

ORDINANCE NO. 951345

Amending Chapter 80, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning Ordinance, by repealing Section 80-213, Conditional uses permitted for unlimited time, and enacting in lieu thereof a new section of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 80, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 80-213, Conditional uses permitted for unlimited time, and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 80-213. Conditional uses permitted for unlimited time.

(a) The conditional uses set forth in this section shall comply with the height, yard, area and parking regulations of the use district in which such conditional uses are authorized, except as otherwise provided. Such conditional uses may be authorized by the board of zoning adjustment for an unlimited time subject to the conditions and restrictions listed in this section.

(b) The following uses may be permitted in the districts designated and, where otherwise not permitted, by permission of the board of zoning adjustment on submittal of a plan by the applicant; provided that, in the judgment of the board, such use will not materially injure the appropriate uses of adjoining property, and will conform to the general intent and purpose of this chapter, including the requirements for off-street parking and loading facilities, and after receiving the report and recommendation of the director of city development and only after a public hearing. The director shall report as to whether or not any use to be permitted under this section is compatible with the plan for the development of the city used as a guide by the director on all matters referred to him. After a review of the plans, the director may make such recommendations for additional conditions as he may deem appropriate. The director may file a report with the board within 30 days of receipt of the application and plan, or within 30 days of any requested amendment thereof.

(1) Amusement parks and recreation centers consisting of two or more recreational uses, in districts C-2 and C-3, subject to the following conditions:

a. The facilities and grounds shall be a sufficient distance from any area zoned

R-1, R-2, R-3, R-4, R-4-O, R-5, R-5-O or R-6 so that noise, traffic generation

and other effects will not be adverse to the residential neighborhood. Where

the property adjoins such zoning districts, no building or facility shall be

nearer than 100 feet to any such district and no driveway or parking area shall

be nearer than 50 feet to such common boundary unless topography or other

factors justify a lesser setback.

b. Plans for shrubbery, landscaping and fencing shall be presented to the board and made a part of the permit.

c. Outdoor lighting shall be so designed as to reflect away from adjoining residential zoned property.

d. Access to the property shall be directly from major thoroughfares.

e. Parking space for patrons and employees shall be provided on the site equal to one space for each 500 square feet of total site area, exclusive of setback and parking areas, or one space for each four persons based on the anticipated capacity, whichever is greater. These standards set out in this subsection are minimum standards for parking. The board may require additional parking if review of the proposed operation so indicates.

f. A permit may be issued for a specified period as well as for an unlimited time. If the permit is for a specified period of time, the board may renew the permit upon expiration.

(2) Aviation fields, airports and heliports in districts RA, R-6, C-1, C-2, C-3, M-1, M-2 and M-3, provided the following conditions are met:

a. Plans of any airport or heliport shall include all approach and departure paths as necessary to ensure safe and adequate landing and takeoff area and shall be supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).

b. Adequate safety provisions shall be provided and indicated by plans which control or restrict access to the landing and takeoff areas by the general public.

c. Landing and takeoff areas shall be surfaced in such a manner as to avoid the blowing of dust or dirt onto neighboring property.

(3) Cemeteries, burial grounds, graveyards, mausoleums or crematories in districts R-1, RA, R-2, R-3, R-4 and R-5.

(4) Commercial baseball or athletic fields, racetracks, fairgrounds, batting cages or golf ranges in districts RA, R-3, R-4, R-5, C-1, C-2 and C-3, subject to the following

conditions. Baseball parks are first allowed outright in district M-1, as provided in section 80-180.

- a. Where the property adjoins any area zoned R-1 and R-2, no building or no driveway or unless facility shall be nearer than 100 feet to any such district and parking area shall be nearer than 50 feet to such common boundary topography or other factors justify a lesser setback.
- b. A plan for landscaping and fencing shall be submitted to the board for approval and made a part of the permit. The board may require specific landscaping and specific fencing to protect adjoining properties.
- c. Outdoor lighting shall be so designed as to reflect away from adjoining property.
- d. Access to the property shall be directly from a major thoroughfare.
- e. Parking spaces for commercial baseball or athletic fields, racetracks and four fairgrounds shall be one per each four persons, plus one per each four employees. Parking spaces for batting cages shall be one space for each cage, and, for golf driving ranges, one space for each pad or tee-box.
- f. A permit may be issued for a specified period as well as for an unlimited time. If the permit is for a specified period of time, the board may renew the permit upon expiration.

(5) Country club clubhouses, golf course clubhouses and private clubs in districts R-1, RA, R-2 and R-3, subject to meeting all the conditions and restrictions set forth in this subsection. Private clubs are first allowed outright in district R-4, as provided in section 80-80.

