

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 260376

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-285, Westport Overlay District, and enacting in lieu thereof a new section of like number and subject matter for the purpose of amending allowed uses within the Westport Overlay District and creating standards for drive-through facilities. (CD-CPC-2026-00025)

WHEREAS, major amendments to overlay district regulations, including restrictions to allowed uses and changes to design regulation requirements, must be reviewed and approved in accordance with the procedures of 88-515; and

WHEREAS, an application to amend the uses and design regulations for the Westport Overlay District was filed by 706 Westport Road LLC, a landowner within the overlay district, and reviewed in accordance with 88-515; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, the Zoning and Development Code, is hereby amended by repealing Section 88-285, Westport Overlay District, and enacting in lieu thereof a new section of like number and subject matter for the purpose of amending allowed uses within the Westport Overlay District and creating standards for drive-through facilities, said section to read as follows:

**88-285 - WESTPORT OVERLAY DISTRICT**

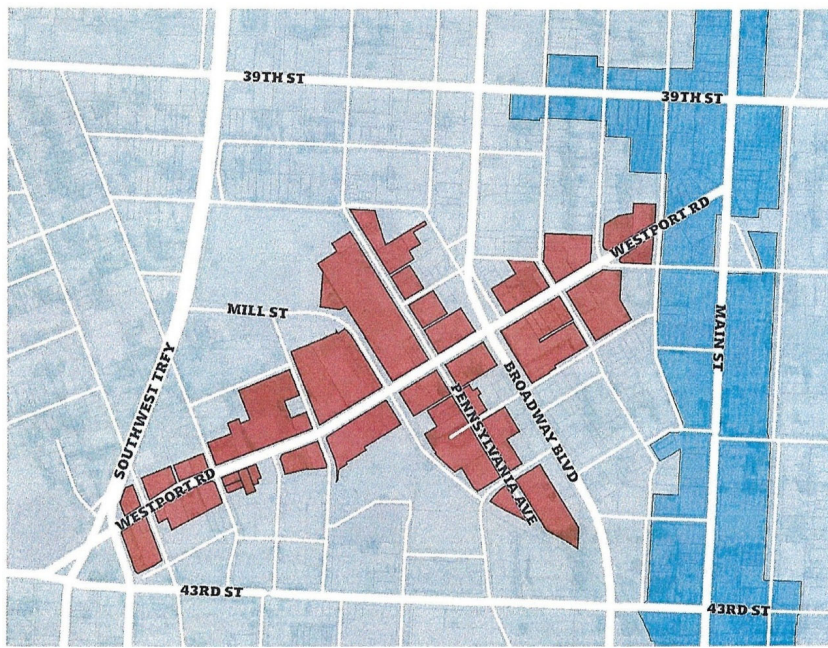
**88-285-01** ~~Section 1.~~ **INTRODUCTION**

~~A. Purpose & Intent.~~ The following regulations create development and site design standards that promote the recommendations outlined in the Westport District Master Plan. The Westport Overlay aims to provide a cohesive development pattern along Westport Road and Pennsylvania Avenue, the primary pedestrian-oriented corridors in the Westport district. This overlay generally extends along Westport Road from Southwest Trafficway to the boundary of the MCO district, and along Pennsylvania from 39th Street to 43rd Street (Figure 1). The intent of the overlay district is to:—

1. Protect and encourage smaller-scale, fine grain development that reinforces that distinct character of Westport.
2. Promote incremental growth to allow the district to evolve, while ensuring that future development is compatible with the surrounding context.
3. Promote a mix of pedestrian-oriented uses that are compatible with the Westport ~~Plan's~~ Plan's vision and goals.

4. Strengthen the active, street-front development pattern to improve the public realm and enhance access to the district.
5. Enhance public spaces within Westport to further foster community and support businesses.
6. Manage the impact of parking facilities to enhance accessibility, while understating the prominence of lots and garages along the streetscape.
7. Celebrate the history of Westport by promoting walkable, human-scaled development patterns.
8. Promote high-quality development that enhances the shared value of Westport.

**Figure 1. Westport Overlay District Boundary**



**ALLOWED USES.** — **Applicability.**

**88-285-02**

1. The standards of this article apply to all development in the Westport Overlay

district. This document establishes the development standards that vary from the underlying base zoning for the properties in the Westport Overlay District. All provisions described below as regulatory in nature have the same force and effect as, but are variations from, the standards set forth in Chapter 88 of the Zoning and Development Code of Kansas City, Missouri.

2. If provisions of this overlay district are inconsistent with Chapter 88, the provisions of this overlay district shall apply.
3. If provisions of this overlay district are inconsistent with a Historic Overlay District, then the provisions of the Historic Overlay District shall apply.
4. Existing MPD and UR districts are exempt from the standards of this document. However, when new MPD or UR plans are adopted the standards of this document shall be met.
5. Buildings listed on the Kansas City and/or National Register of Historic Places, and following the Secretary of the ~~Interior's~~Interior's Standards through the National Parks Service, shall be exempt from the Lot ~~&~~and Building Standards, Architectural Materials, Façade Articulation and Composition and Transparency standards of this overlay. A letter from the Historic Preservation Commission is required at the time of Application submittal to ensure the building meets Secretary of Interior standards.
6. Other than as set forth below, the underlying zoning and the regulations and standards included in the Zoning and Development Code, Chapter 88, prescribed for the areas rezoned to this overlay district shall remain unchanged and shall continue to apply.

~~New Development.~~ a. NEW DEVELOPMENT.

Full compliance with this article applies to all new buildings constructed within this district.

~~Enlargements and Expansions.~~

b. ENLARGEMENTS AND EXPANSIONS.

Full compliance with this article applies only to the enlargement or expansion area. Enlargements or expansions must be reviewed and approved by the City Planning and Development Department in accordance with the required entitlement process.

