor</b> Jeffrey Williams, AICP, Director Department of City Planning and Development</p>
<p><b>Programs, Departments, or Groups Affected</b> 5th District (Barnes, Jr. &amp; Parks-Shaw)</p>
<p><b>Applicants / Proponents</b> <b>Applicant</b> Anthony Brown McClure Engineering  <b>City Department</b> City Development <b>Other</b></p>
<p><b>Opponents</b> <b>Groups or Individuals</b>  <b>Basis of opposition</b></p>
<p><b>Staff Recommendation</b> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b></p>
<p><b>Board or Commission Recommendation</b> City Plan Commission (5-0) 3-15-2021 By Aye: (Allender, Beasley, Crowl, Enders, and Hill) <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken  <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
<p><b>Council Committee Actions</b> <input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass</p>

**Details**

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**Policy/Program Impact**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Fund Source (s) and Appropriation Account Codes</b>	

**Fact Sheet Prepared By:**

Olofu O. Agbaji  
Staff Planner

Date: 4-11-2022

Initial application filed: 11-14-2021  
Revised Plans Received: 02-23-2022

**Reviewed by:**

Joseph Rexwinkle, AICP, Division Manager  
Development Management

Date:

**Reference Numbers**



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220353

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### ORDINANCE NO. 220353

Amending Chapter 18, Article II, Code of Ordinances, by repealing Section 18-40 entitled "Adoption of International Building Code (2018); amendments" and enacting in lieu thereof a new section of like number and subject matter that requires a school obtaining a building permit to upgrade any existing play area to the current requirements of ICC ANSI A117.1- 2009 section 1108 for accessibility.

WHEREAS, this ordinance will provide children with disabilities the opportunities needed for activity and inclusion, helping them to gain mobility and freedom and achieve independence and self-esteem in order to attain a better quality of life; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18, Article II, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 18-40 and enacting, in lieu thereof, a new section of like number and subject matter, to read as follows:

## CHAPTER 18

### ARTICLE II. BUILDING CODE

#### **Sec. 18-40. Adoption of *International Building Code (2018); amendments*.**

The *International Building Code (2018)*, promulgated by the International Code Council, is adopted and incorporated in this article by reference as if fully set forth, except as it is amended by the following provisions of this section. Provisions of this article are in addition to the provisions of the *International Building Code*. The following provisions coinciding with provisions of the *International Building Code* supersede, or delete, when indicated, the corresponding provisions of the *International Building Code*:

All references within the model codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code specifically adopted by reference in Articles II through XIV of this chapter.

**Chapter 1, Scope and Administration**, is deleted. See Article I of this chapter.

**202 DEFINITIONS.** The following definition has been revised (remainder of Section 202 unamended):

**Historic Buildings.** Any building or structure that is one or more of the following:

1. Listed by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register, state designated or locally designated historic district.

The following subsection found in the referenced model code is amended as follows:

**308.2.4 Five or fewer persons receiving custodial care.** A facility such as listed in section 308.2 with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the International Residential Code.

The following subsection found in the referenced model code is amended as follows:

**308.3.2 Five or fewer persons receiving medical care.** A facility such as listed in section 308.3 with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the International Residential Code.

The following subsection found in the referenced model code is amended as follows:

**310.3.1 Short Term Rental units.** Residential occupancies of occupancy classification R-2, where a maximum of 25% of the units in a building are Short Term Rental units, shall be permitted to be considered primarily non-transient in nature.

The following subsection found in the referenced model code is amended as follows:

**310.4.1 Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

The following subsection found in the referenced model code is amended as follows:

**310.4.2 Lodging houses.** Owner-occupied *lodging houses* (in which the owner lives in common with the guests) with five or fewer *guest rooms* and 10 or fewer total occupants shall be permitted to be constructed in accordance with the *International Residential Code*.

The following section is added to the referenced model code:

**SECTION 429**  
**PROHIBITED MATERIALS**

**429.1 General.** Building materials containing nickel-zinc ferrite or other similar materials are prohibited in the construction of buildings and other structures if the use of such materials has the effect of blocking wireless public safety communication transmissions.

**Exception:** Materials essential to the structural or fire resistive integrity of the building or structure or as required in medical facilities.

The following section is added to the referenced model code:

## **SECTION 430 PHYSICAL SECURITY FOR DWELLING UNITS**

**430.1 Purpose.** The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

**430.1.1 Scope.** This section shall apply to all exterior doors providing direct access into a dwelling unit, where the exterior door is accessible from grade.

