

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240861, AS AMENDED

Amending Chapter 88, Code of Ordinances, by enacting Section 88-347, Gasoline and Fuel Sales, to establish use standards for gasoline and fuel sales; repealing Section 88-610-04, Nonconforming Uses, and enacting in lieu thereof a new section of like number and subject matter for the purpose of establishing specific nonconforming use provisions for gasoline and fuel sales; enacting Section 88-805-04-N, Gasoline and Fuel Sales, to establish a definition for the use; and repealing Section 88-120-03 Table 120-1, Office, Business and Commercial Districts Use Table, and Section 88-140-03 Table 140-1, Manufacturing Districts Use Table, and enacting in lieu thereof new tables for the purpose of referencing the use standards of Section 88-347.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending Chapter 88, Code of Ordinances, by enacting Section 88-347, Gasoline and Fuel Sales, to establish use standards for gasoline and fuel sales, said section to read as follows:

88-347 – GASOLINE AND FUEL SALES

88-347-01-A. APPLICABILITY

The following standards apply to gasoline and fuel sales uses in all districts. Unless expressly stated otherwise, existing gasoline and fuel sales uses shall demonstrate compliance with these standards at such time that modifications to the use, property, or building are made as set forth below.

1. New Development. Full compliance with this section is required for all new structures.
2. Enlargements and Expansions. Full compliance with this section is required for any improvements or modifications that constitute a major amendment pursuant to Section 88-525-14-A, regardless of whether the gasoline and fuel sales use holds a special use permit. Full compliance with this section is required only for the enlargement or expansion area.
3. Façade Changes. Compliance with building design and operations standards of this ordinance is required for façade changes to existing buildings.
4. Change of Use or Occupancy. Compliance with parking and loading, screening and fencing, and signage standards is required whenever the use or occupancy of a property changes.
5. Previously Approved Preliminary Plans and Development Plans. Permits may be issued for previously approved site-specific preliminary plans and development plans, including UR and MPD plans that were approved prior to the effective date of this section in accordance with the previously approved plan and shall be in compliance with 88-347-02-B through 88-347-02-D.

88-347-01-B. EXEMPTIONS

New gasoline and fuel sales uses may be approved through an approved development plan pursuant to 88-517-09-D without a special use permit. The new gasoline and fuel sales establishment shall comply with the standards of this section.

88-347-02 – DESIGN STANDARDS

88-347-02-A. Location

1. No such establishment shall be located within 2,000 feet of any existing gasoline or fuel sales establishment, measured pursuant to Section 88-820-15.
2. No such establishment shall be located within 200 feet of a residential (R) zoning district, measured per Section 88-820-15.

88-347-02-B. Site & Building Layout

1. All public entrances and exits shall be visible from a street.
2. Any exterior seating areas shall be located adjacent to the front or side of a building.
3. Areas intended for public access shall be clearly delineated from private areas through design elements including but not limited to landscaping, decorative fencing, and lighting.
4. The primary public entrance shall be a minimum of 35% transparency, lying between 3 feet and 10 feet above adjacent outside grade.
5. Glass in ground floor windows, doors, and display windows shall be transparent or lightly tinted, maintain a visible light transmittance from both inside and outside with a minimum visible light transmission (VLT) of 35%. Mirrored or darkly tinted glass is not permitted.

88-347-02-C. Landscaping and Screening

1. Garbage receptacles, dumpsters, open storage areas and/or mechanical equipment must be a minimum twenty-five (25) feet from any property zoned for detached residential uses, screened in accordance with 88-425-08, and remain in compliance with Chapter 48.
2. Dumpster enclosures shall have securable or lockable gates. Failure to secure the gate when not in use shall constitute a violation of this provision.
3. The dumpster enclosure gate/entrance shall be either;
 - a. Raised 6 inches to 1 foot from the ground, or
 - b. Constructed of slats with 2 inch spacing.

All sides and elevations of buildings or walls visible from public right-of-way or an adjacent parcel must be architecturally finished and maintained.