~~Façade Changes.~~

c. FAÇADE CHANGES.

Compliance with this article applies to façade changes to existing buildings.

~~Change of Use or Occupancy.~~

d. CHANGE OF USE OR OCCUPANCY.

Compliance with use standards apply whenever the use or occupancy of a property changes.

~~Signage.~~

e. SIGNAGE.

Compliance with signage standards apply when a ~~sign~~ permit is required.

**Figure 1—Westport Overlay District Boundary**

**Section 2.**

**88-285-02-A TABLE OF ALLOWED USES**

**A. Table of Allowed Uses.**—Use categories and general uses have been established for principal uses of land and buildings. Table 1 indicates permitted uses (■) subject to general district and building development standards, special uses (S) subject to the discretionary review process, prohibited uses (-), and additional use-specific standards, applicable to all underlying zoning districts in the overlay district.



**Table 1: ALLOWED USES** Allowed Uses

	All Underlying <i>Zoning</i> Districts	Additional Use Standards
--	--	-----------------------------

Residential		
Household Living		
» Detached houses	■	88-120-03-H.3
» In any other residential building type	■	<del>88-32388-323</del>
» In mixed-use building	■	
Group Living	■	

Civic/Institutional		
Bicycle Sharing Facilities	■	<del>88-32288-322</del>
Club, Lodge, or Fraternal Organization	■	
College/University	■	
Day Care		
—»» Home-based (1—5)	■	
—»» Family (up to 10)	■	
—»» Group (up to 20)	■	
—»» Center (21+)	■	
Detention and Correctional Facilities	-	
Halfway House	-	
Hospital	■	
Library/Museum/Cultural Exhibit	■	
Park/Recreation	■	
Religious Assembly	■	
Safety Service		
—»» Fire station	■	
—»» Police station	■	
—»» Ambulance service	■	

<b>Table 1: Allowed Uses</b>		
	<b>All Underlying Districts</b>	<b>Additional Use Standards</b>
School	■	
Utilities and Services (except as noted below)		
—»» Basic, minor	S	-88-323

Commercial		
Adult Business	-	
—»» Adult media store	-	
—»» Adult motion picture theater	-	
—»» Sex shop	-	
Animal Service		
—»» Sales and grooming	■	<del>88-31588-315</del>
—»» Shelter or boarding	■	<del>88-31588-315</del>
—»» Stable	S	<del>88-31588-315</del>

—>>> Veterinary	■	<u>88-31588-315</u>
Artist Work or Sales Space	■	
Building Maintenance Service	■	
Business Equipment Sales and Service	■	
Business Support Service (except as noted below)	■	
—>>> Day labor employment agency	-	
Communications Establishments	■	
Drive-Through Facility	-S	<u>88-340, 88-285-05-F</u>
Eating and Drinking Establishments (except as noted below)	■	
—>>> Tavern or nightclub	■	
Entertainment Venues and Spectator Sports		
—>>> Indoor small venue (1—149 capacity)	■	
—>>> Indoor medium venue (150—499 capacity)	■	
—>>> Indoor large venue (500+ capacity)	■	
—>>> Outdoor (all sizes)	■	Section 5-B
Financial Services (except as noted below)	■	
—>>> Pawn shop	-	
—>>> Short-term loan establishment	-	
Food and Beverage Retail Sales	■	
Funeral and Interment Service		
—>>> Cemetery/columbarium/mausoleum	S■	<u>88-34588-345</u>
—>>> Cremating	S■	<u>88-345-0288-345-02</u>
—>>> Undertaking	-	
Gasoline and Fuel Sales	-	
Lodging		

**Table 1: Allowed Uses**

	<u>All Underlying Districts</u>	<u>Additional Use Standards</u>
—>>> Bed and Breakfast	■	<u>88-32088-320</u>
—>>> Hotel/motel	■	<u>88-323-88-323</u>
—>>> Recreational vehicle park	-	
Mobile Vendor Park	■	<u>88-35888-358</u>
Office, Administrative, Professional or General	■	
Office, Medical	■	
—>>> Blood/plasma center	-	
Parking, Accessory	S■	<del>88-323; Section 5-C</del> <u>88-323; 88-285-05-C</u>
Parking, Non-accessory	S■	<del>88-323; Section 5-C</del>

		<del>C88-323; 88-285-05-C</del>
Personal Improvement Service	■	
Repair or Laundry Service, Consumer	■	
Research Service	■	
Retail Sales	■	
—>>> Outdoor Retail Sales –Class A	■	<del>88-366-0188-366-01</del>
—>>> Outdoor Retail Sales - Class B	■	<del>88-366-0288-366-02</del>
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S■	
Sports and Recreation, Participant		
—>>> Indoor	■	
—>>> Outdoor	■	<del>Section 588-285-05-B</del>
Vehicle Sales and Service		
—>>> Car wash/cleaning service	-	
—>>> Heavy equipment sales/rental	-	
—>>> Light equipment sales/rental (indoor)	-	
—>>> Light equipment sales/rental (outdoor)	-	
—>>> Motor vehicle repair, limited	-	
—>>> Motor vehicle repair, general	-	
—>>> Vehicle storage/towing	-	

<b>INDUSTRIAL</b>		
Manufacturing, Production and Industrial Service		
—>>> Artisan	■	<del>88-31888-318</del>
—>>> Limited	S	
—>>> General	-	
—>>> Intensive	-	
Mining/Quarrying	-	
Recycling Service		
—>>> Limited	S	88-323

<b>Table 1: Allowed Uses</b>		
	<b><u>All Underlying Districts</u></b>	<b><u>Additional Use Standards</u></b>
—>>> General	-	
Self-Storage Warehouse	-	
Warehousing, Wholesaling, Storage, Freight Movement	=	
—>>> Indoor	-	
—>>> Outdoor	-	
—>>> Demolition debris landfill	-	