- a. The property shall be at least four acres in size.
- b. The property shall have direct access to a major thoroughfare. The club property, when in connection with a subdivision plan or an overall plan for community development, may be located on a minor street having a minimum right-of-way width of 60 feet and a minimum pavement width of 34 feet between the club site and a major thoroughfare.

c. The front, side and rear yards for all buildings and structures, including outdoor recreation areas and parking lots, but excluding fences and walls, shall be at least 30 feet in width or depth.

d. Off-street parking shall be provided on the basis of one space for every two members.

e. Vehicular access shall be only from a major thoroughfare; or, when the club site is located on a minor street, vehicular access shall be only from a minor street having a minimum right-of-way of 60 feet and a minimum pavement width of 34 feet.

f. Parking areas shall be hard-surfaced, and outdoor recreation facilities and parking areas shall be appropriately screened by landscaping or a wall if adjacent to adjoining residential property. Outdoor lighting shall be so designed as to reflect away from adjoining residential property. Outdoor recreation facilities shall not be used later than 10:00 p.m., and lighting for such facilities shall be turned off at that time.

(6) Gas and oil drilling in any district, subject to the following conditions and restrictions:

a. Any oil or gas well within 165 feet of a residential district shall be visually screened.

b. Any wellhead shall be screened within six months after installation of the pumps and storage tanks.

c. Any storage tank shall be located at least 165 feet from the property line.

(7) Group homes for various types of individuals requiring special consideration, as follows:

a. Children's day nurseries and children's boarding homes in districts R-1, RA, R-2 and R-3, if the primary use of the land or if providing care for more than ten children within a home, subject to meeting all of the following conditions and restrictions:

1. The property shall have a minimum lot area of 20,000 square feet and

shall have a minimum lot width of 100 feet.

- for each
- side yard
- provided on
- tight fence at
- properties.
- an
- discretion of
- the board
2. Not less than 500 square feet of lot area shall be provided child.
 3. Side yards shall be at least 100 percent greater than the required in the district.
 4. Not less than 100 square feet of open play space shall be the lot for each child.
 5. All open play areas shall be completely enclosed with a least four feet in height.
 6. The property shall front or abut on a collector street.
 7. The property shall be adequately screened from adjoining properties.
 8. A permit may be issued for a specified period as well as for unlimited time at the request of the applicant and at the discretion of the board. If the permit is for a specified period of time, the board may renew the permit upon expiration.

b. Convalescent, nursing and old folks' homes, in districts R-1, RA, R-2 and R-3, subject to meeting the following conditions and restrictions:

- feet and
- for each
- side yard
- space for
- space for
- six times
- the district
1. The property shall have a minimum lot area of 20,000 square feet and shall have a minimum lot width of 100 feet.
 2. Not less than 500 square feet of lot area shall be provided patient.
 3. Side yards shall be at least 100 percent greater than the required in the district.
 4. Off-street parking shall be provided for on the basis of one each living unit, or, in the case of dormitory design, one each four beds and one space for each four employees.
 5. The number of beds, if dormitory design, shall not exceed six times the number of dwelling units per square foot of lot area in the district

shall not
lot area
in which the use is located; or the number of living units
exceed twice the number of dwelling units per square foot of
in the district in which the use is located.

an
discretion of
the board
6. A permit may be issued for a specified period as well as for
unlimited time at the request of the applicant and at the
the board. If the permit is for a specified period of time,
may renew the permit upon expiration.

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c. Group day care homes in districts R-1, RA, R-2 and R-3, subject
following conditions:

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that in the
the
exceed one
1. The primary use of the premises shall be residential.
2. The use shall be primarily carried on or conducted by
family residing in the dwelling.
3. Day care shall be provided for no more than ten children and
than seven within any 24-hour period; provided, however,
event of overlapping shifts the day care home may have twice
number of children permitted for a period of time not to
hour.

assistant is to be
4. One off-street parking space shall be provided if an
employed.

tight fence at
5. All open play areas shall be completely enclosed with a
least four feet in height.

change in the
Furthermore,
an unlimited
renew the
6. The permit shall be issued to a particular provider. A
day care provider shall require another public hearing.
the board may limit the use to a specified time as well as
time. If the permit is for a specified time, the board may
permit.