88-347-02-D. Lighting

1. Building-mounted downlighting is required on all sides of the building accessible to pedestrians.
2. Pedestrian-scaled lighting is required along all pedestrian routes.
3. All lighting shall be controlled by photoelectric means.
4. Light levels shall be in accordance with the following standards:
 - a. Minimum lighting levels of 5.0 foot-candles shall be maintained all building entrances.
 - b. Canopy structures shall include a minimum lighting level of 10.0 foot-candles and a maximum lighting level of 45.0 foot-candles. Fuel pumps not covered by a canopy shall be lit with a minimum lighting level of 5.0 foot-candles.
 - c. Lighting under any canopy area shall use recessed fixtures.
 - d. Photometric levels adjacent to a dumpster shall be a minimum of 5.0 foot-candles.
5. Unshielded decorative lighting that causes glare, including but not limited to luminous tube (neon), string, rope, tape LED, fluorescent, or other similar lighting is prohibited unless explicitly identified on building elevations and approved through a special use permit.
6. No light pole shall exceed 22 feet in height.

88-347-03. Operations

1. Operations shall be in full compliance with all City Code, including the Zoning Ordinance, Nuisance Code, and Building Code.
2. Property Maintenance
 - a. Views of windows, building address numbers, walkways and the line of vision to the establishment from the public right-of-way, except for street trees. Street trees are permitted to be located within the line of vision.
 - b. Reasonable pruning, trimming, or other suitable and acceptable methods shall be used to control vegetation. Vegetation and landscape areas shall be maintained substantially debris-free, neat and orderly in appearance, and in healthy growing condition. Dead vegetation shall be removed or replaced.

- c. Vegetation shall not interfere or obstruct any lighting required by this Chapter.
 - d. The passage or movement of pedestrians or vehicles on any sidewalk, driveway, parking lot, or any other area intended for the use of pedestrians or vehicles shall not be obstructed or interfered with by vegetative overgrowth.
3. Outdoor display areas (i.e. ice coolers, propane exchange lockers, display of firewood, windshield wiper fluid) shall not be located in front of windows.

Section 2. Amending Chapter 88, Code of Ordinances, by repealing Section 88-610-04, Nonconforming Uses, and enacting in lieu thereof a new section of like number and subject matter for the purpose of establishing specific nonconforming use provisions for gasoline and fuel sales, said section to read as follows:

88-610-04 NONCONFORMING USES

88-610-04-A. DESCRIPTION

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with separation distance requirements are also deemed nonconforming uses.

88-610-04-B. CHANGE OF USE

1. A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.
2. The city planning and development director is authorized to approve a use substitution allowing one nonconforming use to be changed to another use that is classified in the same use category (see 88-805) or to another functionally similar use. In order to approve a use substitution, the city planning and development director must determine that the substituted use will create no greater adverse impacts on the surrounding area than the previous use. In making such a determination, the city planning and development director must consider all of the following factors:
 - (a) hours of operation,
 - (b) vehicular traffic;
 - (c) the number of employees and other people expected to be attracted to the use; and
 - (d) other factors likely to affect the neighborhood in which it is located.

3. All nonconforming signage for the existing use must be removed and all signage for the proposed use must conform to the underlying district in which it is located unless otherwise approved by the board of zoning adjustment.
4. A nonconforming use of open land may not be changed to any other nonconforming use of open land.

88-610-04-C. EXPANSION OF USE

1. Except as otherwise expressly stated, the city planning and development director is authorized to approve expansion of a nonconforming use into another part of the same building or accessory building existing at such time the non-conforming use was established through the administrative adjustment process, provided that the city planning and development director determines that such expansion:
 - a. will not result in a violation of off-street parking or loading requirements;
 - b. will not violate any applicable lot or building standards;
 - c. will not result in greater adverse impacts on the surrounding area; and
 - d. is not expressly prohibited by 88-610-04-C-2.
2. The following nonconforming uses may not be expanded:
 - a. a nonconforming use of open land; or
 - b. a nonconforming industrial or manufacturing use in an R district.

88-610-04-D. LOSS OF NONCONFORMING STATUS

1. DISCONTINUANCE

Once a nonconforming use is discontinued, its nonconforming status is lost and any subsequent use of the property must comply with the regulations of the zoning district in which it is located. When a nonconforming use of open land ceases for a period of 90 consecutive days or more, it will be considered discontinued. Other nonconforming uses will be considered discontinued when any of the following occurs:

- a. the intent of the owner to discontinue all uses in the structure is apparent;
- b. the building or structure ceases to be used in a nonconforming manner for a period of 12 consecutive months.
- c. no use has been maintained in the structure for a period of 12 months or more;
- d. a demolition permit has been applied for;

- e. all equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within 180 days;
- f. the use was required to obtain a certificate of legal nonconformance and did not obtain such certificate within the timeframe required; or
- g. the property has been used for illegal activities or the use has failed to comply with city ordinances or with state or federal law.
- h. The vacancy of a portion of the units in a multi-unit building will not be deemed a discontinuance of the nonconforming use of the building.

