

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150378

Amending Chapter 88, Code of Ordinances, by amending Sections 88-130-04, Allowed Uses, Table 130-1, and 88-425, Landscaping and Screening, and enacting new sections of like number and subject matter and adding a new Section 88-338, Downtown Development, as recommended by the Greater Downtown Area Plan (254-S-303)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances, is hereby amended by repealing and reenacting with like number and subject matter Sections 88-130-04, Allowed Uses (including Table 130-1) and that a new Section 88-338, Downtown Development, is hereby added, all to read as follows:

88-130-04 ALLOWED USES

88-130-04-A. USE TABLE

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

88-130-04-B. USE CLASSIFICATION SYSTEM

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

88-130-04-C. PERMITTED USES

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

88-130-04-D. SPECIAL USES

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

88-130-04-E. PROHIBITED USES

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

88-130-04-F. USE STANDARDS

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

88-130-04-G. SPECIAL STANDARDS ADJACENT TO PARKS, BOULEVARDS AND PARKWAYS

(RESERVED)

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	
» Above ground floor (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)	S	S	S	
» Basic, minor	P	P	P	88-425-08-B
COMMERCIAL				
Adult Business				
» Adult media store	P	P	-	88-310-03

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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	
» Adult motion picture theater	P	P	–	88-310-02
» Sex shop	P	P	–	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	–	
Communications Service Establishments	P	P	–	
Drive-Through Facility	S	S	–	88-338
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)	P	P	P	
» Short-term loan establishment	–	P	–	88-325
» Pawn shop	–	S	–	
Food and Beverage Retail Sales	P	P	P	
Funeral and Interment Service				
» Cemetery/columbarium/mausoleum	–	–	–	
» Cremating	–	–	–	
» Undertaking	P	P	–	88-345
Gasoline and Fuel Sales	S	S	–	

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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	
Lodging				
» Bed and Breakfast	P	P	P	
» Hotel/motel	P	P	S	
Office, Administrative, Professional or General	P	P	P	
Office, Medical	P	P	P	
» Blood/plasma center	S	S	-	
Parking, Non-accessory	S	S	S	
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)				
» Car wash/cleaning service	S	S	-	
» Heavy equipment sales/rental	-	S	-	
» Light equipment sales/rental (indoor)	S	S	-	
» Light equipment sales/rental (outdoor)	S	S	-	
» Motor vehicle repair, limited	S	S	-	
» Motor vehicle repair, general	-	S	-	
» Vehicle storage/towing	-	S	-	88-375
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
» Artisan	P	P	P	
» Limited	S	S	S	
» General	S	S	-	
Recycling Service				
» Limited	-	S	-	

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 Storage Warehouse	-	S	-	
Warehousing, Wholesaling, Freight Movement				
» Indoor		S	-	
» Outdoor	-	S	-	
A G R I C U L T U R A L				
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Animal	S	P/*	S	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
A C C E S S O R Y				
Wireless Communication Facility				
» Freestanding	-	-	-	
» Co-located antenna	P	P	S	88-385

88-338 DOWNTOWN DEVELOPMENT

88-338-01 BUILDING AND SITE DESIGN STANDARDS

The regulations of this article are intended to preserve and enhance the character of pedestrian-oriented streets within the downtown loop and, in turn, to activate building facades, promote street-level activity, economic vitality, and pedestrian safety and comfort. The standards of this article apply to all development within the area defined as the downtown loop, unless otherwise expressly stated.

88-338-01-A. BUILDING PLACEMENT

1. Buildings must abut or be located within 5 ft. of the public sidewalk adjacent to the front property line.
2. Buildings placement standards do not apply to arcades, public plazas, or recessed entries, in accordance with an approved development or site plan.

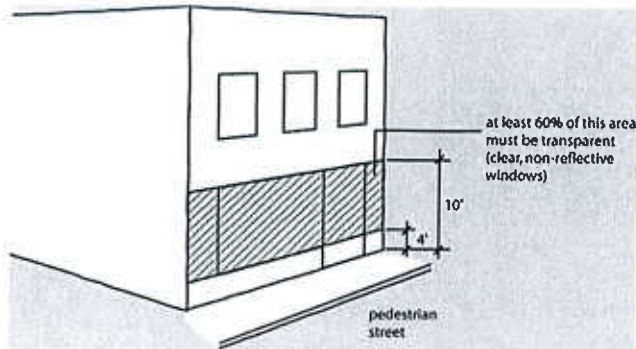
88-338-01-B. GROUND-FLOOR TRANSPARENCY

1. At least 60% of the street-facing building facade between 4 feet and 10 feet above the sidewalk must be comprised of windows that allow views of indoor commercial space, product display areas, or display of art, murals, or