**Exceptions:**

1. Vehicle access doors.
2. Storm or screen doors.

**430.2 Doors.** Doors shall comply with Sections 430.2.1 through 430.2.3.

**430.2.1 Wood doors.** Wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum nominal thickness of one and three-fourths inches (1 3/4") at any point.

**Exception:** Solid wood panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

**430.2.2 Steel doors.** Steel doors shall be a minimum nominal thickness of one and three-fourths inches (1 3/4") and shall have a minimal skin thickness of 24 gauge.

**430.2.3 Fiberglass doors.** Fiberglass doors shall be a minimum nominal thickness of one and three-fourths inches (1 3/4") and shall have a minimum skin thickness of one-sixteenth inch (1/16").

**430.3 Door frames.** Door frames shall comply with Sections 430.3.1 through 430.3.4 and shall be installed in accordance with the manufacturer's installation instructions. Door frames shall be installed prior to rough-in inspection.

**430.3.1 Wall framing at door openings.** Door frames shall be set in openings constructed with double studs on each side. Doors with sidelights shall have double stud construction on each side of the door and on each side of the sidelight(s). Horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces on each side of the door opening.

**Exception:** Installations provided with alternative reinforcing methods as approved by the building official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

**430.3.2 Wood frames.** Door jambs shall be a minimum nominal thickness of three fourths inches ( $\frac{3}{4}$ ") and shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of solid wood blocking.

**Exception:** Installations provided with alternative reinforcing methods as approved by the building official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

**430.3.3 Steel frames.** Steel door frames shall be constructed of 18 gauge or heavier steel with reinforcement at the hinges and strikes. Steel frames shall be anchored to the wall in accordance with manufacturer specifications.

**430.3.4 Sliding doors.** Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior. Shims or screws shall be installed in the upper track of doors that slide on the bottom track or doors shall be provided with equivalent protection as approved by the building official.

**430.4 Door hardware.** Door hardware shall comply with Sections 430.4.1 through 430.4.7.

**430.4.1 Hinges.** Hinges for swinging doors shall comply with the following:

- A. A minimum of three (3) four inch (4") hinges shall be installed on each swinging door.
- B. Each hinge shall be attached to the frame with at least two (2) screws, not less than three inches (3") in length and penetrating at least one inch (1") into the nearest stud. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.

**Exception:** Installations provided with alternative reinforcing methods as approved by the building official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

- C. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

**430.4.2 Locks.** Swinging doors shall be provided with a single-cylinder deadbolt locking device (keyed on exterior only) with a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2-1/4") in length. The bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

**Exception:** Doors with integral multi-point locking devices.

**430.4.3 Strike plates.** The deadbolt strike plate shall be a minimum of 18 gauge metal with four offset screw holes. The strike plate shall be attached to the door jamb with four screws not less than three inches (3") in length, and penetrating at least one inch (1") into the nearest stud.

**Exception:** Installations provided with alternative reinforcing methods as approved by the building official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

**430.4.4 Door edge protector.** A metal L-shaped or U-shaped door edge protector shall be installed around the bolt projection of the deadbolt to protect the door's edge.

**430.4.5 Double doors.** The inactive leaf of a double swinging door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the door frame.

**430.4.6 Sliding doors.** All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin, a surface mounted bolt assembly, or other equivalent device as approved by the building official. Where used, metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface.

**430.5 Entry vision and glazing.** All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view not less than 180 degrees or through windows or view ports.

**430.6 Exterior Lighting.** In addition to the lighting outlet requirements of Article IV of this chapter, exterior lighting shall be provided in accordance with this section.

**430.6.1 Front and street side exterior lighting.** All doors shall be protected with a minimum of one lighting outlet providing a minimum of 60 watt lighting (or energy efficient equivalent).

**430.6.2 Lighting protection.** Lighting outlets required by this section shall be located a minimum of eight feet (8') above grade or adjacent walking surface accessible from grade, or shall be of a type manufactured such that the light bulb is not readily accessible.

The following subsection is added to the referenced model code:

**503.1, Exception.** A building addition separated from the existing building by a fire wall complying with Section 706 may be considered to be a different building for additional purposes under this code.

