

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150544

Amending Chapter 88, the Zoning and Development Code, to add restrictions and standards for uses located adjacent to and within 150 feet of parks, boulevards and parkways.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Sections 88-110-03-G, 88-120-03-G, 88-130-04-G, 88-140-03-G, 88-310-02, 88-325, 88-331, 88-335, 88-340, and 88-375 and Tables 110-1, 120-1, 130-1 and 140-1 of Chapter 88, Zoning and Development code, are hereby repealed and new sections of like number and title are hereby enacted, and that Sections 88-323, 88-425-05-D, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165 are hereby enacted, to add restrictions and standards for uses located adjacent to and within 150 feet of parks, boulevards and parkways, said new sections to read as follows:

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.



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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 110-1 RESIDENTIAL DISTRICTS USE TABLE

Table 110-1 Residential Districts Use Table										
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT									Use Standards
Use Category » specific use type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.5	R-0.3	
RESIDENTIAL										
Household Living	P	P	P	P	P	P	P	P	P	88-110-06-C & 88-323
Group Living (except as noted below)	-	-	-	-	-	-	S	S	S	88-350
» Group homes	-	-	-	-	-	-	P	P	P	88-350
» Nursing home	S	S	S	S	S	S	P	P	P	88-350

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Table 110-1 Residential Districts Use Table										
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT									Use Standards
Use Category » specific use type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.5	R-0.3	
PUBLIC / CIVIC										
Bicycle-Sharing Facilities	P	P	P	P	P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	-	-	-	-	-	-	P	P	P	
College/University	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Day Care										
» Home-based (1-5)	P	P	P	P	P	P	P	P	P	
» Family (up to 10)	P	P	P	P	P	P	P	P	P	88-330-01
» Group (up to 20)	S	S	S	S	S	S	P	P	P	88-330-02
» Center (21+)	P	-	-	-	-	-	-	-	-	88-330-02
Detention and Correctional Facilities	S[1]	-	-	-	-	-	-	-	-	88-335
Halfway House	S	-	-	-	-	-	-	-	-	88-352
Hospital	-	-	-	-	-	-	-	S	S	
Library/Museum/Cultural Exhibit	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	88-365
Park/Recreation	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
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Safety Service (except as noted below)	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
School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S	S	S	S	S	S	S	S	
» Basic, minor	P	P	P	P	P	P	P	P	P	88-425-08-B
COMMERCIAL										
Animal Service										
» Shelter or boarding	P	-	-	-	-	-	-	-	-	88-315
» Stable	P	-	-	-	-	-	-	-	-	88-315
» Veterinary Office	P	-	-	-	-	-	-	-	-	
Entertainment and Spectator Sports	S	-	-	-	-	-	-	-	-	
Funeral and Interment Service										
» 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	

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Table 110-1 Residential Districts Use Table										
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT									Use Standards
Use Category » specific use type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.5	R-0.3	
Lodging										
» Bed and breakfast	S	-	-	-	S	S	S	S	S	88-320
» Recreational vehicle park	S[1]	-	-	-	-	-	-	-	-	
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	88-360
Office, Administrative, Professional or General	-	-	-	-	-	-	S	S	S	
Reuse of officially designated historic landmark (local or national)	S	S	S	S	S	S	S	S	S	
Sports and Recreation, Participant	S	-	-	-	-	-	-	-	-	
INDUSTRIAL										
Mining and Quarrying	S[2]	-	-	-	-	-	-	-	-	
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	
» Composting facility	S[1]	-	-	-	-	-	-	-	-	88-328
» Demolition debris landfill	S[1]	-	-	-	-	-	-	-	-	88-380
OTHER										
Agriculture, Crop	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-312-01
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	*Chapter 14
Agricultural, Urban										
» Home Garden	P	P	P	P	P	P	P	P	P	88-312-02-A
» Community Garden	P	P	P	P	P	P	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA) Farm	P	S	S	S	S	S	S	S	S	88-312-02-C
ACCESSORY SERVICES										
Wireless Communication Facility										
» Freestanding	P[1]	-	-	-	-	-	-	-	-	88-385
» Co-located antenna	P	P	P	P	P	P	P	P	P	88-385

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.

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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.



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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 120-1 OFFICE, BUSINESS, AND COMMERCIAL DISTRICTS USE TABLE

Table 120-1 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	
RESIDENTIAL						
Household Living						
» In single-purpose residential building	–	P	P	P	P	88-323
» In mixed-use building	P	P	P	P	P	
Group Living	P	P	P	P	P	
PUBLIC/CIVIC						
Bicycle Sharing Facilities	P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	P	P	
College/University	P	P	P	P	P	
Day Care						
» Home-based (1–5)	P	P	P	P	P	
» Family (up to 10)	P	P	P	P	P	
» Group (up to 20)	P	P	P	P	P	
» Center (21+)	P	P	P	P	P	
Hospital	S	P	P	P	P	
Library/Museum/Cultural Exhibit	P	P	P	P	P	
Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Service						
» Fire station	P	P	P	P	P	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P	
School	P	P	P	P	P	
Utilities and Services (except as noted below)						
» Basic, minor	P	P	P	P	P	88-425-08-B

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Table 120-1 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	
COMMERCIAL						
Adult Business						
» Adult media store	-	-	P[1]	P[1]	P[1]	88-310-03
» Adult motion picture theater	-	-	-	P[1]	P[1]	88-310-02
» Sex shop	-	-	-	P[1]	P[1]	88-310-02
Animal Service						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P	88-315
» Veterinary	-	-	P	P	P	88-315
» Stable	-	-	-	-	S	88-315
Artist Work or Sales Space	-	P	P	P	P	
Building Maintenance Service	-	-	-	P	P	
Business Equipment Sales and Service	-	-	P	P	P	
Business Support Service (except as noted below)	-	-	P	P	P	
» Day labor employment agency	-	-	-	-	S[1]	88-331
Communications Service Establishments	P	-	P	P	P	
Drive-Through Facility	-	-	P[2]	P[2]	P[2]	88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
Entertainment and Spectator Sports						
» Indoor small venue (1-149 capacity)	-	-	P	P	P	
» Indoor medium venue (150-499 capacity)	-	-	S	P	P	
» Indoor large venue (500+ capacity)	-	-	-	S	P	
» Outdoor (all sizes)	-	-	-	S	P	
Financial Services (except as noted below)	S	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1]	88-325
» Pawn shop	-	-	S[1]	S[1]	P[1]	
Food and Beverage Retail Sales	-	P	P	P	P	
Funeral and Interment Service						
» Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
» Cremating	-	S	S	S	S	88-345-02
» Undertaking	-	S	P	P	P	88-345
Gasoline and Fuel Sales	-	S[3]	S[3]	S[3]	P[3]	88-323