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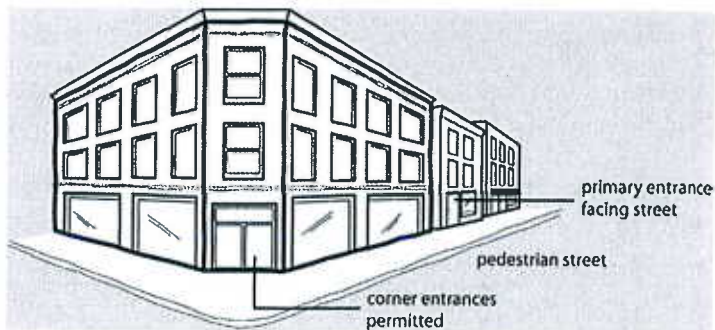
interactive lighting. On corner lots, this 60% transparency requirement applies only along one street. The minimum transparency standard abutting secondary streets is 40%.

2. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50% of the minimum transparency requirements, provided that they are internally illuminated and are at least 2 feet in depth.
3. The bottom of any window or product display window used to satisfy these transparency requirements may not be more than 4.5 feet above the adjacent sidewalk.



88-338-01-C. DOORS AND ENTRANCES

1. Buildings must have a working public entrance door facing the street. Entrances at building corners may be used to satisfy this requirement.
2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.



88-338-01-D. PARKING

1. No off-street parking is required for nonresidential uses unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking

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must be provided for the floor area in excess of 4,000 square feet (see 88-420 for off-street parking ratios).

2. Any off-street parking that is provided must be located behind the building or within or under the building.
3. When the depth of the lot is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it does not occupy more than 50% of the street frontage and that it is screened from view of the street in accordance with 88-425 Landscaping and Screening.

88-338-01-E. DRIVEWAYS AND VEHICLE ACCESS

1. Driveways and vehicle access, when provided, must come from an alley or side street if either is present.

88-338-01-F. GROUND FLOOR COMMERCIAL SPACE

1. Minimum floor-to-ceiling height of all ground floor space within the building shall be 13 feet.

88-338-02 DRIVE-THROUGH FACILITIES

88-338-02-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.

88-338-02-B. The principal building shall be located on the front property line, so as to form a street edge.

88-338-02-C. All functions associated with the drive-through use shall be located on the sides or rear (not facing the street) of the principal building, but may be underneath a portion of the principal structure.

88-338-02-D. A permanent porte-cochere structure shall be constructed, extending from the public right of way line to 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. The porte-cochere shall be structurally integrated with the principal building and its design shall be consistent in respect to pattern, scale, material, and form.

88-338-02-E. Building materials used on the drive-through establishment shall be applied to all four elevations and be consistent with those of the principal building so as to form a cohesive vision.

88-338-02-F. 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.

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88-338-02-G. Each drive-through facility must provide a minimum of 80 feet of vehicle stacking area (queue space) between the right-of-way and the first point of service to accommodate waiting vehicles and to ensure that no motor vehicles will block pedestrian traffic on public sidewalks or vehicular traffic on public streets. The stacking area must be designed to accommodate safe and efficient on-site circulation and parking space access.

88-338-02-H. Service windows shall be a minimum of 25 feet behind the front façade (nearest the public right-of-way) of the principal building.

88-338-02-I. Ingress and egress lanes to the drive-through facility shall be from a side street or alley, unless as otherwise permitted in conjunction with a development plan or site plan.

88-338-02-J. Ingress and egress lanes should be separated, with the ingress lane no wider than 12 ft. and the egress lane no wider than 24 ft.

88-338-02-K. Traffic flow through the site shall be one-way.

88-338-02-L. Direct pedestrian access from public streets and sidewalks to the building entrances shall be provided.

88-338-02-M. Pedestrian walkways and crossings upon the site shall 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.

88-338-02-N. A drive-through use adjacent to and within 150 ft. of a boulevard or parkway must comply with standards of 88-323.

88-338-02-O. “No Idling” or “Idle-Free Zone” signs must be posted in all off-street loading areas.