The following subsection is added to the referenced model code:

**503.1.4, Exception 3. Toilet rooms on occupied roofs.** One or a pair of single-user toilet rooms located on an occupied roof shall be permitted without being considered as an additional story, additional building height, or additional floor area, for determination of the required type of construction. The toilet rooms shall comply with all other applicable requirements.

The following subsection is added to the referenced model code:

**903.2.8, Exception.** An automatic sprinkler system is not required in a detached single family dwelling, a detached two-family dwelling (duplex), or in an attached single-family dwelling (townhouse), where under the scope of this Article.

A builder of a detached one- or two-family dwelling or townhouse shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. The purchaser shall have the right to choose or decline to install a fire sprinkler system. This notification requirement is provided in accordance with, and shall expire in conjunction with, Missouri Statute (RSMO 67.281).

The following subsection found in the referenced model code is amended as follows:

**903.3.1.1.1, Exempt Locations, Item 2.** Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official and the building code official.

The following subsection found in the referenced model code is amended as follows:

**1004.9 Posting of occupant load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit-access doorway from the room or space, for the intended configurations. Posted signs shall be of an approved legible permanent design and shall bear the following: the signature of the building official, the number of occupants permitted for each room use, the occupancy group of the space, and the year of the code in effect at time of approval. Posted signs shall be maintained by the owner or authorized agent.

**Exception:** The approved occupant load sign may be located behind a decorative openable panel in the room or space or may be located in the building manager's office

whenever access to the approved sign is readily available 24 hours per day and the occupant load is otherwise posted in the room as required in this section, along with directions for locating the approved sign.

**1106 Parking and Passenger Loading Facilities** is deleted. See Code of Ordinances Chapter 88 for accessible parking requirements.

The following subsection is added to the referenced model code:

**1109.2.1.8 Universal Changing Station.** Family or assisted-use toilet and bathing rooms shall include a universal changing station for the assistance of persons with disabilities. The changing station area must be equipped with a height-adjustable changing table suitable for use for an adult or a child. The table shall be:

- a) of minimum dimension 24 inches in width by 70 inches in length;
- b) adjustable to allow lowering to a height no greater than 8 inches, and raising to a height no less than 34", above finished floor elevation; and,
- c) capable of supporting a minimum of 350 pounds.

**Exception:** Where a building is provided with more than one family or assisted-use toilet and bathing room, only one such room shall require a Universal Changing Station.

Where this exception is utilized, signage shall be provided at all such rooms indicating the location of the Universal Changing Station.

**1110.4.13.1 Existing Play Areas at Schools.** A school obtaining a building permit shall upgrade existing play areas to conform with the requirements of ICC ANSI A117.1-2009 section 1108 for play area accessibility. If such play area upgrades will exceed ten percent (10%) of the value of the building permit work, then the school is only required to spend ten percent (10%) of the value of the building permit work toward play area upgrades.

**1111.1 Signage, Item 1, 2 and 3** is deleted. See Code of Ordinances Chapter 88 for accessible parking signage requirements.

The following section found in the referenced model code is amended as follows:

## **SECTION 1612 FLOOD LOADS**

See Code of Ordinances, **Chapter 28 – Floodplain Management**.

The following subsection is added to the referenced model code:

**1809.5.1 Frost Line.** The design frost line shall be 36 inches (915mm).

The following table found in the referenced model code is amended as follows:

**Table 2902.1 Minimum Number of Required Plumbing Fixtures** – Add footnote g to column “DRINKING FOUNTAINS” as follows:

g. Where restaurants or other businesses serving take-out food or drinks provide drinking water in a container free of charge, drinking fountains shall not be required in those restaurants or those other businesses serving take-out food or drinks. In other occupancies where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

The following subsection found in the referenced model code is amended as follows:

**3001.3 Referenced standards.** Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to Article IX of this code.

The following exception is added to the referenced model code:

**3005.2 Exception:** For machinery located inside the hoistway, an engineering assessment shall be allowed to prove that the main building ventilation systems will provide adequate hoistway temperature and humidity control while the building is in use. If the elevator is required to be on standby power, the ventilation system shall also be on standby power in accordance with Section 3003.1.4.

**3109 Swimming Pools, Spas and Hot Tubs** is deleted. See Code of Ordinances Chapter 34.

The following subsection is added to the referenced model code:

**3201.1.1 Encroachment.** No part of any structure or any appendage thereto shall project beyond the property line of a building site and encroach below, on or above public property, except where authorized by an encroachment permit, or specifically allowed without a permit, in accordance with Article I, Section 18-25.