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Table 120-1 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	
Lodging						
» Bed and Breakfast	-	P	P	P	P	
» Hotel/motel	-	-	-	P[2]	P[2]	88-323
» Recreational vehicle park	-	-	-	S[1]	S[1]	
Office, Administrative, Professional or General						
Office, Medical	P	P	P	P	P	
» Blood/plasma center	-	-	-	S	S	
Parking, Accessory						
Parking, Accessory	P	P	P	P	P	88-323
Parking, Non-accessory						
Parking, Non-accessory	-	-	S[1]	P[1]	P[1]	
Personal Improvement Service						
Repair or Laundry Service, Consumer	-	P	P	P	P	
Research Service						
Research Service	P	P	P	P	P	
Retail Sales						
Retail Sales	-	P	P	P	P	
Reuse of officially designated historic landmark (local or national)						
Reuse of officially designated historic landmark (local or national)	P/S	P/S	P/S	P/S	P/S	
Sports and Recreation, Participant						
» Indoor	-	P	P	P	P	
» Outdoor	-	-	-	P	P	
Vehicle Sales and Service (except as noted below)						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2]	88-323
» Motor vehicle repair, general	-	-	-	S[2]	P[2]	88-323
» Vehicle storage/towing	-	-	-	-	P[1]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	-	-	-	P	
» Artisanal Food and Beverage Manufacturing	-	-	-	S	P	88-318
» Catering Establishments	-	-	-	S	P	88-318
» Limited	-	-	-	-	S	
» General	-	-	-	-	S[2]	88-323

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Table 120-1 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	
» Intensive	-	-	-	-	-	
Outdoor Display						
» Class A	P	P	P	P	P	88-435-02
» Class B	-	-	-	P	P	88-435-02
Outdoor Storage						
» Principal	-	-	-	-	-	
» Accessory	-	-	-	-	P[1]	88-425-09
Recycling Service						
» Limited	-	-	-	-	S[1]	
Residential Storage Warehouse	-	-	-	-	P[2]	88-323
Warehousing, Wholesaling, Freight Movement						
» Indoor	-	-	-	-	P[2]	88-323
» Outdoor	-	-	-	-	-	
AGRICULTURAL						
Agriculture, Crop	P	P	P	P	P	88-312-01
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	*Chapter 14
Agriculture, Urban						
» Home Garden	P	P	P	P	P	88-312-02-A
» Community Garden	P	P	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA) Farm	P	P	P	P	P	88-312-02-C
ACCESSORY SERVICES						
Wireless Communication Facility						
» Freestanding	-	-	P[1]	P[1]	P[1]	88-385
» Co-located antenna	P	P	P	P	P	88-385

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.

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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.



SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150544

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

Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standard
Use Category » specific use type	DC	DX	DR	
RESIDENTIAL				
Household Living				
» In single-purpose residential building	P	P	P	88-323
» In mixed-use building	P	P	P	
Group Living	S	S	S	
PUBLIC/CIVIC				
Bicycle Sharing Facilities	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	
College/University	P	P	P	
Day Care				
» 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	
Hospital	S	S	S	
Library/Museum/Cultural Exhibit	P	P	P	
Park/Recreation (except as noted below)	P	P	P	
» Community center	P	P	P/S	88-365
Religious Assembly	P	P	P	
Safety Service				
» Fire station	P	P	P	88-365
» Police station	P	P	P	88-365
» Ambulance service	P	P	P	88-365
School	P	P	P/S	88-365
Utilities and Services (except as noted below)				
» Basic, minor	P	P	P	88-425-08-B

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Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standard
Use Category » specific use type	DC	DX	DR	
COMMERCIAL				
Adult Business				
» Adult media store	P[1]	P[1]	-	88-310-03
» Adult motion picture theater	P[1]	P[1]	-	88-310-02
» Sex shop	P[1]	P[1]	-	88-310-02
Animal Service				
» Sales and grooming	P	P	S	88-315
» Shelter or boarding	P	P	-	88-315
» Veterinary	P	P	S	88-315
» Stable	-	S	-	88-315
Artist Work or Sales Space	P	P	P	
Building Maintenance Service	P	P	-	
Business Equipment Sales and Service	P	P	-	
Business Support Service (except as noted below)	P	P	-	
» Day labor employment agency	-	S[1]	-	
Communications Service Establishments	P	P	-	
Drive-Through Facility	S[2]	S[2]	-	88-338 & 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	
» Tavern or nightclub	P	P	S	
Entertainment and Spectator Sports				
» 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	
Financial Services (except as noted below)				
» Short-term loan establishment	-	P[1]	-	88-325
» Pawn shop	-	S[1]	-	
Food and Beverage Retail Sales	P	P	P	
Funeral and Interment Service				
» Cemetery/columbarium/mausoleum	-	-	-	
» Cremating	-	-	-	
» Undertaking	P[2]	P[2]	-	88-345
Gasoline and Fuel Sales	S[3]	S[3]	-	88-323
Lodging				

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Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standard
Use Category » specific use type	DC	DX	DR	
» Bed and Breakfast	P	P	P	
» Hotel/motel	P[2]	P[2]	S[2]	88-323
Office, Administrative, Professional or General	P	P	P	
Office, Medical	P	P	P	
» Blood/plasma center	S	S	-	
Parking, Accessory	P	P	P	88-323
Parking, Non-accessory	S[1]	S[1]	S[1]	
Personal Improvement Service	P	P	P	
Repair or Laundry Service, Consumer	P	P	S	
Research Service	P	P	S	
Retail Sales	P	P	P	
Reuse of Officially Designated Historic Landmark (local or national)	P	P	P	
Sports and Recreation, Participant				
» Indoor	P	P	S	
» Outdoor	S	S	S	
Vehicle Sales and Service (except as noted below)	S	S	-	
» Car wash/cleaning service	S[1]	S[1]	-	
» Heavy equipment sales/rental	-	S[1]	-	
» Light equipment sales/rental (indoor)	S[2]	S[2]	-	88-323
» Light equipment sales/rental (outdoor)	S[1]	S[1]	-	
» Motor vehicle repair, limited	S[2]	S[2]	-	88-323
» Motor vehicle repair, general	-	S[2]	-	88-323
» Vehicle storage/towing	-	S[1]	-	88-375
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
» Artisan	P	P	P	
» Limited	S	S	-	
» General	-	S[2]	-	88-323
Recycling Service				
» Limited	-	S[1]	-	
Residential Storage Warehouse	-	S[2]	-	88-323
Warehousing, Wholesaling, Freight Movement				
» Indoor	S[2]	S[2]	-	88-323
» Outdoor	-	S[2]	-	88-323