(8) Medical office buildings in districts R-4 and R-5, when located
immediately adjacent to a hospital or when the property is located
directly across a street from a hospital,
and subject to meeting all of the following conditions and
restrictions:

- property
- a. Vehicular access may be on the same street on which the hospital is located, but on no other streets.
- the
- b. The buildings shall not exceed the maximum height requirement of districts in which they are located.
- property is located
- c. Buildings shall front on the street on which the hospital or on interior parking areas.
- facilities,
- d. Prescription shops, pharmaceuticals, laboratory and X-ray restaurants or other such similar facilities serving only those who maintain offices or are employed in such buildings may be permitted within the building as accessory uses, provided no display or sign is used to advertise such use and provided all access to such facilities is within the building with no outside entrances.
- for each 500
- e. One off-street parking space shall be provided on the premises square feet of gross floor area, exclusive of basements and floor area devoted to parking and entranceways. Off-street parking areas shall be developed as set forth under section 80-444.

(9) Penal or detention centers or facilities in which persons accused or convicted of offenses are held in custody, confined or housed prior to or during trial or for incarceration after trial and conviction, excluding individuals confined to their own home by means of electronic surveillance or an equivalent thereto, in districts RA, M-1 and M-2, subject to the following conditions:

a. The property shall have a minimum lot area of two acres in districts RA, M-1 and M-2.

b. No such facility shall be located on property which is within 1,000 feet from any area zoned R-1, R-2, R-3, R-4, R-5, R-6, R-4-O, R-5-O, GP-4, GP-5, GP-6, GPR-1 and GPR-2, or within 1,000 feet of any educational institution; library; museum; children's amusement park; community center; park; church, synagogue, temple or other place of worship; or day care facility; provided further that in District RA, no such facility shall be located within

habitation, 1,000 feet of a building primarily designed and devoted for human
excluding motels and hotels.

c. All outdoor recreation areas and all structures to be occupied by
inmates shall be set back a minimum of 200 feet in district RA and 25 feet in
districts M-1 and M-2; provided that where the use is proposed in an existing
building, the setback requirements need not be met.

d. The property on which the facility is to be located shall provide
a minimum lot area of 350 square feet per occupant in districts RA, M-1 and
M-2.

e. Parking shall be provided on the basis of one space per employee
in the largest shift plus one additional space per every ten occupants.
The board shall have authority to require additional parking if such
additional parking is necessary due to the special needs generated by the particular
facility.

f. A plan shall be submitted which provides for the arrangement of
buildings, recreation space, parking and other relevant matters and shall
include a statement delineating the number and types of inmates, conditions
of incarceration and type of security to be provided. In addition,
the board may request any additional information necessary to evaluate the
proposal and may establish and impose conditions for approval.

(10) Signs, informational or directional, to identify shopping centers or
residential districts in R-1, RA, R-2, R-3, R-4, R-5 or C-1 districts,
where the board shall find such signs to be in the public interest and upon approval of a
specific plan and design and in accordance with the following conditions and restrictions:

a. Such sign shall be located within a radius of one-half mile of
the area it identifies and shall be located on a corner lot at a street
intersection, one street of which is a major thoroughfare. Signs which identify a
residential district or subdivision or district so identified need not be on
a major thoroughfare and need not be on a corner lot. On-premises signs
which identify an apartment complex need not be at a street
intersection. Where the

complex abuts on two or more major thoroughfares, one identification sign shall be permitted along each street.

b. The sign shall be designed in such manner that it will, in the judgment of the board, be in harmony with the character of surrounding property. The ground upon which the sign is located shall be appropriately landscaped. The sign shall show only the name, telephone number, direction and distance to the area designated.

c. The sign panel shall not exceed 40 square feet in area, and the overall height of the sign and the structure supporting the sign shall not exceed 10 1/2 feet; except, where the topography of the site is such that this height is insufficient for public viewing, the board of zoning adjustment may grant height variances not to exceed the difference in grade between that of the roadway and that of the sign site. Uses which have frontage on interstate highways or expressways may be permitted to increase the size of the signs up to 25 percent with approval of the board of zoning adjustment, or the size of the sign may be increased ten square feet over 40 square feet for each additional 50-foot distance from the right-of-way, up to a maximum of 96 square feet. Any illumination shall be by indirect lighting only and shall create no glare on adjoining property.

d. The location of such sign shall be established as follows:

1. By a declaration of restrictions;
2. By an easement on a platted lot;
3. On platted property owned and maintained by a homes association as established by a recorded declaration; or
4. On property under same ownership.

The sign shall be at least 75 feet from the nearest point of any existing or future residence which is located in a residentially zoned district, except that this provision shall not apply to a sign identifying a residential district or subdivision in which the sign is located.

e. On a corner lot, the sign shall not extend forward of a diagonal line which intersects the front and side property lines of the lot at points 20 feet distant from the common intersection of the front and side property lines, or, if the corner of the lot is platted on a radius, the extension of the front and side property lines to a point of common intersection. On an interior lot, the sign shall be set back at least one foot from the right-of-way line and be no more than two feet in height. For each additional foot the sign is set back from the right-of-way line, the sign's height may increase an additional one foot in height. However, the sign shall not exceed 10 1/2 feet in height.