The following subsection is added to the referenced model code:

**3201.1.2 Existing encroachments.** Parts of existing buildings and structures which already lawfully project beyond the street lot line or building line may be maintained as constructed until their removal is directed by the building official.

The following section found in the referenced model code is amended as follows:

**SECTION 3303  
DEMOLITION.**

**3303.1 General.** The work of demolition or moving of any building shall not commence until the structures required for protection of persons and property are in place. Such structures shall conform to the requirements as set forth in chapter 33 of this article.

The building official may require the permittee to submit plans and a complete schedule for demolition or moving work.

**3303.2 Scope.** In addition to the other requirements of this article and the general ordinances, this section shall govern the demolition and moving of buildings and structures. Any device or equipment such as scaffolds, ladders, derricks, hoists or similar items used in connection with demolition shall be constructed, installed and maintained and operated in accordance with the regulations governing the construction, installation, maintenance and operation of such device or equipment as specified in other portions of this article.

**3303.3 Loads.** Structures or parts of structures, or any floor or temporary support, scaffold, sidewalk barricade, bridge, device or equipment, shall not be loaded in excess of the safe carrying capacity.

**3303.4 Warning signs.** When required, demolition jobs shall be provided with danger signs, which shall be conspicuously posted around the property.

**3303.5 Lights.** Between sunset and sunrise, adequate lights shall be provided to properly protect persons and property from hazards of pits, excavations, fences, barriers, equipment, building materials or rubbish in, upon or near a sidewalk or street. All walkways shall be provided with lights as follows:

**3303.5.1** Amber lights, with capacity of at least 100 watts, on the street side of the walkway at both ends and near the corner.

**3303.5.2** Other lighting consisting of 60-watt lights spaced every ten feet along the walkway.

**3303.6 Dust.** All material to be removed shall be wet sufficiently to lay the dust incidental to its removal.

**3303.7 Rubbish and waste.** All adjacent streets, alleys and other public ways and places shall be kept free and clear of all rubbish, refuse and loose material resulting from the moving, demolition or demolition operations.

**3303.8 Fences.** The building official may require that a fence be constructed on or around any demolition site, when deemed necessary to protect the public.

**3303.9 Methods of demolition.**

**3303.9.1 General.** Except for the cutting of holes in floors for chutes and holes through which to drop materials, preparation of storage space and other necessary preparatory work, demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward, and each story or exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of walls and floors in the story next below. This requirement shall not prohibit the

demolition of a structure in sections if positive means are taken to prevent injury to person or damage to property. The use of other methods may be permitted when approved in advance by the building official.

**3303.9.2 Protection of openings.** All floor openings and shafts not used for material chutes shall be floored over or enclosed with guardrails and toe boards.

**3303.9.3 Stairs and ladders.** All stairs and ladders shall be maintained in a safe condition, and at least one stairway shall be accessible as each floor is demolished.

**3303.10 Removal of materials.**

**3303.10.1 Through chutes.** Materials shall not be dropped by gravity to any point lying outside the exterior walls of the building except through enclosed wood or metal chutes.

**Exception:** Where the distance from the property line or sidewalk is equal to or greater than the height of the demolition work, materials may be dropped to the ground, provided dust control is maintained in accordance with the provisions of other portions of this chapter.

**3303.10.2 Through floor openings.** If debris is dropped through holes in the floor without the use of chutes, the total area of the hole cut in any intermediate floor (one which lies between the floor that is being demolished and the storage floor) shall not exceed 25 percent of such floor area.

**3303.11 Condition of site.** Upon completion of the removal of the building, structure or utility, all fencing, pedestrian protection and demolition debris and refuse of any kind shall be removed from the site. Excavations, basements or cellars shall be filled with inorganic material; provided, however, the top one foot of fill shall be clean earth. The filling of such excavation may not be required when a building permit has been issued for a new building on a site and the construction thereof is to start within 60 days after the completion of demolition or moving operations. The holder of the building permit shall provide such excavation with a temporary barricade protecting the excavation on all sides as specified for safety by the director of city planning and development. Temporary barricades may remain in position for a time not exceeding five days, after which a solid barricade shall be provided or the excavation filled.