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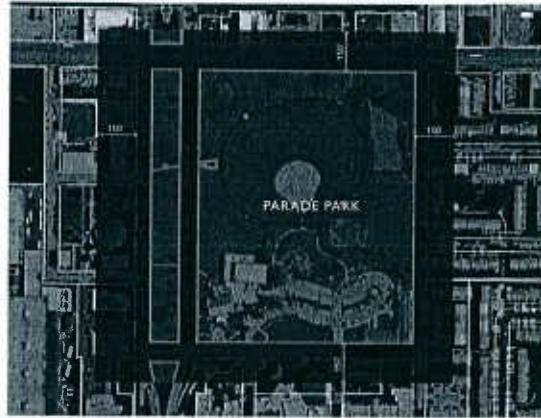
Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standard
Use Category » specific use type	DC	DX	DR	
AGRICULTURAL				
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Animal	-	P/*	-	Chapter 14
Agriculture, Urban				
» Home Garden	P	P	P	88-312-02-A
» Community Garden	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA) Farm	P	P	P	88-312-02-C
ACCESSORY				
Wireless Communication Facility				
» Freestanding	-	-	-	
» Co-located antenna	P	P	P	88-385

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.

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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.

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Table 140-1 MANUFACTURING DISTRICTS USE TABLE

Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District				Use Standards
	M1	M2	M3	M4	
Use Category » specific use type					
RESIDENTIAL					
Household Living					
» Single-family home	S	-	-	-	88-323
» In single-purpose residential building	P	S	-	-	88-323
» In mixed-use building	P	S	-	-	
Group living	S	-	-	-	
PUBLIC/CIVIC					
Bicycle Sharing Facility	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	-	-	
College/University	P	P	-	-	
Day Care	P	P	S	S	
Detention and Correctional Facilities	S[1]	S[1]	S[1]	S[1]	88-335
Halfway House	S	S	S	S	88-352
Hospital	P	-	-	-	
Park/Recreation	P	P	P	P	
Religious Assembly	P	P	P	P	
Safety Service	P	P	P	P	
Schools	P	P	P	P	
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	P	88-425-08-B
COMMERCIAL					
Adult Business					
» 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
Animal Service	P	P	P	P	88-315
Artist Work or Sales Space	P	P	P	P	
Building Maintenance Service	P	P	P	P	
Business Equipment Sales and Service	P	P	P	P	
Business Support Service(except as noted below)	P	P	P	P	
» Day labor employment agency	S[1]	S[1]	P[1]	P[1]	

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Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District				Use Standards
Use Category » specific use type	M1	M2	M3	M4	
Communications Service Establishments	P	P	P	P	
Drive-through Facility	P[2]	P[2]	-	-	
Eating and Drinking Establishments	P	P	P	P	
Entertainment and Spectator Sports	P	S	S	-	
Financial Services	P[1]	S[1]	S[1]	S[1]	
Food and Beverage Retail Sales	P	P	P	P	
Funeral and Interment Service					
» Cemetery/columbarium/mausoleum	-	-	-	-	
» Cremating	P	P	P	P	
» Undertaking	P	P	P	P	
Gasoline and Fuel Sales	P[3]	P[3]	P[3]	P[3]	88-323
Office, Administrative, Professional or General	P	P	P	P	
Office, Medical	P	P	-	-	
Parking, Accessory	P	P	P	P	
Parking, Non-accessory	P[1]	P[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	
Repair or Laundry Service, Consumer	P	P	P	-	
Research Service	P	P	P	P	
Retail Sales	P	P	P	P	
Sports and Recreation, Participant	P	S	S	-	
Vehicle Sales and Service					
» Car wash/cleaning service	P[1]	P[1]	P[1]	P[1]	
» Heavy equipment sales/rental	P[1]	P[1]	P[1]	P[1]	
» Light equipment sales/rental (indoor)	P[2]	P[2]	-	-	88-323
» Light equipment sales/rental (outdoor)	P[1]	P[1]	-	-	
» Motor vehicle repair, limited	P[2]	P[2]	P[2]	P[2]	88-323
» Motor vehicle repair, general	P[2]	P[2]	P[2]	P[2]	88-323
» Vehicle storage/towing	P[1]	P[1]	P[1]	P[1]	
INDUSTRIAL					
Junk/Salvage Yard	-	-	S[1]	P[1]	88-425-09
Manufacturing, Production and Industrial Service					
» Artisan	P	P	P	P	
» Limited	P	P	P	P	
» General	S[2]	P[2]	P[2]	P[2]	88-323

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Table 140-1 Manufacturing Districts Use Table					
USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District				Use Standards
Use Category » specific use type	M1	M2	M3	M4	
» Intensive	-	-	P[1]	P[1]	
Mining/Quarrying	S	S	S	S	88-355
Outdoor Display					
» Class A	P	P	P	P	88-435-02
» Class B	P	P	P	P	88-435-02
Outdoor Storage	P[1]	P[1]	P[1]	P[1]	88-435-03
» Principal	-	-	P[1]	P[1]	
» Accessory	P[1]	P[1]	P[1]	P[1]	88-425-09
Recycling Service					
» Limited	P[1]	P[1]	P[1]	P[1]	
» General	S	S	S	P	
Residential Storage Warehouse	P[2]	P[2]	P[2]	-	88-323
Warehousing, Wholesaling, Freight Movement					
» Indoor	P[2]	P[2]	P[2]	P[2]	
» Outdoor	-	-	S[2]	P[2]	
Waste-Related Use					
» Composting facility	S[1]	S[1]	S[1]	S[1]	88-328
» Demolition debris landfill	S[1]	S[1]	S[1]	S[1]	88-380
» Solid waste separation facility	-	-	S[1]	S[1]	88-380
» Transfer station	-	-	S[1]	S[1]	88-380
AGRICULTURAL					
Agriculture, Crop	P	P	P	P	88-312-01
Agriculture, Animal	P/*	P/*	P/*	P/*	Chapter 14
Agriculture, Urban					
» Home garden	P	P	P	P	88-312-02-A
» Community garden	P	P	P	P	88-312-02-B
» Community supported agriculture (CSA) farm	P	P	P	P	88-312-02-C
ACCESSORY SERVICES					
Wireless Communication Facility					
» Freestanding	P[1]	P[1]	P[1]	P[1]	88-385
» Co-located antenna	P	P	P	P	88-385

88-310 ADULT BUSINESSES AND ADULT MEDIA

88-310-02 ADULT MOTION PICTURE THEATERS, SEX SHOPS, AND ADULT MEDIA STORES

88-310-02-A. PROTECTED USES AND ZONING DISTRICTS

Adult motion picture theaters, sex shops, and adult media stores must be separated from the following protected uses and zoning districts:

1. property containing a house of worship;
2. property containing a public or licensed educational institution that serves persons younger than 18 years of age;
3. property containing a day-care facility;
4. public park, boulevard, or parkway;
5. property containing a community center;
6. property containing a children's amusement park;
7. library;
8. museum;
9. cultural exhibit;
10. recreation area;
11. playground; or
12. R (residential) zoning district.

