

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI BY ADOPTING SEVERAL CHANGES TO TITLE 17, "ZONING," THEREOF, AND THEREBY CORRECTING AND CLARIFYING SEVERAL PROVISIONS WITHIN THE CODE.**

**WHEREAS**, in accordance with procedures established in Title 17, "Zoning," of THE CODE OF THE CITY OF NORTH KANSAS CITY, and Chapter 89 of the MISSOURI REVISED STATUTES, proceedings were initiated to amend *The North Kansas City Zoning Ordinance* as hereinafter set forth; and

**WHEREAS**, public notice was given by publication in THE KANSAS CITY STAR on October 23, 2013, a newspaper having a general circulation in the CITY OF NORTH KANSAS CITY, MISSOURI, that a public hearing of the Planning Commission would take place on November 7, 2013, at 6:00 p.m., where the Planning Commission of said City would consider the aforesaid amendments; and

**WHEREAS**, on November 7, 2013, at 6:00 p.m., the Planning Commission did conduct said public hearing, and did evaluate the proposed amendments to *The North Kansas City Zoning Ordinance*; and

**WHEREAS**, at said public hearing, the Commission did conclude and recommend to the City Council that the hereinafter described amendments to *The North Kansas City Zoning Ordinance* should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Paragraph B of Section 17.12.050, "Regulation of uses", of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

B. *Allowable Use of Land or Buildings.* When a use is not specifically listed as a permitted use, or cannot be readily classified, the director of community development shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses that most closely resemble the use in question. The following uses of land or buildings are allowed in the districts indicated on the zoning district map and under the conditions specified in this Title 17.

1. Uses lawfully established on the effective date of this title;
2. Permitted uses as designated in Chapters 17.16 through 17.88, inclusive.

**Section 2.** Section 17.16.020, "Height and area regulations", is hereby repealed in its entirety and enacted in lieu thereof is a new section 17.16.020 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

**17.16.020 Height and area regulations.**

In district R-1A the height of buildings, the minimum dimension of lots and yards, and the minimum lot area per family permitted on any lot shall be as designated in Sections 17.16.030 through 17.16.070.

**Section 3.** Paragraph G of Section 17.40.010, "Permitted uses", of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby repealed in its entirety.

**Section 4.** Chapter 17.40, "C-0, Non-Retail Business District", of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, is hereby amended to add the following section thereto:

**17.40.015 Performance standards.**

No merchandise shall be handled or displayed except inside buildings and no equipment or vehicles other than motor messenger cars shall be stored outside a building in this district for more than twenty-four hours in a thirty-day period.

**Section 5.** Paragraph B of Section 17.56.020, "Performance standards", is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph B of Section 17.56.020 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

B. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level from adjacent property.

**Section 6.** Subparagraph 2 of paragraph B of Section 17.66.080, "Administrative procedures", is hereby repealed in its entirety and enacted in lieu thereof is a new subparagraph 2 of paragraph B of Section 17.66.080 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

2. The proposed site plan uses an alternative design that meets the intent of the Design Guidelines in Section 17.66.070.

**Section 7.** Paragraph A of Section 17.68.040, "Mobile home park plan approval", is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph A of Section 17.68.040 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

A. Construction of a mobile home park within the city shall begin only after a conditional use permit has been granted by the city council, in compliance with the zoning ordinance. No such permit shall be granted, however, until a development plan for the proposed mobile homes park has been prepared and submitted by the developer to the planning commission, and found satisfactory by the commission, and further submitted to the city council and approved by that body. Such plans shall be accurately drawn, at a scale acceptable to the director of community development, and shall show the following:

1. Proposed street and drive pattern;
2. Proposed mobile homes spaces and their approximate dimensions;
3. Any existing streets in or abutting the property;
4. Location and size of parking spaces;
5. Location and size of park and playground area;
6. Screening and landscaping;
7. Legal description of the tract;
8. Name of the landowner, developer and the firm preparing the plan;
9. North point, scale and date.