The following subsection is added to the referenced model code:

**3307.2 Temporary Erosion and Sediment Control.** Erosion and sediment control measures shall be provided for disturbed areas (clearing, grading, excavating, filling, storing, or disposing of soil and earth materials) greater than 300 square feet, where an application has been submitted or an application is required to be submitted to the building official for a building permit or grading permit. Erosion and sediment control measures shall comply with the adopted standards by the director of public works. Measures that fail to provide erosion and sediment control to the adopted standards by the director of public works shall be considered not in compliance with this

manual. All control measures shall remain in place and maintained until the site has been stabilized and the measures are no longer necessary.

**Chapter 35 Referenced Standards.** The following standards are amended as noted. (All other referenced standards remain unamended.)

ASME A17.1 See Article IX of this chapter.

ASME A18.1 See Article IX of this chapter.

**Appendices:** The following appendix chapters are hereby adopted:

**Appendix C - Group U - Agricultural Buildings.**

**Appendix H – Signs**, as amended by Article X of this chapter.

**Appendix J – Grading.**

**J103, Permits Required** is deleted. See Article I of this chapter.

**J105, Inspections** is deleted. See Article I of this chapter.

..end

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Approved as to form and legality:

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Eluard Alegre  
Associate City Attorney

# GENERAL

## Ordinance Fact Sheet

220353

Ordinance Number

**Brief Title:** Accessible School Play Areas

**Approval Deadline:**

**Reason:** To provide an additional amenity for persons with disabilities

### Details

#### Reason for Legislation

To amend the Kansas City Building & Rehabilitation Code (KCBRC), Code of Ordinances Chapter 18, to require existing school play areas to be upgraded to current accessibility standards when a building permit is obtained for work at the school.

#### Discussion (including relationship to other Council actions)

This ordinance would require that any existing school play area be upgraded to the current adopted Accessibility Code (ICC A117.1-2009) whenever a building permit is obtained for any building work at the school.

However, if such play area upgrades will exceed ten percent (10%) of the value of the building permit work, the cost of Play Area improvements need not exceed ten percent (10%) of the cost of the school building permit value to not cause small projects to be made cost prohibitive.

### Positions / Recommendations

**Sponsor(s)** Councilperson Heather Hall

**Programs, Departments, or Groups Affected**  
Citywide Development Community Customers; Department of City Planning & Development

**Applicants/Proponents**

**Applicant**

**City Department**

**Other**

**Opponents**

**Groups or Individuals**

**Basis of Opposition**

**Staff Recommendation**

**For**  
**Against**  
**Reasons Against:**

**Board or Commission Recommendation**

**For**  
**Against**  
**No Action Taken**  
**For, with revisions or conditions**

**Council Committee Action**

**Do Pass**  
**Do Pass (as amended)**  
**Committee Substitute**  
**No Recommendation**  
**Hold**  
**Do Not Pass**

### Details

### Policy / Program Impact

	Policy or Program Change	No Yes
	Operational Impact Assessment	
	<b>Finances</b>	
	Cost and Revenue Projections	Cost of Legislation  Increase/Decrease in Revenue Expected Annually
	<b>Fund Sources</b>	

**Applicable Dates:**

**Fact Sheet Prepared By:**

Jeffrey Lee, P.E., MCP., Building Official

**Reviewed By:**

**Reference Numbers**



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220371

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### ORDINANCE NO. 220371

Vacating an alley generally located north of W. 40th Street in between State Line Road to the west and Bell Street to the east, to allow for the construction of a new apartment building; and directing the City Clerk to record certain documents. (CD-ROW-2021-00037)

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

*Section 1. That the Council of Kansas City does hereby find and declare that on the 28th day of February, 2022, a petition was filed with the City Clerk of Kansas City by Taliaferro & Browne, Inc., for the vacation of all of the east-west alley located north of 40th Street and south of 39th Street, between Stateline Road and Bell Street, being part of Block 9, Mellier Place, a subdivision in Kansas City, Jackson County Missouri, described as follows. Beginning at the southwest corner of Lot 10 of said Block 9; thence South 87°15'49" East, along the south line of Lot 10 and Lot 15, said Block 9, 247.87 feet, to the southeast corner of said Lot 15; thence South 02°42'56" West, 15.00 feet to the northeast corner of Lot 14, said Block 9; thence North 87°15'49" West, along the north line of Lot 14, Lot 13, Lot 12 and Lot 11, said Block 9, 247.21 feet, to the northwest corner of said Lot 11; thence North 00°12'19" East, 15.01 feet, to the point of beginning, containing 3,713 square feet, giving the distinct description of the alley to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said alley has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.*