88-310-02-B. GENERAL LOCATION REQUIREMENT

No adult motion picture theater, sex shop, or adult media store may be located on the same block with any of the protected uses or zoning districts identified in 88-310-02-A.

88-310-02-C. DISTANCE REQUIREMENTS

1. Adult motion picture theaters may not be located within 1,000 feet of any of the protected uses or zoning districts identified in 88-310-02-A.
2. Sex shops may not be located within 800 feet of any of the protected uses or zoning districts identified in 88-310-02-A.
3. Adult media stores may not be located within 600 feet of any of the protected uses or zoning districts identified in 88-310-02-A.

88-301-02-D. MEASUREMENT.

Separation requirements must be measured from property-line to property-line, following the route of property lines along public rights-of-way (to approximate pedestrian distances). For leased spaces in multi-tenant properties, the measurements must be from the outer boundaries of the leased space (projected to ground level, if applicable); for leased space in single-tenant properties, the measurements must be from the property lines.

88-323 BOULEVARD AND PARKWAY STANDARDS

88-323-01 PURPOSE

Considerable public and private investment exists and is expected to occur adjacent to boulevards and parkways within the city. The following standards are intended to promote quality development reflective of the character of the city's boulevard and parkway system, whether on an established, historic boulevard or on a parkway traversing undeveloped areas of the city.

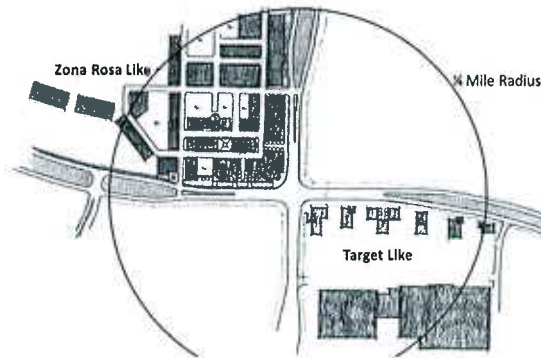
Historically, the city has been built along both parkways and boulevards that, while similar in the concept of extending green pathways through the city and connecting residents to parks, vary somewhat in purpose and design. Both complement a grid system of arterials and local streets in enabling transportation. In older, established areas though, formal boulevards predominate, with intersections at all cross streets. Parkway, with wider medians and rights-of-way, accommodate changes of alignment and grade and follow the natural terrain predominant in many undeveloped areas of the city. In these areas, it is not feasible to construct a grid transportation system. The standards support established boulevard and parkway design criteria and are intended to acknowledge variations of development patterns adjacent to parkways and boulevards by accounting for an area's built or rural environment, topography, drainage pattern, or natural features to be preserved while balancing the need to move traffic with the mission of building "a city within a park."

88-323-01-B APPLICABILITY

1. Generally. Boulevard and Parkway standards apply to all development adjacent to and within 150 feet of a boulevard or parkway classified as part of the Kansas City, Missouri Boulevard and Parkway system and identified on the Major Street Plan. 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 use or development. The standards apply, however, only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard or parkway.



In addition, there are situations where design standards set out for boulevards will be applied to sections of parkways. This occurs where two parkways meet and within a ¼ mile radius (as measured from the centerline) of these intersections -- termed development nodes. Where the median width of the parkway is minimized at these intersections (although right-of-way remains a minimum of 150 feet), application of boulevard standards to these development nodes calls for a reduced building setback, and placement of a customer entrance on the front or side facade. This provides a development pattern upon a complete street system, supporting multi-modal transportation, providing safe access for pedestrians, and offering active commercial street frontages.



2. New Development. Full compliance with the Boulevard and Parkway Standards (as defined in 88-110-03-G, 88-120-03-G, 88-130-04-G, 88-140-03-G, 88-310-02, 88-323, 88-325, 88-331, 88-335, 88-340, 88-375, 88-425, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165, and Tables 110-1, 120-1, 130-1 and 140-1 ("Boulevard and Parkway Standards")) is required for all new buildings/structures constructed within the area defined in the Boulevard and Parkway Standards.

3. **Enlargements and Expansions of Existing Buildings/Structures.** Full compliance with the Boulevard and Parkway Standards is required if the enlargement or expansion exceeds thirty percent (30%) of the gross square feet of the existing building/structure. If the enlargement or expansion is thirty percent (30%) or under, then the Boulevard and Parkway Standards will not apply. All other provisions of the Zoning and Development Code as are applicable will continue to apply.
4. **Façade Changes.** Changes to the facades of existing buildings/structures will not require compliance with the Boulevard and Parkway Standards; provided, however, that no facade changes may be made that will increase the building/structure's nonconformity.
5. **Accidental Damage or Destruction.** Notwithstanding the provisions of Section 88-610-04-D, nonconforming buildings, structures or uses that are destroyed or damaged in any amount may be restored without coming into compliance with the Boulevard and Parkway Standards. A building permit to reconstruct a destroyed or damaged structure must be submitted or use re-established within 6 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued or the nonconformity will be considered to be discontinued.
6. **Previously Approved Preliminary Plans, Development Plans and Preliminary Plats.** Permits may be issued for previously approved site-specific preliminary plans, development plans or preliminary plats that were approved prior to the effective date of the Boulevard and Parkway Standards in accordance with the previously approved plat/plan without compliance with the Boulevard and Parkway Standards.

88-323-02 NON-RESIDENTIAL DEVELOPMENT

88-323-02-A. SITE AND BUILDING ORIENTATION AND SETBACK

1. If adjacent to and within 150 feet of a boulevard or within a development node, the principal building shall be set back a maximum of 20 feet from the right-of-way line.
2. If adjacent to and within 150 feet of a parkway, the principal building shall be set back a minimum of 20 feet from the right-of-way line.
3. If located on a boulevard or within a development node, a customer entrance of the principal building shall either face the boulevard or parkway or be located on a side facade.