2. NOTICE OF DISCONTINUANCE

Notice of discontinuance of certificates of legal nonconformance must be provided as follows:

- a. Upon receipt of evidence that a legal nonconformance that has a certificate of legal nonconformance has been discontinued, the city planning and development director must promptly notify the owner that an order will be issued revoking the certificate of legal nonconformance, absent proof that such nonconformance has not been discontinued.
- b. The owner of the legal nonconformance will be given a period of 30 days from the date of receipt of notice from the city planning and development director to submit evidence that the legal nonconformance was not discontinued.
- c. At the expiration of 30 days or as soon thereafter as possible, the city planning and development director must issue an order revoking or refusing to revoke the certificate of legal nonconformance. The decision of the city planning and development director is final unless appealed to the board of zoning adjustment within 15 days of the order of the city planning and development director.
- d. This notice procedure is not applicable to a nonconformity which does not have a certificate of legal nonconformance.

3. CHANGE TO A CONFORMING USE

If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and reestablishment of the nonconforming use is prohibited.

4. INTENTIONAL DESTRUCTION

When a structure containing a nonconforming use is intentionally damaged by causes within the control of the owner, re-establishment of the nonconforming use is prohibited.

5. **ACCIDENTAL DAMAGE OR DESTRUCTION**

- a. When more than 50% of the volume of a structure containing a nonconforming use is destroyed or damaged the use may not be restored except in conformance with the regulations of the zoning district in which it is located.
- b. When 50% or less of the volume of a structure containing a nonconforming use is accidentally (by causes that are not within the control of the property owner or tenant) destroyed or damaged the use may be restored or repaired provided that no new nonconformities are created and that the existing nonconforming situation is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained 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.
- c. The determination of the extent of damage or destruction rests with the city planning and development director, based on evidence provided by the property owner.
- d. No permit for restoration may be issued by the city planning and development director unless a certificate of legal nonconformance is presented with the request for a permit.
- e. Notwithstanding the foregoing, if a nonconforming use was lawfully established in accordance with a development plan approved by the City Council, the use may be rebuilt in accordance with said development plan.

6. **REUSE OF HISTORIC COMMERCIAL STRUCTURE**

To encourage the reuse of designated landmarks, the board of zoning adjustment is authorized to approve continuance or re-establishment of the original use of a structure that is on the National Register of Historic Places or which has been locally designated as a landmark regardless of the period of discontinuance or vacancy or that has received the federal rehabilitation tax credit for buildings other than certified historic structures built before 1936 in accordance with Public Law 101-508; 26 U.S.C. 47 of the Federal Code as adopted on November 5, 1990. In approving such continuance or re-establishment, the board of zoning adjustment must follow the special use procedures of Article 88-525.

7. **REUSE OF OFFICIALLY DESIGNATED HISTORIC LANDMARK (LOCAL OR NATIONAL)**

To encourage the reuse of designated landmarks, the board of zoning adjustment is authorized to approve continuance or re-establishment of the original use of a structure and signage that is on the National Register of Historic Places or which has been locally designated as a landmark regardless of the period of

discontinuance or vacancy or that has received the federal rehabilitation tax credit for buildings other than certified historic structures built before 1936 in accordance with Public Law 101-508; 26 U.S.C. 47 of the Federal Code as adopted on November 5, 1990. In approving such continuance or re-establishment, the board of zoning adjustment must follow the special use procedures of 88-525.