**Section 8.** Section 17.70.010, "Purposes", is hereby repealed in its entirety and enacted in lieu thereof is a new section 17.70.010 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

**17.70.010 Purposes.**

The planned unit development (PUD) provides for project variety and diversity in any zoning district through the process established in this chapter. Development flexibility is provided in exchange for on-going community benefits that achieve the following purposes:

- A. To encourage a mix of different land uses which results in:
  1. Commercial, office, recreational and educational facilities conveniently located to residential uses;
  2. Economic benefits to the public due to efficient use of land and of public and private services;
  3. Lessen the burden of traffic on streets, roads, and highways;
  4. Commercial, institutional and employment based land uses, accessible to residential land uses by multiple modes of transportation, including walking, biking, transit or automobiles; or
  5. Increased public open spaces in higher density residential and mixed-use settings.
- B. To encourage innovations in residential, commercial, recreational and industrial development and redevelopment which:
  1. Results in better management of or reduction in the environmental impacts of development on the surrounding community; or
  2. Relates the type, design, and layout of residential, commercial, recreational, and industrial development to the particular site, thereby encouraging preservation of important natural and environmental characteristics of the site.
- C. To allow flexibility in the application of the zoning requirements regarding bulk, setbacks, lot sizes, and open space, due to unique physical conditions of a particular site, while ensuring that such flexibility will not be used in a manner that distorts the objectives of these regulations.

**Section 9.** Subparagraph 4 of paragraph C of Section 17.76.030, "Parking spaces required", is hereby repealed in its entirety and enacted in lieu thereof is a new subparagraph 4 of paragraph C of Section 17.76.030 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

4. Accessible Parking Spaces. In each off-street parking lot, a portion of the total number of required parking spaces shall be specifically designated, located and reserved for use by persons with disabilities. The standards governing provision of parking spaces for persons with disabilities shall be according to the most recent adopted provisions of the International Commercial Code. One in every four accessible spaces shall be designed and designated for lift van accessibility in accordance with the requirements of Missouri Revised Statutes § 301.143.

**Section 10.** Paragraph A of Section 17.78.010, "Landscaping and screening", is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph A of Section 17.78.010 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

A. All plans submitted in support of a building permit application, except for single-family and two-family dwellings and excluding buildings in district C-2, shall hereafter include a landscape plan and include screening where appropriate. All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade, planted to grass or other ground cover and receive trees and shrubs in reasonable quantity and size; except, that where a planting area between paved areas is six feet or less in width, ornamental rock or other similar ground cover may be permitted by the zoning administrator. That area between the curb of the public street and the property line shall likewise be brought to finish grade and grass and shade trees installed. In no case may this area be paved or covered with materials other than grass, except at approved driveways, which shall be paved.

1. Purpose.

a. The purpose of such landscaping is to provide greenery to visually soften paved areas and buildings, provide shade, give maximum absorption of surface water and generally enhance the quality and appearance over the entire area of the project.

b. Shade trees shall be planted on all projects and shall include such species as ash, sycamore, maple, oak or comparable trees suitable to the growing environment, which prevails. Shade trees shall be of two to two and one-half-inch trunk diameter or greater, measured one foot above the ground.

2. Trash Enclosures Required. All multifamily residential projects and all commercial, office and industrial projects shall include, on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property. No trash bin shall be visible from off the property and a permanent masonry or frame enclosure shall be provided each such bin.

**Section 11.** Paragraph B of Section 17.84.020, "Conditional uses", is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph B of Section 17.84.020 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

B. Where not otherwise authorized as a permitted use, any of the following uses may be located in any district by conditional use permit:

1. Amusement parks, privately owned baseball or athletic fields, race tracks;
2. Helicopter ports under such restrictions as the council may impose on land, buildings or structures within an approach zone to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards;
3. Cemeteries, mausoleums or crematories for the disposal of the dead;
4. Clubs;
5. Drive-in theaters;
6. Golf driving ranges, commercial or illuminated;
7. Gun clubs, skeet shoots, target ranges, indoor tennis and similar recreation structures;
8. Hospitals or penal or correctional institutions; veterinary clinics;
9. Camping areas;
10. Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials;
11. Nursery sales office, building, greenhouse or area (wholesale or retail);
12. Nursing and convalescent homes;
13. Dog kennels;
14. Radio, television, microwave and telecommunication towers or antenna subject to Section 17.84.030.
15. Reservoirs, towers, filter beds or water treatment plants;
16. Riding stables and tracks;
17. Sewage, refuse, garbage disposal, plants or landfills;
18. Buildings, structures and premises for public utility services or public service corporations;
19. Temporary use of lands or buildings for commercial or industrial purposes; provided:
  - a. Any building or structure conducted thereon which is not otherwise permitted in the district in which it is situated, shall be temporary,
  - b. Any stored equipment or material shall be removed upon the date of expiration of the conditional use permit.
  - c. The permit shall be valid for not more than two years but may be renewed after public hearing;
20. Assembly halls, community centers, philanthropic organizations, trade schools;
21. Temporary parking areas or structures;