**On a Boulevard or within a
Development Node**



On a Parkway

4. Pedestrian access to a customer entrance shall be via direct access from the public sidewalk or the on-site pedestrian circulation system as shown on the approved development or site plan and in compliance with 88-450.
5. Any delivery and service access shall be located on the sides or rear of the principal building (façade not facing the boulevard or parkway) and not visible from the boulevard or parkway.

88-323-02-B. PARKING

Non-accessory parking is prohibited. Accessory surface parking shall be designed and constructed as follows, except as may be otherwise allowed in this section (for lodging uses):

1. If adjacent to and within 150 feet of a boulevard or within a development node, a vehicular use area must be located on the side or rear of the building. Parking located on the side of the building shall be set back a minimum of 10 feet behind the front building line or 30 feet from the right-of-way, whichever is greater.
2. If adjacent to and within 150 feet of a parkway, parking located on the side of a building shall be set back a minimum of 10 feet behind the front building line or 30 feet from the right-of-way, whichever is greater.
3. No more than 30% of a site's frontage adjacent to the boulevard or parkway may be used for vehicular use areas.
4. If adjacent to and within 150 feet of a parkway, a vehicular use area may be located in front of the building (between the building and the parkway right-of-way line) if the building's main entrance is on the façade facing the parkway and further subject to the following:

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- a. The vehicular use area is limited to one row of parking and a two-way aisle;
 - b. The vehicular use area must be set back a minimum of 50 feet from the parkway right-of-way line
 - c. No more than 30% of the site's frontage (excluding that of parking in front of the building) may be used for vehicular use area.
5. If adjacent to and within 150 feet of a parkway, and if there is no vehicular use area (except for a circulation drive) in front of the building, more than 30% of the site's frontage may be used for vehicular use area, with provision of setback (determined by the largest resulting dimension for the parcel) as follows:
- a. For one additional bay of 65 foot maximum width (two rows of parking and a two-way aisle), a setback of 50 feet shall be provided;
 - b. For an additional two bays of 125 foot maximum width (four rows of parking and two, two-way aisles), a setback of 75 feet shall be provided;
 - c. For an additional three bays of 185 foot maximum width (six rows of parking and three, two-way aisles), a setback of 100 feet shall be provided.
- Note: Maximum width of bays includes 25 foot wide, two-way, 90 degree aisles and 18 foot deep parking stalls. It does not include required landscaping area per 88-425.*
6. If adjacent to and within 150 feet of a parkway, a circulation drive of maximum 12 feet in width, set back 30 feet from the right-of-way, may be utilized.

88-323-02-C. LANDSCAPING AND SCREENING

1. Landscaping and screening shall be in accordance with 88-425.
2. Any fencing that is visible from the boulevard or parkway shall be 80% transparent and constructed of high quality, permanent materials. Maximum height shall be 6 feet in the rear and 4 feet in the side. No fencing shall extend beyond the front building line. Fencing must be of steel, iron, concrete, stucco, stone, brick or other acceptable material. Wood picket or stockade fencing or chain link fencing is not permitted.
3. Dumpsters, mechanical equipment and utility cabinets shall be screened in accordance with 88-425-08 and subject to further regulation as follows.

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Above ground utility cabinets shall be located a minimum of 50 feet from the right-of-way line of the boulevard or parkway. Building mounted equipment shall not be located on the building façade facing the boulevard or parkway.



This



Not This

4. Outdoor storage is permitted as an accessory use in the B4 and M districts, allowed on a façade not facing the boulevard or parkway and further subject to 88-425-09.



This



Not This

88-323-02-D. ARCHITECTURAL DESIGN

As proposed, the standards for development adjacent to and within 150 feet of boulevard and parkways represent best management practices as found in codes of other cities nationally and internationally. The standards are commonly known and understood by any licensed architect and are deemed to be quantifiable and acceptable. The standards are intended to allow for creativity in design of sites and buildings, while ensuring that the public investment in the asset – the boulevard and parkway system – is protected.

1. The architectural design and materials of a structure shall be of high quality. When the structure is that of a “national chain,” the high quality standard typical of that “national chain” shall be constructed.

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Examples

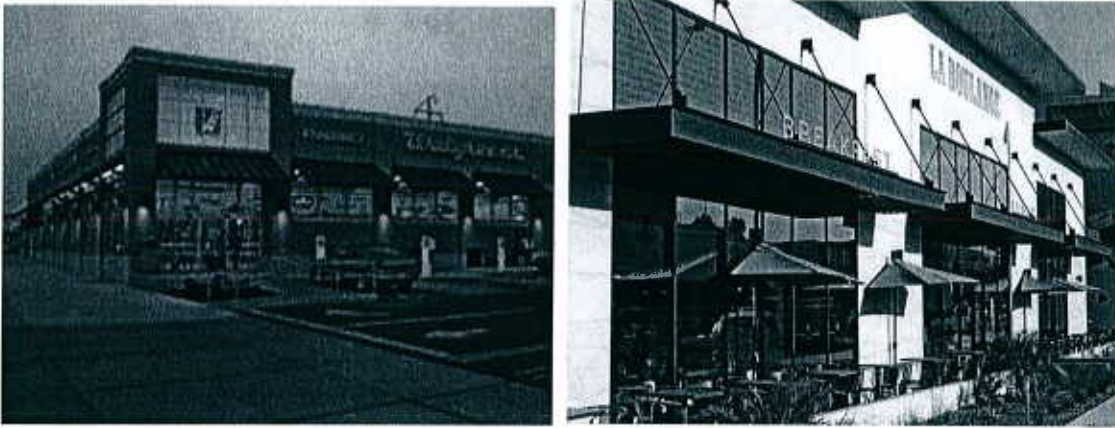
2. Design, material, and color shall be applied consistently to all facades and reflect the character of the neighborhood, as existing or proposed. The neighborhood is considered the area immediately adjacent to and along that corridor and within the view shed of the corridor. A neighborhood would also be considered the residential component of an approved development plan.
3. Building exteriors shall be constructed of durable and maintainable materials such as stone, wood, brick, artistic steel, or as otherwise approved. Materials shall not include aluminum or vinyl siding. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.
4. Facades shall vary in massing and articulation, including accents, protrusions/recesses, horizontal/vertical elements, variable rooflines, or other design features.



Examples

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5. Extensive use of bright or fluorescent colors shall not be permitted.
6. If adjacent to and within 150 feet of a parkway, structures shall provide a minimum of 33% transparency on the ground level façade facing the parkway.
7. If adjacent to and within 150 feet of a boulevard or within a development node, structures shall provide a minimum of 60% transparency on the ground level façade facing the boulevard or parkway within the development node.