88-338-03 VEHICULAR USE AREA LANDSCAPING AND SCREENING

Landscaping and screening of vehicular use areas within the downtown loop shall be in accordance with pertinent provisions of 88-425 Landscaping and Screening.

88-425 LANDSCAPING AND SCREENING

88-425-01 SCOPE AND PURPOSE

The regulations of this article establish minimum requirements for street tree planting, parking lot/vehicular use area landscaping (perimeters and interior areas), and screening and buffering of outdoor display, storage, and work areas and loading areas. The regulations are intended to advance the general purposes of 88-10-05, including the following:

88-425-01-A. enhance the city's image and appearance;

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88-425-01-B. protect and improve environmental conditions by providing shade, air purification, oxygen regeneration, filtering of stormwater runoff, and abatement of noise, glare and heat; and

88-425-01-C. help mitigate possible adverse impacts of higher intensity land uses located adjacent to lower intensity land uses.

88-425-02 - RELATIONSHIP TO STORMWATER MANAGEMENT

Required landscape areas may be used for stormwater management in accordance with the city's Standards, Specifications, and Design Criteria and the city's adopted Manual of Best Management Practices for Stormwater Quality.

88-425-03 - STREET TREES

88-425-03-A. APPLICABILITY

The street tree planting requirements of this section apply to all of the following, unless expressly exempted:

1. construction of any principal building; and
2. any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 10 percent of gross floor area.

88-425-03-B. EXEMPTIONS

1. Street trees are not required to be installed or maintained in the following locations:
 - a. above an area containing soil of a depth of less than 6 feet, not including sidewalk pavement; and
 - b. any areas determined by the director of parks and recreation to be unsuitable or unsafe for street trees.
2. When street trees are not required pursuant to 88-425-03-B.1, the director of parks and recreation may require alternative landscape treatments, in accordance with 88-425-13.

88-425-03-C. TREE PLANTING REQUIREMENTS

1. NUMBER

At least one street tree is required for each 30 feet of street frontage.

2. LOCATION

Required street trees must be installed within the street right-of-way or within 10 feet of the street right-of-way. If street trees are to be located outside of the right-of-way, the city is authorized to require the establishment of a 15-foot landscape maintenance easement.

3. SPACING

Street trees need not be regularly spaced. The director of parks and recreation is authorized to determine the final location of street trees, based on site factors such as the location of utilities and driveways, intersection visibility requirements and other factors.

4. SIZE

Street trees installed to satisfy the requirements of this section must comply with the minimum size requirements of 88-425-10-B.2 except that on lots abutting parkways and boulevards, street trees must have a minimum caliper of 2.0 inches.

88-425-04 - GENERAL LANDSCAPING REQUIREMENTS

88-425-04-A. SETBACKS AND OPEN SPACE

The setback and open space areas required by this zoning and development code must be landscaped, except where they are:

1. occupied by approved structures or paving;
2. screened from public view; or
3. retained in their natural (vegetated) state.

88-425-05 - PERIMETER LANDSCAPING OF VEHICULAR USE AREAS

88-425-05-A. APPLICABILITY

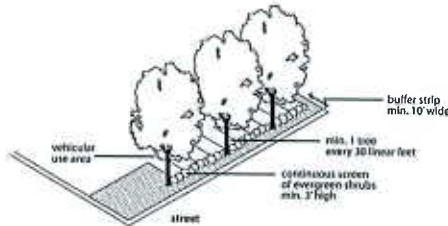
Unless otherwise expressly stated, the perimeter landscaping standards of this section apply to all of the following in all zoning districts:

1. the construction or installation of new vehicular use areas;
2. the repair, rehabilitation or expansion of existing vehicular use areas, if such repair, rehabilitation or expansion would increase the area of the vehicular use area by more than 20%;
3. existing vehicular use areas that are accessory to an existing principal building if the building or any portion of the building is expanded or enlarged and the expansion increases the existing floor area by more than 50% or 5,000 square feet, whichever is less; and
4. the excavation and reconstruction of existing vehicular use areas if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete or other pavement devoted to vehicular use.

88-425-05-B. ADJACENT TO STREETS

When a vehicular use area is located adjacent to a public right-of-way, perimeter landscaping must be provided to provide physical and visual separation between the vehicular use area and the right-of-way. This requirement applies only when there are no intervening buildings between the right-of-way and the vehicular use area. Trees planted to satisfy the street tree planting requirements of 88-425-03 may be counted toward satisfying the tree planting requirements of 88-425-05-B.