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That all of the east-west alley located north of 40th Street and south of 39th Street, between Stateline Road and Bell Street, being part of Block 9, Mellier Place, a subdivision in Kansas City, Jackson County Missouri, described as follows. Beginning at the southwest corner of Lot 10 of said Block 9; thence South  $87^{\circ}15'49''$  East, along the south line of Lot 10 and Lot 15, said Block 9, 247.87 feet, to the southeast corner of said Lot 15; thence South  $02^{\circ}42'56''$  West, 15.00 feet to the northeast corner of Lot 14, said Block 9; thence North  $87^{\circ}15'49''$  West, along the north line of Lot 14, Lot 13, Lot 12 and Lot 11, said Block 9, 247.21 feet, to the northwest corner of said Lot 11; thence North  $00^{\circ}12'19''$  East, 15.01 feet, to the point of beginning, containing 3,713 square feet, be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works, subject to the following conditions:

1. The developer shall retain utility easement and protect facilities for the Charter.
2. The developer shall retain utility easement and protect facilities for Evergy.
3. AT&T has a cable crossing the alley being vacated. The applicant must either omit that portion of the alley where AT&T's facilities are located from the vacation request or relocate AT&T's facilities at applicant's expense.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.

..end

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

Approved by the City Plan Commission

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Secretary

STATE OF MISSOURI )  
                         ) ss.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_ to me known to be the City Clerk of Kansas City, Missouri, in the above and foregoing ordinance mentioned, and acknowledged the said ordinance to be the act and deed of said Kansas City, duly passed by the Council of said City, and became effective as herein stated.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri, the day and year first above written.

My term expires \_\_\_\_\_, 20\_\_\_\_.

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Notary Public within and for  
County, Missouri

IN RECORDER'S OFFICE

STATE OF MISSOURI )  
                         ) ss.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, Recorder of Deeds within and for the County aforesaid, do hereby certify that the foregoing instrument of writing was on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ minutes M., duly filed for record in this office, and with certificate of acknowledgment thereon endorsed, is recorded in the records of this office in Book \_\_\_\_\_, at page \_\_\_\_\_.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

\_\_\_\_\_  
Recorder

By \_\_\_\_\_  
Deputy

# COMMUNITY PROJECT/REZONING

220371

## Ordinance Fact Sheet

Case No. CD-ROW-2021-00037

### Brief Title

Vacating an alley generally located north of W. 40th Street in between State Line Road to the west and Bell Street to the east, to allow for the construction of a new apartment building.

### Details

**Location:** Generally located north of W. 40th Street in between State Line Road to the west and Bell Street to the east

**Reason for Legislation:** Vacations of right-of-ways require City Council approval.

**See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.**

### SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- None.

### CITY PLAN COMMISSION RECOMMENDATION:

Approval Subject to Conditions

1. The developer shall retain utility easement and protect facilities for the Charter.
2. KCMO Public Works Department has facilities or interests within the right-of-way but has no objects to the proposed vacation.
3. The developer shall retain utility easement and protect facilities for Evergy.
4. ATT has a cable crossing the alley being vacated. ATT would need that section not included in the vacation request. ATT can relocate the cable at the partitioner's expense.

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments, or Groups Affected</b>	4 <sup>th</sup> District (Shields, Bunch)
<b>Applicants / Proponents</b>	<p><b>Applicant</b> Christian Hinton Helix Architecture + Design 1629 Walnut St Kansas City, MO 64108</p> <p><b>City Department</b> City Planning &amp; Development</p> <p><b>Other</b></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</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against –</b></p> <p>City Plan Commission (5-0) 03-15-2022 By Nay: Allender, Beasley, Crowl, Enders, Hill</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
<b>Council Committee Actions</b>	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p>

	<input type="checkbox"/>	Do not pass
<b>Policy or Program Change</b>	<input type="checkbox"/>	Yes
<b>Operational Impact Assessment</b>	<input type="checkbox"/>	No