88-610-04-E. NONCONFORMING ADULT BUSINESS USES

1. Each of the following will be considered a unique and separate adult business: adult cabaret, adult media store (which will be considered a single use even if it also includes adult books and other printed matter); massage shop, modeling studio, bathhouse, adult motion picture theater and/or sex shop.
2. An adult media store is a less intensive use than a sex shop. Any nonconforming sex shop use may be converted to a nonconforming adult media store use at any time with written notice provided to the city planning and development director and without any further approvals or actions required by the city. If a nonconforming sex shop use is converted to a nonconforming adult media store use, the nonconforming sex shop use may not be re-established.
3. Except as provided in 88-610-04-E.2, when a certificate of legal nonconformance establishes a right to operate one or more adult businesses at a particular location, only the business or businesses specifically identified in the certificate of legal nonconformance is allowed and no other adult business are allowed as a nonconforming use at that particular location. The city planning and development director has no authority to authorize a change to a certificate of legal nonconformance for an adult business use except as expressly provided in this article (88-610).
4. Certificates of legal nonconformance issued for an adult business apply to all nonconforming aspects of the adult business, including the separation requirements expressly established for adult businesses.
5. Notwithstanding other provisions of this article (88-610), a nonconforming adult business that includes one or more nonconforming motion picture arcade booths for which there is a certificate of legal nonconformance will be allowed to relocate the motion picture arcade booths in conjunction with relocation of the principal business, subject to the following terms:
 - (a) the motion picture arcade booths may be relocated only if the relocation involves all adult businesses or all aspects of the adult businesses on the premises that are nonconforming;
 - (b) not more than the number of motion picture arcade booths actually shown on the certificate of legal nonconformance or proven by the applicant to be subject to the certificate of legal nonconformance in operation on the date of application for relocation may be relocated;

- (c) the motion picture arcade booths may be relocated only in conjunction with the relocation of all adult businesses or all nonconforming aspects of the adult businesses;
 - (d) the location to which the motion picture arcade booths are relocated must conform in all respects to this zoning and development code as to all other aspects of the adult business, including separation and other requirements specifically applicable to the adult business that is relocating;
 - (e) the relocated motion picture arcade booths must conform fully with the requirements of section 12-67 of the Code of Ordinances, including the design requirements;
 - (f) after such relocation, the motion picture arcade booths will be the subject of a certificate of legal nonconformance as though they had always been at the new location, except that the certificate of legal nonconformance must, on its face, reflect the fact of the relocation and the actual history of the booths involved. Any relocation of an adult business, including motion picture arcade booths, must be approved by the city planning and development director upon receipt of a written request and such other information that the city planning and development director may request. The standards applied to the determination of approval or denial must be the conditions set forth in this subsection. Upon approval of the relocation of the adult business with the motion picture arcade booths, the certificate of legal nonconformance for the previous location will be void.
6. No building arranged or designed for or devoted to a nonconforming adult business may be extended or enlarged or structurally altered; provided however that alterations to the roofs of structures, including roof pitches, may be approved by the city planning and development director if the alteration does not increase the floor area or usable space of the structure and that establishments with "media rooms," "preview rooms" or other spaces created as exempt from Second Committee Substitute for Ordinance No. 970827, as amended, hereinafter referred to as "Ordinance 970827" as codified at section 12-275 through section 12-283, because they were nominally designed to seat 10 or more people, have until May 1, 1999, to remove the doors from those rooms and to take other actions to bring those spaces into compliance with section 12-67(a)(1), (2) and (3). As an alternative, the establishment may replace those rooms with no more than the number of motion picture arcade booths existing in the same space prior to the passage of Ordinance No. 970827, on July 3, 1997, provided that each and every replacement motion picture arcade booth must fully conform to the requirements of this section, and particularly with section 12-67(a)(1), (2) and (3); any booths created by conversion under this section will be treated as legal nonconforming uses, as though they had existed continuously from the date of passage of Ordinance No. 970827 until passage of Second Committee Substitute for Ordinance No. 981270.

7. Notwithstanding any other provisions of this article (88-610), an adult cabaret operating under a certificate of legal nonconformance and providing entertainment that does not comply with the provisions of Chapter 10 may convert to an adult cabaret providing entertainment that does comply with Chapter 10. At the time of such conversion, the city planning and development director may issue a new certificate that allows the expansion of the adult cabaret providing entertainment complying with the provision of Chapter 10, to include additional floor area within the confines of the structure of the existing building in which the adult cabaret is located, provided that the applicable off-street parking requirements of this zoning and development code are met, and provided that the converted adult cabaret becomes a less intensive use. Parking facilities must be in the same ownership as the lot to be served unless otherwise permitted under terms approved by the city planning and development director. The city planning and development director may approve a development plan without required on-site parking when the parking provided is consistent with solid planning principles in consideration of anticipated use, mass transit accessibility, and off-site parking availability. The parking provided on the development plan must remain available and will be the basis of a violation if not provided. Any adult cabaret that converts as above may not thereafter convert back to providing entertainment that does not comply with Chapter 10. The converted adult cabaret must comply with the following regarding signage and displays:
 - (a) The facility in which such use is located is limited to one wall-mounted sign not to exceed a total of 50 square feet.
 - (b) The sign may not flash, blink or move by mechanical means and may not extend above the roof line of the building.
 - (c) No merchandise or pictures of products or entertainment on the premises may be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building.
 - (d) No flashing lights or lighting that leaves the impression of motion or movement is permitted.