Examples

88-323-02-E. ADDITIONAL PROVISIONS FOR SITES WITH LODGING

1. A lodging establishment must contain rooms that open to the interior of the building. Buildings with direct exterior access to guest rooms are not permitted.



This



Not This

2. To accommodate short-term parking and guest services at the front entry to the lodging establishment, a vehicular use drive may be placed between the front building line and the boulevard or parkway. To integrate this vehicular use area into the building, the area must be covered by a permanent porte-cochere structure which shall be constructed as follows:
 - a. the porte-cochere shall extend the width of the drive and be a minimum of 20 feet in length; and
 - b. the porte-cochere shall be structurally and architecturally integrated into the building design and considered to be part of the principal building; and
 - c. if adjacent to and within 150 feet of a boulevard, the main entrance of the principal building shall be set back a maximum of 20 feet from the right-of-way line; or
 - d. if adjacent to and within 150 feet of a parkway, the main entrance of the principal building shall be set back a minimum of 20 feet from the right-of-way line.

88-323-02-F. ADDITIONAL PROVISIONS FOR SITES WITH GASOLINE AND FUEL SALES

1. A gasoline and fuel sales establishment shall not be permitted on a boulevard or within a development node.
2. A gasoline and fuel sales establishment may be permitted with special use permit on a tract of minimum two acres located at the intersection of a parkway and an arterial (not a boulevard or parkway as shown on the major street plan), subject to the following:
 - a. The canopy, pumps, and any functions associated with gasoline or fuel sales or other vehicular service shall be oriented toward the arterial and not toward the parkway.

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- b. Gasoline or fuel sales areas shall be covered by a canopy set back a minimum of 50 feet from the parkway, or 30 feet from the parkway if the 30 foot setback area includes construction of a stone or brick wall or a decorative steel fence along the parkway no greater than 3 feet in height, unless the elevation of the adjacent property is such that a higher or lower wall/fence is appropriate as determined by the Director of City Planning and Development, and landscaping as approved by the Director of City Planning and Development.
- c. Canopy design shall be integrated with that of the principal building in respect to pattern, scale, material, and form.
- d. Vehicular use areas shall be set back a minimum of 50 feet from the parkway, or 30 feet from the parkway if the 30 foot setback area includes construction of a stone or brick wall or a decorative steel fence along the parkway no greater than 3 feet in height, unless the elevation of the adjacent property is such that a higher or lower wall/fence is appropriate as determined by the Director of City Planning and Development, and landscaping as approved by the Director of City Planning and Development..
- e. The site shall contain a retail building that is at least 5500 square feet in size.

88-323-02-G. ADDITIONAL PROVISIONS FOR SITES WITH VEHICLE SALES AND SERVICE

Any vehicle sales and service establishment permitted by this ordinance (refer to use tables) shall comply with the following provisions:

1. Any vehicle or light equipment for sale, rental, or service or must be located inside the building.
2. Any delivery and service access must be located on the sides or rear of the building (facade not facing the boulevard or parkway).
3. Any function or device (including but not limited to queuing to enter the facility, air pump station, etc.) associated with vehicle or light equipment for sale, rental, or service shall be located on the sides or rear (facade not facing the boulevard or parkway) of the building.

88-323-02-H. ADDITIONAL PROVISIONS FOR INDUSTRIAL USES

Any industrial use permitted by this ordinance (refer to use tables) shall comply with the following provisions:

1. Any structure or vehicular use area must be set back a minimum of 75 feet from the boulevard or parkway, and the setback area shall be landscaped per 88-425.

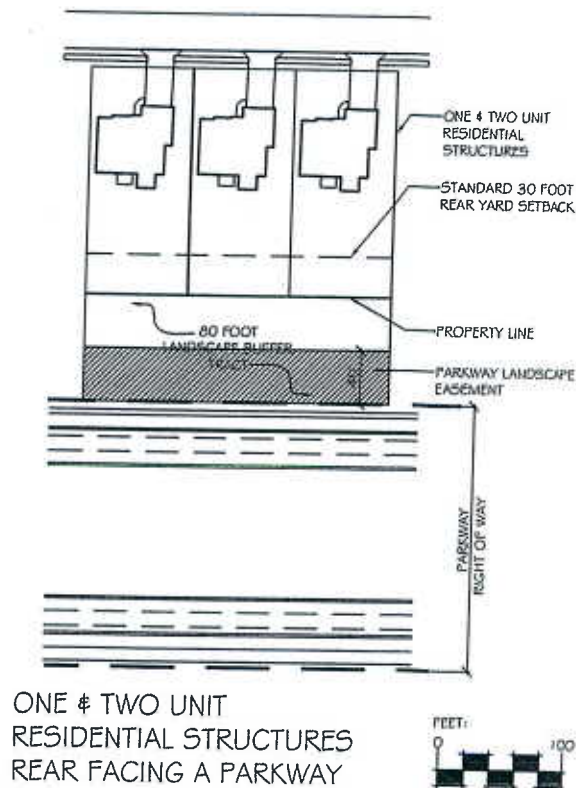
2. Any loading and service doors must be located on the sides or rear (facade not facing the boulevard or parkway) of the building.

88-323-03 RESIDENTIAL DEVELOPMENT

88-323-03-A. ONE AND TWO UNIT RESIDENTIAL

1. One and two unit residential structures located on a boulevard or within a development node shall front onto the boulevard. Front yard setback shall not exceed that required by Table 110-2: Lot and Building Standards.
2. One and two unit residential structures shall front onto the parkway if located on lots platted to front onto the parkway or within a block where the majority of existing structures front onto the parkway,
3. One and two unit residential structures fronting onto a parkway shall be set back a minimum of 30 feet from the parkway right-of-way line, or as otherwise determined by provisions of 88-820-09.
4. One and two unit residential structures siding onto a parkway must be set back a minimum of 45 feet from the parkway right-of-way line, or as otherwise determined by provisions of 88-820-09.
5. One and two unit residential structures may back onto a parkway, with the following requirements:
 - a. a 30 feet rear yard setback per 88-110; and
 - b. a 60 feet "no build" landscape buffer to be platted as a tract, of which:
 - i. the first 30 feet of the landscape buffer tract, adjacent to the parkway right-of-way, shall be a parkway landscape easement. In general, the city shall be responsible for the maintenance of the 30 foot parkway landscape easement. Landscaping of this portion of the tract shall be done by the developer and occur within one year of platting of this tract or prior to issuance of any building permits for structures on lots within the subdivision, whichever occurs first.
 - ii. the next 30 feet adjacent to the residential lots shall be the maintained by a property owner's association. Certain stormwater BMP's may be located within this portion of the tract. A landscape plan must be submitted in accordance with 88-425 and Parks and Recreation Department requirements. Landscaping of this portion of the tract shall be done by the developer prior to issuance of any building permits for structures on lots within the subdivision.