### Finances

<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Funding Source(s) and</b>	

	<b>Appropriation Account Codes</b>	
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<b>Fact Sheet Prepared By:</b> Ahnna Nanoski, AICP Lead Planner	<b>Date:</b> 03-18-2022	<b>Initial Application Filed:</b> 10-08-2021 <b>City Plan Commission Action:</b> 03-15-2022 <b>Revised Plans Filed:</b> NA
<b>Reviewed By:</b> Joe Rexwinkle, AICP Division Manager Development Management	<b>Date:</b>	<b>Total Days in City Review:</b> 49 <b>Total Days in Applicant's Hand:</b> 110
<b>Reference Numbers:</b> Case No. CD-ROW-2021-00037		



# Kansas City

414 E. 12th Street  
Kansas City, MO  
64106

## Legislation Text

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**File #:** 220378

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### ORDINANCE NO. 220378

Approving a development plan that will also serve as a preliminary plat in Districts M1-5 to allow for 2.46 million square feet of office, commercial and warehouse development on 12 lots and 2 tracts on approximately 245 acres of land generally located at the northeast corner of Missouri Route 150 and Botts Road. (CD-CPC-2021-00109)

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan that will also serve as a preliminary plat in District M1-5 (Manufacturing 1 (dash 5)) on approximately 245 acres of land generally located at the northeast corner of Missouri Route 150 and Botts Road, and more specifically described as follows:

A tract of land in the Southwest Quarter and Southeast Quarter of Section 26 Township 47 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092 as follows: Commencing at the southwest corner of said Southwest Quarter; thence North 03°40'55" East, along the west line of said Southwest Quarter, 1100.00 feet; thence South 86°19'05" East, 20.00 feet to the point of beginning of the tract of land to be herein described, said point being on the easterly right of way line of Botts Road as established by Book 15 at page 314; thence North 03°40'55" East, along said easterly right of way line, 1398.94 feet to a point on the easterly right of way line of Botts Road as established by Document No. 2010E0079591 and Document No. 2010E0079590; thence northerly along said easterly right of way line along a curve to the left having an initial tangent bearing of North 15°51'43" East with a radius of 1132.00 feet, a central angle of 06°32'21" and an arc distance of 129.19 feet; thence North 03°40'55" East, along said easterly right of way line 42.22 feet to a point on the north line of said Southwest Quarter; thence South 86°10'11" East, along the north line of said Southwest Quarter, 1277.11 feet to the northeast corner of the west half of the Southwest Quarter of said Section 26; thence South 86°10'11" East, along the north line of said Southwest Quarter, 1,317.16 feet; thence South 86°14'19" East, along the north line of said Southeast Quarter, 1,513.97 feet to the west right-of-way line of the Kansas City Southern Railroad; thence on said westerly right-of-way line, southerly along a curve to the right having an initial tangent bearing of South 09°24'54" East with a radius of 5,679.65 feet, a central angle of 13°02'23" and an arc distance of 1,292.60 feet; thence South 03°37'29" West, 641.82 feet to the northeast corner of Lot 2,

Hawthorne Park, a subdivision recorded in said Jackson County; thence South 03°36'31" West, along the east line of said lot 2, 350.00 feet to the southeast corner of said Lot 2; thence North 86°24'09" West, along the south line of said Lot 2, 386.86 feet to the southwest corner of said Lot 2; thence continuing North 86°24'09" West along the westerly extension of said south lot line, 80.00 feet to the northeast corner of Lot 4, said Hawthorne Park; thence South 03°36'31" West, along the east line of said Lot 4, 335.00 feet; thence southwesterly along said easterly lot line, along a curve to the right being tangent to the last described course with a radius of 15.00 feet, a central angle of 89°59'20" and an arc distance of 23.56 feet; thence North 86°24'09" West, along the south line of said Lot 4, 335.00 feet to the southwest corner of said Lot 4; thence North 86°24'09" West, along the northerly right of way line of Missouri State Highway No. 150 as now established, 645.15 feet; thence North 82°52'54" West, along said northerly right of way line, 536.05 feet to a point on the northerly right-of-way line of said Missouri State Highway No. 150, as described in Document No. 2011E0002515; thence along said northerly right of way line the following eight (8) calls, North 79°23'17" West, 156.03 feet; thence north 03°35'13" east, 80.57 feet; thence North 86°24'47" West, 121.39 feet; thence South 03°35'13" West, 65.62 feet; thence North 86°24'47" West, 164.04 feet; thence South 72°38'43" West, 175.64 feet; thence North 86°15'01" West, 164.04 feet; thence North 80°08'18" West, 211.33 feet to a point on the west line of the east half of the southwest half of said Section 26, said point also being on the northerly right of way line of Missouri State Highway No. 150 as established by Document No. 2011E0002515, Document No. 1999K0065426 and Document No. 1999K0040664; thence North 80°10'54" West, along said northerly right of way line, 118.72 feet; thence North 82°58'42" West, along said northerly right of way line, 164.34 feet; thence South 82°16'36" West, along said northerly right of way line, 15.03 feet to a point on the northerly right of way line of said Missouri State Highway No. 150 as established by Document No. 2010E0079591 and Document No. 2010E0079590; thence North 67°46'01" West, along said northerly right of way line, 677.56 feet; thence North 62°18'19" West, along said northerly right of way line, 271.28 feet; thence North 01°46'47" East, along the easterly right of way line of said Botts Road as established by said Document No. 2010E0079591 and Document No. 2010E0079590, 177.50 feet; thence North 13°34'46" West, along said easterly right of way line, 201.59 feet; thence North 86°19'05" West, along said easterly right of way line, 39.28 feet; thence North 03°40'55" East, along the easterly right of way line of said Botts Road as established by Document No. B-572006, in Book B-5948 at page 282, 324.90 feet; thence North 86°19'05" West, along said easterly right of way line, 10.00 feet to the point of beginning. Containing 10,693,088 square feet or 245.48 acres, more or less.