88-610-04-F. NONCONFORMING GASOLINE AND FUEL SALES

1. Certificates of legal nonconformance issued for gasoline and fuel sales shall apply to all nonconforming aspects of the gasoline and fuel sales, including the separation requirements expressly established in 88-347.
2. Gasoline and fuel sales operating under a certificate of legal nonconformance may expand the existing structure or construct a new structure in compliance with the design standards requirements of 88-347-B through D.

Section 3. Amending Chapter 88, Code of Ordinances, by enacting a new Section 88-805-04-N, Gasoline and Fuel Sales, to establish a definition for the use, said section to read as follows:

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

Uses primarily engaged in retail sales of personal automobile and vehicle fuels, including principal and accessory structures associated with fuel sales, including DC fast charging, rapid, or level 3 battery charging stations, battery exchange stations and retail electric charging of vehicles.

Section 4. Amending Chapter 88, Code of Ordinances, by repealing Section 88-120-03 Table 120-1, Office, Business and Commercial Districts Use Table; and Section 88-140-03 Table 140-1, Manufacturing Districts Use Table, and enacting in lieu thereof new tables for the purpose of referencing the use standards of Section 88-327, said sections to read as follows:

**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

» Detached houses	P	P	P	P	P	88-120-03-H.3
» In any other residential building type	-	P	P	P	P	88-323
» In mixed-use building	P	P	P	P	P	
Group Living	P	P	P	P	P[5]	

PUBLIC/CIVIC

Bicycle Sharing Facilities	P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	P	P[5 for Ground Floor Uses]	
College/University	P	P	P	P	P[5 for Ground Floor Uses]	
Day Care						
» Home-based (1—5)	P	P	P	P	P[5 for Ground	

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Use Category » specific use type						
					Floor Uses]	
» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]	
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]	
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]	
Hospital	S	P	P	P	P[5 for Ground Floor Uses]	
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[4]	

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
» specific use type						
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
School	P	P	P	P	P[5 for Ground Floor Uses]	
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08-B
COMMERCIAL						
Adult Business						
» Adult media store	-	-	P[1]	P[1]	P[1][4]	88-310-03
» Adult motion picture theater	-	-	-	P[1]	P[1][4]	88-310-02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310-02
Animal Service						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
» Veterinary	-	-	P	P	P[5 for Ground Floor Uses]	88-315
Artist Work or Sales Space	-	P	P	P	P	
Building Maintenance Service	-	-	-	P	P[5]	
Business Equipment Sales and Service	-	-	P	P	P	
Business Support Service (except as noted below)	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
Communications Service Establishments	P/S	P/S	P/S	P/S	P/S[5]	88-327
Drive-Through Facility	-	-	P[2]	P[2]	P[2]	88-338 and 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
Entertainment Venues and Spectator Sports						

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150—999 capacity)	-	-	S	P	P[5 for Ground Floor Uses]	
» Indoor large venue (500+ capacity)	-	-	-	S	P[5 for Ground Floor Uses]	
» Outdoor (all sizes)	-	-	-	S	P[5]	
Financial Services (except as noted below)	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1][4]	88-325
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

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
» Undertaking	-	S	P	P	P[5]	88-345
Gasoline and Fuel Sales	-	S[3]	S[3]	S[3]	S[3][5]	88-323 88-347
Lodging						
» Bed and Breakfast	-	P	P	P	P[5 for Ground Floor Uses]	88-320
» Hotel/motel	-	-	-	P[2]	P[2]	88-323
» Recreational vehicle park	-	-	-	S[1]	S[1][4]	
» Short term rental, non resident	-	P	P	P	P	Chapter 56
» Short term rental, resident	-	P	P	P	P	Chapter 56
Mobile Vendor Park	-	-	-	P	P	88-358
Office, Administrative, Professional or General	P	P	P	P	P[5 for Ground Floor Uses]	
Office, Medical	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	