AGRICULTURAL	Deleted Cells	
Agriculture, Animal	Deleted Cells	
Agriculture, Crop		<del>88-312</del> 88-312
Agriculture, Urban		
—>>> Home Garden		88-312
—>>> Community Garden		88-312
—>>> Community Supported Agriculture (CSA)		88-312
ACCESSORY SERVICES	Deleted Cells	
Wireless Communication Facility	Deleted Cells	
—>>> Freestanding		<del>88-385; 88-323</del> 88-323; 88-385
—>>> Co-located antenna		<del>88-385</del> 88-385

~~88-285-02~~88-285-03 Section 3. LOT AND BUILDING STANDARDS

~~88-285-03-A- General~~ GENERAL STANDARDS

~~Standards.~~ The following Lot and Building Standards apply to all new construction within the overlay district:

Table 2: ~~LOT & BUILDING STANDARDS~~ Lot and Building Standards

<i>Lot Size &amp; Height [4]</i>	
Maximum Lot Size	2 acres
Maximum Height:	
<del>0</del> 50 feet from the front lot line on both Pennsylvania Avenue and Westport Road	3 stories
<del>50+</del> feet from front lot line on both Pennsylvania Avenue and Westport Road [3]	5 stories
For lots located on other streets:	5 stories
<i>Frontage &amp; Setbacks</i>	
Minimum Building Frontage on Westport or Pennsylvania Avenue [1]	85%
Maximum Front Yard Setback [1]	0 feet
Maximum Interior Side Setback [1] [2]	Max setback: 10 feet
Maximum Street <del>side</del> Side Setback [1]	Max setback: 10 feet
Minimum Rear Yard Setback	0 feet
<del>Abutting a non-residential district</del>	0 feet
<del>Abutting residential district</del>	15 feet
<del>Abutting an alley (any zoning district)</del>	0 feet

~~[1] Minimum Building Frontage, Front and Side Yard Setbacks may be expanded to accommodate usable open space according to Section 5-B.~~  
~~[2] Non-street setbacks shall be as specified by the building code for each class of building.~~  
~~[3] Maximum building height may be altered according to Section 3-C.5.~~  
~~[4] For the purposes of this ordinance, height shall be measured from the highest elevation curb of the abutting street adjacent to the subject property.~~

~~B. [1] Minimum Building Frontage & Setback Exceptions. Front and Side Yard Setbacks may be expanded to accommodate usable open space according to Section 88-285-05-B.~~

~~[2] Non-street setbacks shall be as specified by the building code for each class of building.~~

~~[3] Maximum building height may be altered according to Section 88-285-03-C.5.~~

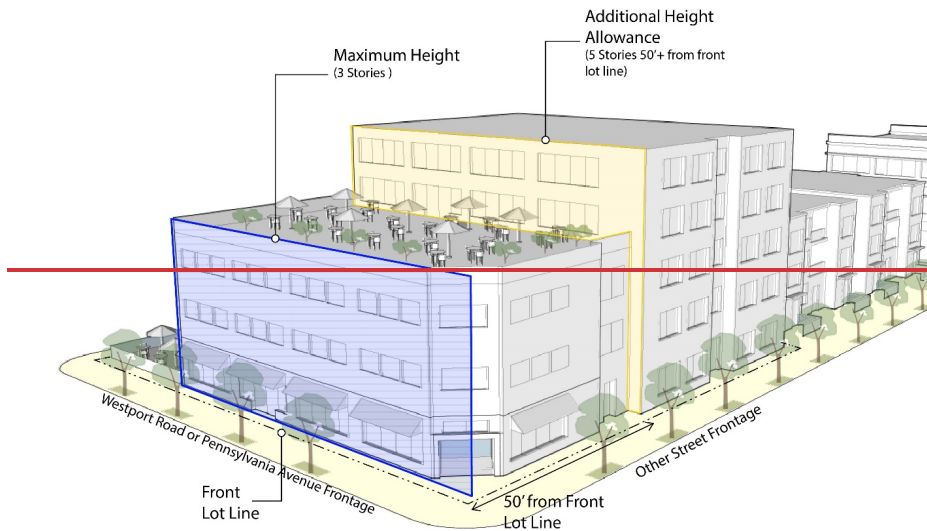
~~[4] For the purposes of this ordinance, height shall be measured from the highest elevation curb of the abutting street adjacent to the subject property.~~

#### **88-285-03-B FRONTAGE AND SETBACK EXCEPTIONS**

The following are exceptions to the frontage and setback limits in Table 2:

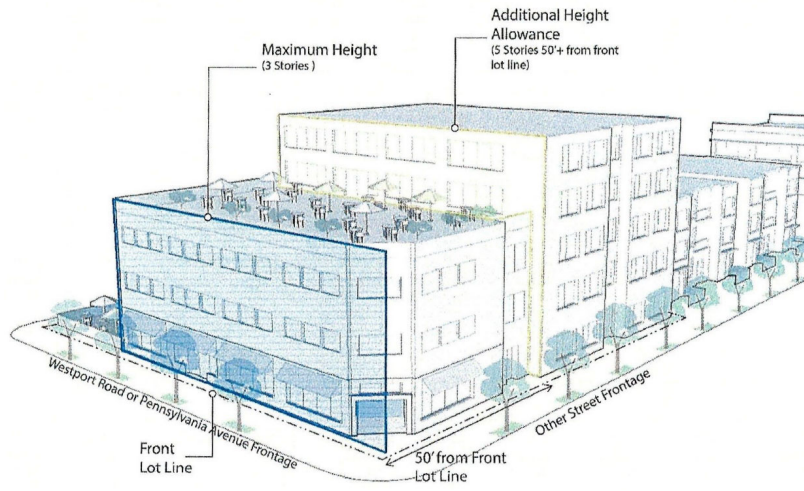
1. ~~All Projections.~~ **ALL PROJECTIONS.**  
Any projections over public rights-of-way, or any similar area designed for pedestrian circulation, shall be at least 8 feet above the grade, and in no case within 5 feet of any curb for a street, through access drive or other area designed for vehicles. All projections shall receive approval from the appropriate entity prior to installation.
2. ~~Entry Features.~~ **ENTRY FEATURES.**  
Primary entry features such as porticos, stoops, or unenclosed porches may extend up to 6 feet into the required front setback. Entry features shall not encroach on any easement, encroachments must ensure a minimum of 10 feet of passable sidewalk width.
3. ~~Usable Open Space Frontage.~~ **USABLE OPEN SPACE FRONTAGE.**  
Usable open space along the lot frontage, including patios, courtyards, outdoor recreational areas, and outdoor entertainment venues, shall conform to the site design standards in Section 5-2.
4. ~~Mechanical Equipment.~~ **MECHANICAL EQUIPMENT.**  
Mechanical equipment shall be screened as required by Chapter 88 of the Zoning and Development Code.
5. ~~Multiple Buildings.~~ **MULTIPLE BUILDINGS.**