is hereby approved, subject to the following conditions:

1. Overall parking along Missouri Route 150 shall be properly screened with a significant berm. Extend screening and berthing along the west side of Colorado

Avenue north of Missouri Route 150 to ensure that the truck parking is properly screened.

2. The developer shall submit a preliminary stream buffer plan in accordance with the requirements of Section 88-415, including information regarding the floodplain limits for the property and all of the regulated streams present on the property.
3. The developer shall revise the preliminary plat drawing to remove any proposed easements shown inside the City's right-of-way for the proposed east-west roadway. Any existing easements will need to be subordinated prior to recording of the plat.
4. The developer shall show and label the public and private water mains and fire hydrants. Label the sizes of the water mains. Show and label public street right-of-way and water main easements. Submit plans at 1"=100' maximum scale.

Please label and show size of the public and private water mains, fire hydrants, domestic water service lines and fire service lines. Please show location of fire hydrants (both public and private) existing and proposed, located every 300 feet or less. Please label/name all street by name or proposed name, please label private drives. The drawings show fire lines (wtrf) in public right-of-way and water mains (wtrm) in private right-of-way) and no domestic lines (wtrd) are shown entering any building. Some fire lines (wtrf) are not shown entering the buildings. Please update plan sheets to show proper water services to all buildings.

5. The developer shall secure approval of a project plan from the City Plan Commission for each building or phase prior to issuance of a building permit.
6. The design guidelines shall incorporate the Martin City Area Plan design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials.
7. Prior to issuance of a final certificate of occupancy for each applicable building or phase, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
8. The developer shall grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.

9. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
10. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.
11. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
12. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
13. The developer shall obtain City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
14. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
15. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
16. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
17. The developer shall provide an erosion hazard analysis for areas where any improvements or public right-of-way dedications are proposed within stream buffer zones or adjacent to the outside of stream meanders as required by the Water Services Department.

18. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
19. The developer shall show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
20. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
21. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with Section 88-415 requirements.
22. The developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
23. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
24. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.
25. If planned construction activities encroach into any designated floodplain, the developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.

26. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
27. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
28. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2)
29. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
30. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
31. Required Fire Department access roads are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
32. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
33. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access. (IFC-2018: § D104.2).
34. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2018: § D104.3)
35. Prior to a certificate of occupancy for any building in the north phase of construction, the developer shall construct a southbound left turn lane with at least 140 feet of storage on Botts Road at the North NNSA access road.
36. Prior to a certificate of occupancy for any building in the south phase of construction, the developer shall construct a southbound left turn lane with at least 140 feet of storage and 100 feet of taper on Botts Road at the South NNSA access road.
37. Prior to a certificate of occupancy for any building in the south phase of construction, the developer shall construct a northbound right turn lane with at least 90 feet of storage and 100 feet of taper on Botts Road at the South NNSA access road.

38. Prior to certificate of occupancy for any building in the south phase of construction, the developer shall construct traffic signals at the intersection of Botts Road and the South NNSA access road.
39. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
40. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
41. The developer must submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section B. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

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I hereby certify that as required by Chapter 80, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220378**