(11) Travel trailer camps, only in RA and C-2 districts, subject to the following conditions and the provisions of chapter 72:

a. The site selected for travel trailer camp areas shall be well-drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site need not necessarily front on a major thoroughfare, but it shall be directly accessible to the major thoroughfare by means of a private road or public road on which it has frontage.

b. Minimum tract size shall be five acres, and such tract shall be in one ownership.

c. The maximum number of travel trailer spaces allowed within the permitted districts shall not be more than 20 spaces per acre. Consideration shall be given to whether the camp and the density level are designed accordingly. The densities of overnight use may be higher than destination-type camps since it primarily serves as a short stopping point while the destination-type camp located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.

d. Minimum width of a trailer space shall be 25 feet, and it shall be so designed to provide space for parking both the trailer and towing vehicle off the roadway. No trailer unit shall be closer than ten feet to any other adjacent

unit, structure or roadway; and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the

development property lines, and the ten feet nearest to the property line shall be permanently maintained as a sodded or landscaped area.

e. The minimum open area required for a common use of the trailer camp shall be not less than ten percent of the gross area of the camp.

Common open space shall be calculated as any open unoccupied area remaining after the

dwelling spaces, buildings, roadways or streets, parking areas and the ten-foot permanent perimeter areas have been deducted. This open space shall be

sodded or landscaped or otherwise designed and made available for recreational use.

f. A central office or convenience establishment with an attendant shall be provided within the trailer camp to register guests and provide service and supervision to the camp.

g. The applicant for a travel trailer camp shall submit a development plan to the board of zoning adjustment for approval. Such plan shall contain the information as required in this subsection and any other information the board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24-inch by 36-inch dimensions.

1. Existing condition map showing:

- i. Legal description of the proposed property.
- ii. Location drawing showing the existing development within a one-half-mile radius of the proposed location.
- iii. Existing site plan indicating the size of the site, topography (at not greater than five-foot contour intervals); right-of-way or easement locations, size and identification (water, gas, power, telephone, storm sanitary sewer); existing structures; tree masses; drainageways and any other unusual land forms or features.

iv. Date prepared, scale and north point.

2. Proposed development plans showing:

- number
- i. General layout of development, with dimension sizes, of spaces and related sanitation accommodations.
- ii. Parking area location, sizes and capacity.
- iii. Ingress and egress points for the projects.
- iv. Use of structures.
- size of
- v. General layout of typical travel trailer spaces showing spaces and proposed improvements.
- vi. General layout of the required common open space development indicating location of recreational areas and accessory convenience establishment.
- vii. Location of permanent open space to be retained.
- viii. Layout of roadways within the camp.
- of
- ix. Net density of the proposed project, expressed in terms units per acre.
- retained
- x. General landscaping plan indicating all new and plant material to be incorporated within the new development and a layout of the outdoor lighting system.
- development
- xi. Plan and method of sewage disposal and water supply.
- xii. Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas.

which

The development shall provide a general refuse storage area shall be provided with a paved concrete surface and shall be enclosed to screen it from view.

h. The travel trailer camps shall be planned and constructed in accordance with the minimum standards as established in this section and as outlined in this subsection:

- paved with
1. All parking areas and roadways shall be constructed and a hard-surfaced bituminous or concrete material.
- with a
2. All camps shall be provided with general outdoor lighting minimum of 0.3 footcandle of general illumination.
- occupied
3. All yard areas and other open spaces not otherwise paved or by structures shall be sodded or landscaped and shall be maintained.

(12) Underground mines or quarries in district RA, or use of such underground mined-out areas for uses not otherwise permitted, provided the following conditions are met:

- a. All surface access to such underground mine or quarry shall be from within a district M-2, and all surface access to uses in any existing mined-out area shall be from within a district in which such use is permitted.
- b. Surface and subsurface rights shall be in single ownership or under unified control, or surface rights shall be dedicated to public use and subsurface rights alone shall be retained for mining and subsequent use.
- c. No activities shall be conducted upon the surface of such mine or mined-out area other than as permitted in district RA.
- d. Exhaust air vents, air shafts or other surface features necessary and incidental to the underground operation shall be enclosed on four sides to a height of at least eight feet. No noxious gas or fumes shall emanate from any exhaust air vent on the surface of such mine or mined-out area. Such facilities shall observe the height and yard requirements of district R-4.
- e. A plan of operation indicating the extent of the area proposed to be mined, accompanied by profiles describing any proposed subsequent use of the mined-out areas, shall be included with the site plan submitted to the board.

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

I hereby certify that as required by Chapter 80, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form and legality:

Assistant City Attorney14