- iii. A covenant to maintain the "no build" landscape buffer tract, describing maintenance responsibilities, shall be recorded with the plat. No buildings, structures, or fences may be erected within this landscaped buffer tract. Any fencing shall be located at the rear of the platted residential lot; shall be of consistent type, material, and height along the rear of the subdivision; and shall be shown on the landscape plan.
- 6. For one and two unit residential structures fronting onto a boulevard or parkway, driveway access off the boulevard or parkway is permitted. Where possible, shared driveways or eyebrow streets are encouraged.
- 7. Detached garages or carports shall not be located between the boulevard or parkway and the residential structure. If attached, garages or carports facing the boulevard or parkway shall be no closer to the right-of-way line than the longest facing wall of the residential structure.





This



Not This

88-323-03-B. MULTI-UNIT RESIDENTIAL (INCLUDING MULTI-UNIT HOUSE, MULTIPLEX AND MULTI-UNIT BUILDING)

1. A main entrance to a multi-unit residential structure or to each unit, in the case of a structure with units having individual entrances, shall face the boulevard or parkway. The side may face the boulevard or parkway; however, an additional setback is required.
2. Driveway access to serve multi-unit residential lots is permitted along boulevards and parkways. Where possible, shared driveways or eyebrow streets are encouraged.
3. Pedestrian access to a main entrance shall be via direct access from the public sidewalk or the on-site pedestrian circulation system as shown on the approved development or site plan and in compliance with 88-450.
4. Setback for a multi-unit residential structure located on a boulevard shall not exceed the maximum required front yard setback as stated by Table 110-2: Lot and Building Standards.
5. A multi-unit residential structure located on a parkway must be set back a minimum of 30 feet from the parkway right-of-way line. A multi-unit structure siding onto a parkway must be set back a minimum of 80 feet from the parkway right-of-way line.
6. No vehicular use areas may be located between the structure and the boulevard or parkway. Parking shall be located on the side or rear of the structure and set back a minimum of 10 feet from the front building line. When the structure sides upon a parkway (not permitted on a boulevard), parking must be set back a minimum of 80 feet from the parkway right-of-way line.

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7. Detached garages or carports shall not be located between the boulevard or parkway and the residential structure. If attached, garages or carports facing the boulevard or parkway shall be no closer to the right-of-way line than the longest facing wall of the residential structure.
8. Architectural design and materials of a multi-unit structure shall be of high quality and reflect the character of the neighborhood, as existing or proposed in accordance with an approved development plan, and applied consistently to all facades.
9. Facades shall vary in massing and articulation by providing accents, protrusions/recesses, horizontal/vertical elements, variable rooflines, and other design.
10. Roof-mounted mechanical equipment must be screened per 88-425-08.
11. Landscaping and screening shall be in accordance with 88-425.

88-323-03-C. INFILL OR PREVIOUSLY APPROVED HOUSING

Notwithstanding any of the requirements in 88-323-03, any principal residential structure may be designed and constructed to face the street that any existing, immediately adjoining principal residential structure faces and may be set back the same distance from the street as the existing, immediately adjoining principal residential structure. A principal residential structure may be designed and constructed to face the street and be set back from the street in accordance with any city council approved plat or development plan.

88-325 SHORT-TERM LOAN ESTABLISHMENTS

88-325-01. Short-term loan establishments are subject to the following conditions and restrictions:

88-325-01-A. No such establishment shall be located within one mile of another short-term loan establishment or pawn shop. This separation distance shall be measured from property line to property line. When measuring separation distances between establishments on the same lot, the distance shall be measured from the front door of each of the establishments.

88-325-01-B. No such establishment shall be located within or within 1,000 feet of a property or district which has been designated as a landmark or historic district.

88-325-01-C. No such establishment shall be located adjacent to and within 150 feet of a park, boulevard, or parkway.

88-325-01-D. Such establishment may be operated only as a principal use of a property and may not be accessory to any other use. A short-term loan establishment may not operate any accessory uses.

88-331 DAY LABOR EMPLOYMENT AGENCY

88-331-01 STANDARDS

88-331-01-A. At the time of original approval, no such establishment shall be located within 1,000 feet of another day labor establishment, or within 500 feet of a children's nursery or boarding home; a group day care home; a daycare facility; a school; a package liquor store; or a park, boulevard, or parkway, as measured in a straight line from the lot line of the affected properties.

88-331-01-B. At the time of original approval, no such establishment shall be located on a lot contiguous with or directly across the street or an alley from any property zoned residential.

88-331-01-C. Parking with paving and screening shall be as required by 88-420 and 88-425. Adequate off-street paved surfaces shall be provided for the loading and unloading of workers in conformance with Chapter 52 and 88-420.

88-331-01-D. The applicant shall demonstrate that there shall be no negative impact on properties within 500 feet of the proposed establishment.

88-331-01-E. The permit shall be limited to a two-year period but may be renewed by the board after a public hearing; provided, however, at the time of renewal, the applicant shall demonstrate that the establishment has not had a negative impact on properties within 500 feet and that the establishment has complied with the provisions of Chapter 56, the property maintenance code.

88-335 DETENTION AND CORRECTIONAL FACILITIES

88-335-01 STANDARDS

Detention and correctional facilities are subject to the following standards:

88-335-01-A. The property must have a minimum lot area of 2 acres.

88-335-01-B. No such facility may be on property located within 1,000 feet of R zoning district or within 1,000 feet of any residential dwelling unit; school; library, museum, or cultural exhibit; community center; park; boulevard or parkway; religious assembly; or day care use.

88-335-01-C. All outdoor recreation areas and all structures to be occupied by inmates must be set back a minimum of 200 feet in the R-80 district and 25 feet in M districts.

88-335-01-D. The property on which the facility is to be located must provide a minimum lot area of 350 square feet per occupant.

88-340 DRIVE-THROUGH FACILITIES

88-340-01 STANDARDS

88-340-01-A. A drive-through facility shall not be a principal use of the parcel, but rather shall be accessory to a principal building on the parcel.

88-340-01-B. All functions associated with the drive-through use shall be located on the sides or rear (facade not facing the right-of-way) of the principal building.

88-340-01-C. The nearest point of the drive-through operation of any establishment, including the drive-through lane, menu board, and service windows, must be at least 50 feet from the boundary of a residentially zoned district.