Multiple buildings are allowed on one lot. The buildings shall meet the development requirements found in Chapter 88 of the Zoning and Development Code and receive approval through the proper entitlement.



*Figure 2 – Maximum Height Allowances. Fronting on Westport Road or Pennsylvania Avenue, buildings shall not exceed three stories in height unless a public parking agreement has been established per Section 3-C.5. Beyond 50 feet of the front lot line, buildings may add an additional two stories of height.*

**C. — Figure 2 - Maximum Height Exceptions. Allowances**



### **88-285-03-C HEIGHT EXCEPTIONS**

The following are exceptions to the height limits in Table 2:

1. ~~Generally.~~ **GENERALLY.**  
Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
2. ~~Architectural Features.~~ **ARCHITECTURAL FEATURES.**  
Architectural features such as chimneys, ornamental towers or spires, and similar accessory features that are less than 20% of the building footprint may extend up to 50% above the actual building height.
3. ~~Mechanical Equipment.~~ **MECHANICAL EQUIPMENT.**  
Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents or other equipment may be built up to their necessary height in accordance with building codes. Roof mounted mechanical equipment shall be property screened as required by 88-425-07 of the Zoning and Development Code.
4. ~~Accessory Structures.~~ **ACCESSORY STRUCTURES.**  
Accessory site structures such as flag poles, monuments, water towers, may have a height limit of 50 feet, but shall be setback a distance of at least ~~1/3~~  $\frac{1}{3}$  its height from the property line.

~~5. Public Parking Arrangement.~~ **5. PUBLIC PARKING ARRANGEMENT.**  
The City may approve a height bonus of up to two additional stories with a maximum height of 5 stories if at least 100 parking spaces or 20% of the parking spaces, whichever is greater is provided subject to an agreement between the Property Owner and the City. Parking is permitted by Special Use Permit subject to the provisions of Section ~~588-285-05-B~~ of this ~~ordinance~~ **Chapter**.

~~88-285-0388-285-04~~ **Section 4. BUILDING COMPOSITION STANDARDS**

~~88-285-04-A.~~ **MATERIALS** ~~Materials.~~

- ~~1. Primary Materials.~~ **PRIMARY MATERIALS.**  
Materials identified with a "~~PM~~" on Table 3 are Primary Materials and allowed on all stories of a structure.
- ~~2. Secondary Materials.~~ **2. SECONDARY MATERIALS.**  
Materials identified with a "~~SM~~" on Table 3 are Secondary Materials. Permitted secondary materials shall be used as accent material on the first story and shall not exceed 30% of the first story façade. Permitted secondary materials may be used on the second story and above of a structure or for the required building elements.
- ~~2. Prohibited Materials.~~ **3. PROHIBITED MATERIALS.**  
Materials identified with an "~~PM~~" on Table 3 are expressly prohibited.
- ~~3. Preservation of Materials.~~ **4. PRESERVATION OF MATERIALS.**  
Preservation or restoration of original ~~façade~~ **façade** materials is desired in existing structures. Applied ~~'faux' façades~~ **'faux' façades** or other not permitted non-original materials are not desired.
- ~~4. Determination of Similar Materials.~~ **5. DETERMINATION OF SIMILAR MATERIALS.**  
When a specific material cannot be readily classified, the City Planning and Development Director is authorized to determine the most similar, thus most appropriate, material based on the following considerations:
  - ~~a.~~ the appearance of the material;
  - b. the durability of the material;
  - c. the method of installing the material;
  - d. the location of the material; and
  - e. relevant information provided by the International Building Code.
- ~~5. Exceptions to Material Limitations for Storefronts.~~ **6. EXCEPTIONS TO MATERIAL LIMITATIONS FOR STOREFRONTS.**  
Wood and metal may encompass more than 30% of a first-floor façade when used in a clearly articulated first-floor storefront system.

Table 3: ~~ALLOWED ARCHITECTURAL MATERIALS~~ **Allowed Architectural**

<u>Materials</u>		
Material	Front and <del>Street-side</del> Streetside	Side and Rear
Brick	PM	PM
Stone	PM	PM
Cast stone	PM	PM
Façade Glass [2]	SM	PM
Terra cotta	PM	PM
Tile	PM	PM
Concrete		
>> Cast-in-place concrete — smooth/no texture	-	SM
>> Cast-in-place concrete — textured or <del>pattered</del> altered	-	SM
>> Pre-cast concrete	-	SM
Stucco	SM	SM
Metal	SM	-SM
Wood	SM	SM
Fiber cement		
>>> Fiber cement panels	-	SM
>>> Fiber cement clapboard siding	-	SM
Fiberglass replication	SM	SM
Concrete masonry unit	-	SM
Split faced block	-	SM
Glass block	-	SM
EIFS	-	SM
Electronic/Digital Façade Elements [1]	-	-

[1] For the purposes of this ordinance, Electronic/Digital Façades are defined as an electronic/digitally illuminated façade surface exceeding 50% of any wall plane on a building, or 150 square feet, whichever is less.