**Table 120-1
Office, Business, and Commercial Districts Use Table**

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Parking, Accessory	P	P	P	P	P	88-323
Parking, Non-accessory	-	-	S[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	P	
Repair or Laundry Service, Consumer	-	P	P	P	P	
Research Service	P	P	P	P	P[5 for Ground Floor Uses]	
Retail Sales	-	P	P	P	P	
» Outdoor Retail Sales - Class A	-	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	-	-	-	P	P[4]	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	
Sports and Recreation, Participant						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
Vehicle Sales and Service						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2][5]	88-323
» Motor vehicle repair, general	-	-	-	S[2]	P[2][5]	88-323
» Vehicle storage/towing	-	-	-	-	P[1][4]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	P/S	P	P	P	88-318

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Use Category » specific use type						
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-		
Recycling Service						
» Limited	-	-	-	-	S[1][4]	
Self-Storage Warehouse	-	-	-	-	P[2][4]	88-323 , 88-369
Warehousing, Wholesaling, Storage, Freight Movement						
» Indoor	-	-	-	-	P[2][4]	88-323 , 88-378
» Outdoor	-	-	-	-	-	88-378
AGRICULTURAL						
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
Agriculture, Crop	P	P	P	P	P[4]	88-312-01
Agriculture, Urban						
» Home Garden	P	P	P	P	P	88-312-02-A

Table 120-1
Office, Business, and Commercial Districts Use Table

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Use Category » specific use type						
» Community Garden	P	P	P	P	P[4]	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	P	P[4]	88-312-02-C
ACCESSORY SERVICES						
Wireless Communication Facility						
» Freestanding	-	-	P[1]	P[1]	P[1][4]	88-385
» Co-located antenna	P	P	P	P	P[5]	88-385

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	-	-	-	
» In single-purpose residential building	P	S	-	-	
» In mixed-use building	P	S	-	-	

**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	
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					

**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	
» 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]	
Communications Service Establishments	P	P	P	P	
Drive-through Facility	P[2]	P[2]	-	-	88-340
Eating and Drinking Establishments	P	P	P	P	
Entertainment Venues and Spectator Sports	P	S	S	-	
Financial Services (except as noted below)	P	P	P	P	
» Pawn shop	P[1]	S[1]	S[1]	S[1]	
» Short-term loan establishment	P[1]	P[1]	P[1]	P[1]	88-325
Food and Beverage Retail Sales	P	P	P	P	

**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					
Funeral and Interment Service					
» Cemetery/columbarium/mausoleum	-	-	-	-	
» Cremating	P	P	P	P	
» Undertaking	P	P	P	P	
Gasoline and Fuel Sales	S[3]	S[3]	S[3]	S[3]	88-323 88-347
Lodging (except as noted below)	-	-	-	-	
» Hotel/motel	S[1]	-	-	-	
» Short term rental, non-resident	P	-	-	-	Chapter 56
» Short term rental, resident	P	-	-	-	Chapter 56
Mobile Vendor Park	P	P	P	-	88-358
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	-	

**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	
Research Service	P	P	P	P	
Retail Sales	P	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	P	P	P	P	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	
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]	88-375
INDUSTRIAL					
Junk/Salvage Yard	-	-	S[1]	P[1]	88-425-09

**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	
Manufacturing, Production and Industrial Service					
» Artisan	P	P	P	P	88-318
» Limited	P	P	P	P	
» General	S[2]	P[2]	P[2]	P[2]	88-323
» Intensive	-	-	P[1]	P[1]	
Mining/Quarrying	S	S	S	S	88-355
Recycling Service					
» Limited	P[1]	P[1]	P[1]	P[1]	
» General	S	S	S	P	
Self-Storage Warehouse	P[2]	P[2]	P[2]	-	88-323 & 88-369
Warehousing, Wholesaling, Storage, and Freight Movement					
» Indoor	P[2]	P[2]	P[2]	P[2]	88-378
» Outdoor	S[1]	P[1]	P[2]	P[2]	88-378
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

**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	
» Transfer station	-	-	S[1]	S[1]	88-380
AGRICULTURAL					
Agriculture, Animal	P/*	P/*	P/*	P/*	Chapter 14
Agriculture, Crop	P	P	P	P	88-312-01
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)	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

Section 5. The provisions of this Code amendment shall not apply to applications submitted prior to October 7, 2024, for the construction of new gas stations that involve the demolition of an existing gas station on or adjacent to the same property and located in a manufacturing (M) zoning district and not within 200 feet of a residential (R) zoning district.


240861

Section 6. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

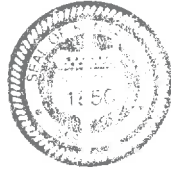
I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form:



Sarah Baxter
Senior Associate City Attorney



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

SEP 26 2024

Date Passed