88-340-01-D. Each drive-through facility must provide 80 feet of vehicle stacking area (queue space) between the right-of-way and the first point of service to accommodate waiting vehicles. The stacking area must be designed to accommodate safe and efficient on-site circulation and required parking spaces.

88-340-01-E. Service windows shall be a minimum of 25 feet behind the front façade (nearest the public right-of-way) of the principal building.

88-340-01-F. A permanent porte-cochere structure shall be constructed over the drive-through service windows. The porte-cochere(s) shall extend the width of the drive and be a minimum of 20 feet in length.

88-340-01-G. The porte-cochere shall be structurally integrated with the principal building and design shall be consistent in respect to pattern, scale, material, and form.

88-340-01-H. For any drive-through restaurant facility adjacent to and within 150 feet of a boulevard or parkway, there shall be a maximum of one lane on each side of the principal structure.

88-340-02 PLAN REQUIRED

In accordance with 88-425, a plan portraying adequate landscaping, screening, berming, or other buffering must be submitted for approval. The plan must show:

88-340-02-A. adequate vehicle storage to ensure that no motor vehicles will block pedestrian traffic on public sidewalks during peak traffic hours;

88-340-02-B. design of building orientation so as to minimize pedestrian/vehicular conflict.

88-340-03 NO-IDLING SIGNS

"No Idling" or "Idle-Free Zone" signs must be posted in all off-street loading areas.

88-375 VEHICLE STORAGE AND TOWING

88-375-01 APPLICABILITY

Vehicle storage and towing uses, including tow lots and impound yards, must be developed and operated in compliance with the standards of this article.

88-375-02 LOCATION

All vehicle storage areas must be located at least 500 feet from any R district and may not be located adjacent to and within 150 feet of parks, boulevards, or parkways.

88-375-03 OUTDOOR VEHICLE STORAGE

All outdoor vehicle storage areas must be shielded by an opaque fence or wall that is a minimum of 6 feet tall and a maximum of 10 feet tall. The interior of the fence or wall must be protected by a guardrail or similar barrier to prevent damage to the fence or wall. All vehicles, equipment, and inventory of the business must be stored behind the fence or wall and may not exceed the height of the fence or wall.

88-425 LANDSCAPING AND SCREENING

88-425-05 PERIMETER LANDSCAPING OF VEHICULAR USE AREAS

88-425-05-D. ADJACENT TO PARKWAYS

When a vehicular use area is adjacent to a parkway, perimeter landscaping must be provided for physical and visual separation between the vehicular use area and the parkway right-of-way in the form of trees (deciduous and evergreen) and shrubbery to form a continuous visual screen at least 4 feet in height after the first growing season, consisting of either:

1. a berm with a minimum height of 4 feet and a maximum slope of 3:1, planted with at least 3 trees and 25 shrubs per 100 feet of berm length; or
2. a landscape buffer strip with a minimum width of 30 feet, planted with at least 6 trees and 35 shrubs per 100 feet of buffer length.

88-450 PEDESTRIAN STANDARDS

88-450-01 PURPOSE

The pedestrian standards of this section are intended to promote a safe, attractive and usable pedestrian circulation system to avoid conflict between pedestrians and traffic.

88-450-02 APPLICABILITY

The pedestrian standards of this section apply to all projects requiring development plan approval per 88-260, 88-517, or 88-520 or site plan approval per 88-530 and to all projects adjacent to and within 150 feet of a boulevard or parkway.

88-450-03 STANDARDS

88-450-03-A. PUBLIC SIDEWALKS

The city is authorized to require the installation of public sidewalks subject to the applicability of this section, including with the issuance of a building permit for any platted lot where sidewalks have not been constructed.

88-450-03-B. ON-SITE PEDESTRIAN CIRCULATION

Where practical or as otherwise approved in conjunction with a development plan or site plan, an on-site pedestrian circulation system must be provided in accordance with the following requirements:

1. Connection to the Street. The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users.
2. Connection to Neighboring Areas. The on-site pedestrian circulation system must provide at least one connection to all adjacent properties. The connections must run to the property line and connect to existing paths or sidewalks on neighboring properties or to the likely location of future paths or sidewalks on those properties. However, when the city planning and development director determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections and that extending a connection would create a safety hazard on either property, no connection is required.
3. Internal Connections. The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and pedestrian amenity features.

88-450-03-C. DESIGN

1. Public Sidewalks. Public sidewalks must be designed and constructed in accordance with the department of public works' *Standards, Specifications and Design Criteria*.
2. On-Site Pedestrian Circulation. Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:
 - a. The on-site pedestrian circulation system must be paved and be at least 5 feet in width.
 - b. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly marked or distinguished to avoid conflict between pedestrians and traffic through the use of raised pedestrian crossings, change in paving material or embossed striping, bollards, landscaping, or other approved method. Painted striping does not meet this requirement.
 - c. When the on-site pedestrian circulation system is parallel and adjacent to an auto travel lane, it must be a raised path at least 6 inches above the auto travel lane surface or be separated from the

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auto travel lane by a raised curb, bollards, landscaping or other approved physical barrier. Any raised paths must meet accessibility requirements.

88-810-192 BOULEVARD

Any street designated on the Major Street Plan as a boulevard.

88-810-512 DEVELOPMENT NODE

Node where two parkways meet and within a ¼ mile radius, as measured from the centerline of the intersection.

88-810-1108 PARKWAY

Any street designated on the Major Street Plan as a parkway.

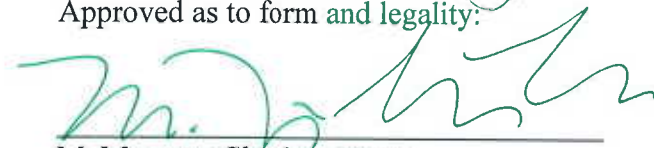
88-810-2165 TRANSPARENCY

Windows or doors that allow clear views of indoor spaces. To qualify as transparent, windows or doors shall not be mirrored, darkly tinted, or of any material that obscures visibility between the inside and outside. Product display windows that do not provide views into the interior of the building may be counted toward satisfying up to 50 percent of the transparency requirement, provided they are internally illuminated and at least 3 feet in depth.

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

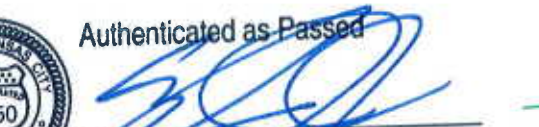


Secretary, City Plan Commission

Approved as to form and legality:


M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor

Marilyn Sanders, City Clerk

JUL 23 2015

Date Passed