[2] For the purposes of this ordinance, first floor and upper floor windows complying with the transparency requirements of Table 4 are exempt from the maximum façade coverage area for secondary materials.

**~~B. Massing & Façade Composition.~~**

[1. ~~General~~] For the purposes of this ordinance, Electronic/Digital Façades are defined as an electronic/digitally illuminated façade surface exceeding 50% of any wall plane on a building, or 150 square feet, whichever is less.

[2] For the purposes of this ordinance, first-floor and upper-floor windows complying with the transparency requirements of ~~Standards.~~ Table 4 are exempt from the maximum façade coverage area for secondary materials.

**88-285-04-B. MASSING AND FACADE COMPOSITION**

**1. GENERAL STANDARDS.**

Table 4 establishes design standards applying to the massing and ~~faade~~façade composition of buildings fronting on Westport Road and/or Pennsylvania Avenue in this overlay.

Table 4: ~~MASSING & FACADE COMPOSITION~~Massing and Façade Composition

Minimum <del>Entry</del> <del>Spacing</del> <del>First</del> <del>Story</del> [1]	<del>First</del> Upper Story Transparency	Upper Story Transparency	Wall Plane Limits	Blank Wall Limits
1 per <del>50'</del> 50'	60-90%	15-40%	80 linear feet; and <del>500'</del> 500 s.f. maximum	50 linear feet; and <del>500'</del> 500 s.f. maximum

[1] For corner buildings, any entrance feature located on the corner may count for the first-entry requirement for both sides. The second required entry feature may be located 75 feet from a corner entrance.

**2. Façade Composition.—COMPOSITION.**

Façade composition refers to the use of materials, fenestration and architectural details and ornamentation to add interest and uniqueness to buildings and activate or emphasize certain spaces around a building. In addition to the standards outlined in Table 4, the following must be met:

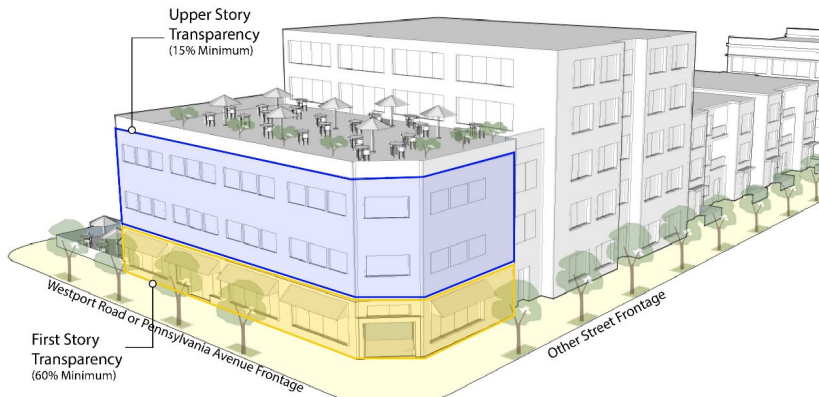
- a. Blank walls and wall planes shall be broken up clearly with elements that add architectural interest and variety, such as projections, recesses, offsets, windows, painted features, or blank window openings trimmed with frames, sills or lintels.
- b. ~~Faade~~Façade composition shall establish a base, body and top of building and shall distinguish different structural components with varying material and color.

**3. Entrances.—ENTRANCES.**

Entrances shall be clearly defined on all front ~~faades~~façades with at least one of the following elements and be located at intervals specified in Table 4:

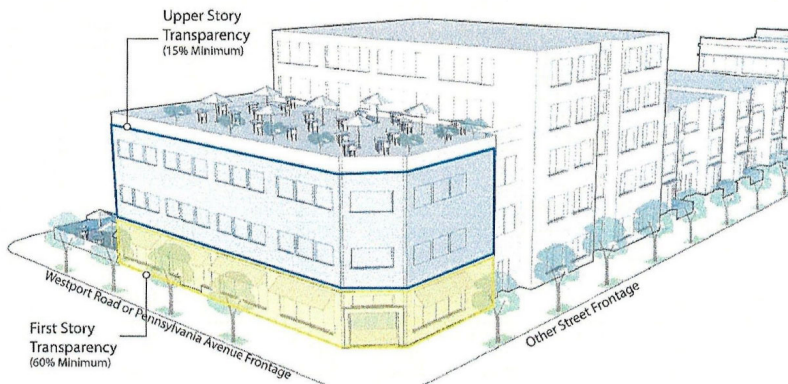
- a. A single-story architectural emphasis such as raised parapets or gables, canopies, porticos, overhangs, pediments, or arches;
- b. Transoms and/or display windows that frame and emphasize the entry;
- c. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes; OR

- d. Integral planters or wing walls associated with a recessed or projecting entry court or plaza that integrates more formal landscape and hardscape designs.



**Figure 3 – Transparency.** Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Glass required for transparency is not considered a façade material.

**4. — Figure 3 – Transparency:**



**4. TRANSPARENCY.**

Buildings shall have the percentage of openings specified in Table 4, based on the following:

- a. The transparent ~~façade~~ ~~façade~~ determined by Table 4 must be comprised of windows between 2 feet and 10 feet above the sidewalk or transparent doors

that allow clear views of indoor space or product display areas.