1. Perimeter landscaping adjacent to street rights-of-way must be provided in the form of a perimeter landscape buffer strip located between the vehicular use area and the street right-of-way.
2. Except as provided below for vehicular use areas within the downtown loop, the landscape buffer strip must be at least 10 feet in width and be planted with at least one tree per 30 linear feet of landscape strip and enough evergreen shrubs to form a continuous visual screen at least 3 feet in height after the first growing season.



3. Ground cover plants must cover the remainder of the required landscape strip.
4. A masonry wall, planter, or berm may be substituted for shrubs, but trees and ground cover are still required.
5. Shrubs and walls must be located on the interior of the perimeter landscape buffer strips; trees must be on the outside (street side) of the shrubs or wall.
6. On sites containing more than 250 surface (outdoor, at-grade) parking spaces, when a vehicular use area is adjacent to a public right-of-way, required perimeter landscaping must be provided in the form of:
 - (a) a berm with a minimum height of 3 feet and a maximum slope of 3:1, planted with at least 3 trees and 25 shrubs per 100 feet of berm length; or
 - (b) a landscape buffer strip with a minimum width of 25 feet, planted with at least 6 trees and 35 shrubs per 100 feet of buffer length.
7. Within the downtown loop, the landscape buffer strip
 - (a) may be reduced to 3 feet in width, with construction of a minimum three-foot high decorative metal or wrought iron fence or brick, stone,

cast stone, or stamped concrete wall. The strip must be planted with enough evergreen shrubs to form a continuous visual screen at least 3 feet in height after the first growing season; and

(b) shall not be required when adjacent to any public alley.

88-425-06 - INTERIOR LANDSCAPING OF PARKING LOTS

88-425-06-A. APPLICABILITY

Unless otherwise expressly stated, the interior landscaping standards of this section apply to all of the following in all zoning districts:

1. the construction or installation of any new parking lot containing 25 or more parking spaces in the downtown loop and Crossroads areas or 10 or more parking spaces outside the downtown loop and Crossroads areas;
2. the expansion of existing parking lots, if the expansion would create 25 or more parking spaces in the downtown loop and Crossroads areas or 10 or more new parking spaces outside the downtown loop and Crossroads areas, in which case the requirements of this section apply only to the expanded area; and
3. the excavation and reconstruction of existing parking lots containing 25 or more parking spaces in the downtown loop and Crossroads areas or 10 or more parking spaces outside the downtown loop and Crossroads areas if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete or other parking lot surface material.

88-425-06-B. MINIMUM INTERIOR LANDSCAPE AREA

1. At least 35 square feet of interior landscape area must be provided for each parking space. If compliance with this standard would result in the loss of existing required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior landscaping.
2. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for storm water management the minimum landscaped area requirement is reduced from 35 square feet per parking space to 28 square feet per parking space. In order to receive this bioretention credit, the ponding area must be at least 6 inches and not more than 18 inches in depth and planted with native wildflowers/forbs and grasses.

88-425-06-C. RELATIONSHIP TO PERIMETER LANDSCAPING STANDARDS

Landscape area provided to satisfy the perimeter landscape standards of 88-425-05 may not be counted toward satisfying the interior landscaping standards of this section.

88-425-06-D. LOCATION

Required interior landscaping must be designed to enhance the appearance and safety of the parking lot area. Landscaping must be reasonably dispersed throughout parking area. Reduced dispersal is allowed if landscape planting areas are combined to form larger, functional bioretention areas.

88-425-06-E. PLANT MATERIALS

1. **TREES**

One tree is required per 5 parking spaces.

2. **SHRUBS**

One shrub is required per parking space.

3. **GROUND COVER**

Ground cover plants must cover all interior landscape areas.

88-425-10-E. FENCES AND WALLS

Unless otherwise specified within this section for properties within the downtown loop:

1. Walls or planters must be constructed of brick, stone or other durable masonry material approved by the city planning and development director.

2. **FENCES**

Fences must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property or street. Chain-link fencing may not be used to satisfy landscaping and screening requirements.

Section C. That normal fees for a properly filed application for certificate of legal nonconformance for any property affected by this Zoning Ordinance are hereby waived for one year from the effective date of this ordinance.

Section D. That the Council finds and declares that before taking any action on the proposed amendment to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

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


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

MAY 21 2015

Date Passed