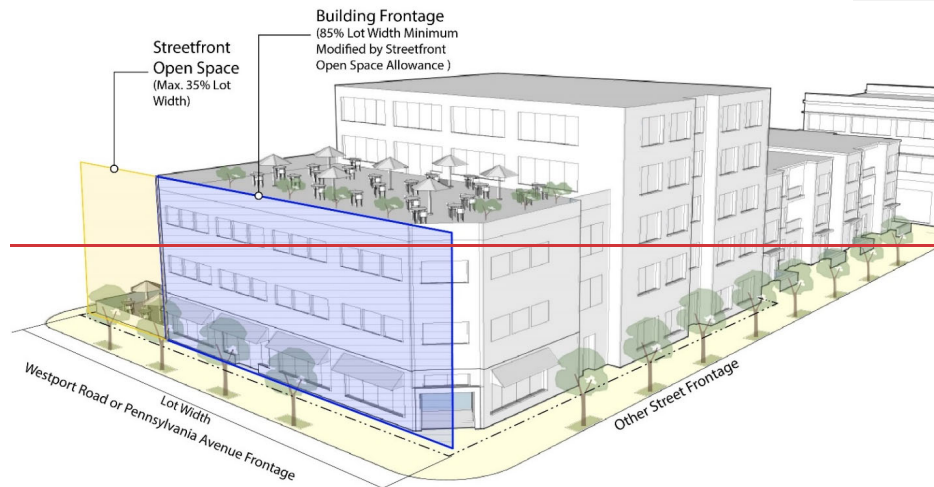
- b. On corner lots, 60% first-floor transparency is required where building ~~façades~~façades abut Westport Road.
  - c. ~~Façades~~Façades fronting parkways and boulevards shall comply with the standards set forth in 88-323 ~~“Boulevard and Parkway Standards.”~~“Boulevard and Parkway Standards.”
  - d. First-floor uses that are solely for residential purposes may reduce their transparency to 40%.
  - e. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50 percent of the minimum ground-level transparency requirements, provided that they are internally illuminated and are at least 3 feet in depth.
  - f. No existing building shall be altered in such a way that reduces transparency below the required or existing amount.
- ig.* Illumination of windows, display windows, and primary entrances shall not have any effects of movement, flashing, scintillation, rolling, dissolving, fading or similar effects and shall be in compliance with Section 88-430 of the Zoning and Development Code.

#### ~~88-285-0488-285-05~~ Section 5. SITE DESIGN STANDARDS

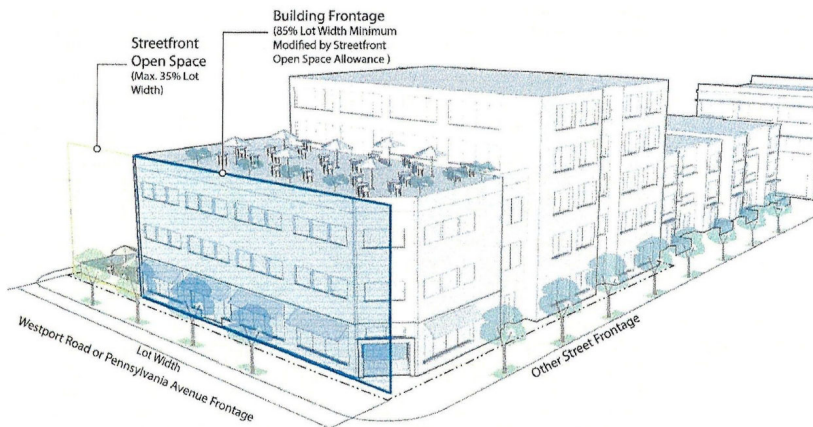
##### ~~88-285-05-A. Building Access.~~ BUILDING ACCESS

Primary entrances shall comply with the following standards:

- ~~1. Direct Access Required.~~ 1. DIRECT ACCESS REQUIRED.  
Primary entrances shall provide direct public access from the adjacent rights-of-way in compliance with the Pedestrian Standards as stated in 88-450 of the Zoning and Development Code.
- 2. ~~Corner Lots.~~ CORNER LOTS.  
On corner lots, corner entrances are encouraged.



**Figure 4 -- Minimum Building Frontage &and Usable Open Space.**



Buildings fronting Westport Road or Pennsylvania Avenue are required to occupy at least 85% of the ~~lot's~~lot's width, unless usable open space complying with Section ~~588-~~88-~~285-05-B~~ is included. Usable open space may occupy up to 35% of the ~~lot's~~lot's width.

**B. Usable Open Spaces. 88-285-05-B. USABLE OPEN SPACES**

Building frontage and setbacks in Table 2 may be modified to accommodate usable open space, including patios, courtyards, outdoor recreational areas, and ~~outdoor~~Outdoor entertainment venues. Usable open spaces shall conform to the following standards:

1. ~~Location.~~ **LOCATION.**

Open space must directly abut the streetscape.

~~2. Frontage Extent Allowance.~~ **2. FRONTAGE EXTENT ALLOWANCE.**

Open space shall not exceed 35% of the total lot frontage along Westport Road and/or Pennsylvania Avenue.-

3. ~~Size.~~ **SIZE.**

Open space shall be at least 15 feet in all directions. Open space shall not exceed 20,000 square feet.

~~4. Allowed Uses.~~ **4. ALLOWED USES.**

Open space may be used for dining, gathering, recreation, or similar uses. Open space shall not be used for outdoor storage. Outdoor uses shall be accessory to the principal use.

~~5. Enclosure.~~ **5. ENCLOSURE.**

Open space may be enclosed with a permanent rail or wall constructed of metal, masonry, or wood, not exceeding 36 inches in height. Enclosed usable open spaces may include an entry along the perimeter to accommodate public access of at least 36 inches wide.

6. ~~Activation.~~ **ACTIVATION.**

Usable open space shall be designed as active social space. For the purposes of this ordinance, ~~"Usable Open Space"~~ shall not be interpreted as vehicular use areas such as parking or loading facilities, landscape areas, or stairways. At a minimum, open space shall be designed to include two of the following elements:

- ~~—~~a. Movable furniture;
- ~~—~~b. Interactive art installation;
- ~~—~~c. Planters with seasonal or ornamental plantings;
- ~~—~~d. Water element such as a fountain;
- ~~—~~e. Shade elements.

~~C. Vehicle Parking Facilities.~~ **88-285-05-C. VEHICLE PARKING FACILITIES**

Uses in the Westport Overlay are exempt from the parking standards of Section 88-420-06 of the Zoning and Development Code of Kansas City, Missouri. Where the expansion or addition of parking is allowed through special use permit, the following standards apply:

1. ~~Understated Parking Required.~~ **UNDERSTATED PARKING REQUIRED.**

Parking facilities shall not directly abut Westport Road or Pennsylvania Avenue. Any off-street parking provided must be located behind, within, or under the

building, unless determined otherwise by the Planning Director.

2. ~~Parking Garages.~~ **PARKING GARAGES.**

Where permitted, tenant spaces shall be included on the ground level of parking garage ~~façades~~ façades fronting on Westport Road or Pennsylvania Avenue.

~~3. Access & Circulation.~~ **3. ACCESS AND CIRCULATION.**

Access shall be taken from alternative streets or alleys where available. Permitted parking facilities shall not be accessed from Westport Road or Pennsylvania Avenue, except where determined otherwise by the Planning Director.

~~4. Parking Maximums.~~ **4. PARKING MAXIMUMS.**

Where approved through special use permit, no use shall provide more than 20% of minimum required parking in Section 88-420-04 of the Zoning and Development Code. In addition, any parking permitted over 20% shall require mitigating potential impacts of more parking through one or more of the following strategies:

- ~~—~~a. Provide shared parking for other uses on the block or adjacent blocks.
- b. Design all parking areas over the minimum as dual-purpose space, such as plazas, playgrounds, event areas for regular use of the space during ~~non-~~ nonpeak times.
- ~~—~~c. Use alternative surface areas designed to infiltrate stormwater.
- d. Provide additional buffers and site open spaces to screen parking and provide more active usable outdoor spaces for people in relation to the streetscape, of at least a 10% increase in the open space or buffers and at least a 25% increase in the amount of landscape material required for the parking.

**88-285-05-D. Bicycle Parking Facilities.—BICYCLE PARKING FACILITIES**

Short-term and long-term bicycle parking is required according to ~~Section 88-420-09~~ Section 88-420-09 of the Zoning and Development Code of Kansas City, Missouri.

**E. Screening, Fencing & Walls.**

**88-285-05-E. SCREENING, FENCING AND WALLS**

1. ~~Mechanical/Utility Equipment.~~ **MECHANICAL/UTILITY EQUIPMENT.**

In addition to Section 88-425-08 of the Zoning and Development Code of Kansas City, Missouri,) the following standards must be met:

- a. Dumpsters and ground level mechanical/utility equipment must be located in the rear yard or can be located in the side yard if setback 10 feet from Westport Road or Pennsylvania Avenue.

b. \_\_\_\_\_ Dumpsters shall not be visible from the public right-of-way.

c. \_\_\_\_\_ Access for dumpsters and mechanical/utility equipment may be shared with any access for required parking.

2. *Fencing & Walls.*—**FENCING AND WALLS.**

Fencing and walls within the overlay district shall comply with the following standards:

a. No fence over 72 inches shall be erected on any lot.

b. Per the Boulevard and Parkway Standards in Section 88-323, fencing on a boulevard must be of steel, iron, concrete, stone, or brick.

c.- Barbed-wire, razor wire, metal sheeting, wood picket, stockade, chain link fencing, or similar materials are prohibited fencing materials in the Overlay District.

d. Within 20 feet of the Westport Road or Pennsylvania Avenue right-of-way lines:

i. \_\_\_\_\_ Fencing shall meet or exceed 80 percent transparency.

ii. \_\_\_\_\_ The finished side of the fence or wall shall face the adjacent property or the street.

iii. \_\_\_\_\_ Fences used to enclose a vehicular use area shall be at minimum 36 inches in height, made of decorative wrought iron or other metal picket, and located within the required perimeter landscape ~~buffer~~buffer.

iv. \_\_\_\_\_ Freestanding walls shall not exceed 36 inches in height. -Fencing or a combination of fencing and a freestanding wall shall not exceed 72 inches in height.

v. \_\_\_\_\_ Retaining walls adjacent to Westport Road or Pennsylvania Avenue shall not exceed 48 inches in height.

vi. \_\_\_\_\_ Freestanding and retaining walls shall be constructed of brick, pre-cast concrete, cast-in-place concrete-textured, stone or cast stone.

**Section 6-88-285-05-F. DRIVE-THROUGH FACILITIES**

Drive-through facilities are permitted subject to an approved Special Use Permit. Drive-through facilities shall meet the applicable standards of 88-340 and the following standards:

1. \_\_\_\_\_ Drive-through facilities shall be utilized solely for customer pick-up of goods and

shall not provide for on-site ordering.

2. Drive-through facilities shall be permitted only where vehicular traffic enters from Westport Road and exits onto a public street other than Westport Road. No drive-through facility shall be permitted to both enter from and exit onto the same street.
3. There shall be no more than one (1) drive-through lane and no more than one (1) drive-through service window on any lot.
4. Service windows shall not face a public right-of-way. Service windows shall be a minimum of 25 feet behind the front façade (nearest the public right-of-way) of the principal building.
5. There shall be no audio speakers or ordering devices and no menu board signs.
6. The principal pedestrian access to any building on the lot shall not cross the drive-through lane.
7. Drive-through facilities shall not create new curb cuts off Westport Road.
8. All Special Use Permits for drive-through facilities shall specify the approved hours of operation during which such drive-through facility may be in operation.
9. All Special Use Permits for drive-through facilities shall be valid for a period not to exceed five (5) years from issuance.

## **88-285-0588-285-06 SIGNS**

### **A. Sign Types & Allowances. 88-285-06-A. SIGN TYPES & ALLOWANCES**

All signage must receive approval of a sign permit, and shall comply with the following standards:

<b><u>Sign Type [1]</u></b>	<b><u>Number</u></b>	<b><u>Size</u></b>
<b><u>Wall Signs</u></b> <b><u>area</u></b>	1 sign per tenant with exterior entrance (multi-tenant building) —otherwise 3 signs per façade maximum	35% of façade <del>area</del> maximum
<b><u>Awning or Canopy Signs</u></b>	As allowed by Code	<del>30</del> <b><u>30</u></b> s.f. maximum
<b><u>Marquee Signs</u></b>	1 per tenant	<del>24</del> <b><u>24</u></b> s.f. per face
<b><u>Projecting Signs</u></b>	1 per tenant [2]	<del>30</del> <b><u>30</u></b> s.f. maximum
<b><u>Monument Signs</u></b>	Prohibited, unless compliant with Section <del>688-285-06-B</del>	

[1] All signs located on ground level shall be indirectly or halo lit. Signs on the second story and above may be internally lit, indirectly or halo lit. Sign lighting shall not exceed 1-foot candle onto the public rights-of-way as measured from the property line.

[2] Multi-tenant buildings may combine projecting sign allowances into a single, ~~multi-tenant~~multitenant sign. Multi-tenant projecting signs may not exceed the size maximum of ~~30~~30 s.f.

**~~B. Monument Signs.~~**

**88-285-06-B MONUMENT SIGNS**

1. Monument signs are prohibited, unless on a lot with a minimum of 100 feet of frontage and applies with at least one of the following criteria:
  - a. The lot is developed with an existing principal structure and is setback at least 30 feet from the property line adjacent to Westport Road;
  - b. The lot has an existing pole sign. The pole sign may be replaced with a monument sign;
  - c. The sign is attached to or incorporated into a freestanding wall or retaining wall.
  - d. The site is an official local or national historic landmark or a contributing building within an official local or national historic district.
  - e.- When attached to a wall or fence, Monument signs shall not project more than 3 inches from the face of the wall or fence.
2. When allowed, one monument sign is permitted per street frontage. When allowed Monument signs must meet the following standards:
  - a.- Shall not exceed 20 square feet in area and 4 feet in height.
  - b.- Monument signs shall be set upon a solid base of material and constructed of primary materials matching the principal building.
  - c.- Sign material shall consist of pin-mounted channel letters, die cut graphics, and/or engraved text.
  - d.- The area surrounding the monument sign shall be landscaped.
  - e. Monument signs shall be setback in accordance with one of the following standards:

- i. On interior lots, monument signs shall be set back a minimum of 5 feet from the property line.
- ii. On corner lots, monument signs shall be set back a minimum of 10 feet from property line.
- iii. When attached to a wall or fence, signs shall not extend above the top of the wall or fence.

**88-285-06-C. Projecting Signs. PROJECTING SIGNS**

Projecting signs shall comply with the standards as listed in ~~Chapter~~Section 88-445-08-E of the Zoning and Development Code.

**D. Wall Signs. 88-285-06-D. WALL SIGNS**

Wall signs shall be permanently attached to the building and parallel to its surface, and shall comply with the following:

1. Wall signs shall be die cut and/or channel letter signs.
2. Signs located on the ground level of the building shall be pin-mounted.
3. Raceway-mounted channel letter signs are allowed on the second story and above. Raceways shall be painted or designed to match the material on which the sign is affixed.
4. Hand-painted wall signs are subject to administrative approval by the director of City Planning and Development. On the front or street-side façade of a building, hand-painted signs may not exceed 10 percent of the wall area and count as one wall sign per ~~40a~~88-285-06-A. Hand-painted signage located on a non-street side façade shall not exceed 50 percent of the façade area and shall be the only sign on that ~~façade~~façade.

**E. Incidental Signs. 88-285-06-E. INCIDENTAL SIGNS**

Incidental signs are permitted in the district, according to the standards of Chapter 88-445-08-G.

**F. Roof Signs. 88-285-06-F. ROOF SIGNS**

Supporting structure for a roof sign must comply with all applicable engineering and code requirements. Roof signs shall be die cut and/or channel letter signs. Supporting structures must consist of the fewest number of supporting members without embellishments. Roof signs are permitted on buildings if the top of the highest portion of the roof is at least 30 feet above grade. The maximum horizontal dimension of a roof sign may not exceed 50 percent of the width of the wall it most closely parallels or 20 feet, whichever is less. -The maximum height of a roof sign and its supporting structure may not exceed 6 feet, measured from the elevation of top of the highest parapet to the top of the sign. -Roof signs shall not be constructed of wood.

**G. Historical Signs. 88-285-06-G. HISTORICAL SIGNS**

Historical wall signs, hand-painted signs, neon signs, and projecting signs that advertise closed or off-site businesses may remain and shall not count toward any signage requirements if established more than 25 years from the date of application. Historical signs may be removed and reinstalled for restoration. Historical signs may be replicated if the new sign is the same size and material. Retention of historical signs must receive approval by the director of City Planning and Development. In no case shall a pylon sign be considered a historical sign.

~~H. Neon & Electronic Signage.~~ **88-285-06-H. NEON AND ELECTRONIC SIGNAGE**

Animated neon signs may be permitted with administrative approval of the director of City Planning and Development. ~~Electronic;~~ **Electronics** digital, and/or motorized signs, and outdoor advertising signs are prohibited within the district.

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

---

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

---

Sara Copeland, FAICP  
Secretary, City Plan Commission

Approved as to form:

---

Sarah Baxter  
Senior Associate City Attorney