22. Mobile home parks and mobile and modular home sales and display areas (see Chapter 17.68 for requirements);

23. Residential or out-patient facilities for the treatment of alcohol and other drug abuse may be permitted in zoning districts C-2, C-3, M-1 and M-2, provided that:

a. State certification requirements of the Division of Alcohol and Drug Abuse of the Department of Mental Health shall be met,

b. The facility shall be subject to all building regulatory codes, subdivision regulations, and other nondiscriminatory regulations,

c. The design of the facility shall be generally compatible with other physical structures in the surrounding neighborhood and the applicant shall submit site plans to the planning commission for review and approval,

d. The facility shall be located no closer than one thousand (1,000) feet from another such facility, and no closer than three hundred (300) feet from any residentially zoned districts;

24. Bed and breakfast establishments may be permitted to the extent the following conditions are met:

a. The establishment is within, or in close proximity to the downtown activity core of North Kansas City, such that guests may experience the convenience of nearby retail, office, entertainment and recreation amenities,

b. Such establishments are required to be occupied by the owner or the applicant must demonstrate a sufficient ability for site maintenance and property management,

c. Guests must pay on the basis of a daily rental rate, and must limit their stay to fourteen (14) days,

d. There are to be no more than four guests rooms,

e. Guests rooms are to be limited to the purpose of sleeping,

f. Cooking shall not be allowed in guest rooms,

g. Meals are restricted to breakfast and may only be served to guests,

h. Receptions or meetings of groups are prohibited,

i. Such establishments must meet the development standards of height, area, and setbacks within the zoning district in which it is located,

j. One off-street parking space shall be provided per guest room, and one per employee; or evidence that existing downtown parking is sufficient for the establishment,

k. Signage will be restricted according to the sign district in which they are located,

l. Such establishments are subject to any other conditions that, at the discretion of the planning commission and city council, are necessary to protect adjacent properties;

25. Pawn shops, car title lenders, check cashing lenders, pay day lenders and tattoo establishments may be permitted to the extent the following conditions are met:

a. No such establishment shall be permitted on, or north of, 16th Avenue, and each such establishment shall be restricted to districts C-3, M-1, and M-2, and shall be subject to the following additional conditions,

b. Such establishments must meet the development standards of height, area, setbacks and parking within the zoning district in which it is located,

c. Signage will be restricted according to the sign district in which it is located,

d. Pawn shops must be approved by the North Kansas City police department in accordance with Chapter 367, Revised Statutes of Missouri, and shall comply with all other applicable statutes of the State of Missouri, and all other city regulations;

26. Adult businesses may be permitted to the extent the following conditions are met:

a. The operation of such establishments shall be governed by Chapter 5.08 of this code, including the definitions listed therein, and will comply with all other applicable statutes of the state of Missouri, and other city regulations,

b. Such establishments:

i. Are permitted only in the M-1 and M-2 zoning districts,

ii. Are not permitted on any lot abutting on or north of 16th Avenue or any extension thereof, and

iii. Are not permitted on any lot abutting Burlington or Swift Avenues,

c. Such establishments must meet the development standards of height, area, and setbacks within the zoning district in which it is located,

d. Such establishments shall provide 4.5 parking spaces per one thousand (1,000) square feet of floor space,

e. Signage will be restricted according to the requirements of the downtown business sign district as described in Chapter 15.44 of this code;

27. Care facilities for seven or more children or three adults.

**Section 12.** Section 17.88.050, "Districts C-0 and C-1", is hereby repealed in its entirety and enacted in lieu thereof is a new section 17.88.050 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

**17.88.050 Districts C-0 and C-1.**

In the C-0 and C-1 districts, accessory uses are as follows: parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar uses. A pharmacy where there is retail sale only of prescription medicines, drugs, pharmaceuticals and orthopedic devices, customarily incident to the practice of medicine, shall be allowed as an accessory use in an office building; provided, not less than five physicians occupy offices within the building. No

direct exterior entrance to the pharmacy and no exterior sign or advertising relative to the pharmacy shall be permitted.

**Section 13.** Section 17.100.010, “Application for building or land use permit”, is hereby repealed in its entirety and enacted in lieu thereof is a new section 17.100.010 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

**17.100.010 Application for building or land use permit.**

The director of community development or his or her duly authorized representative shall be empowered to act within the provisions of this Title 17 upon all applications for permits. In the event of refusal to issue a permit upon an application, as herein provided, the applicant shall have the right to appeal to the board of adjustment as set forth in Chapter 17.96.

**Section 14.** Paragraph A of Section 17.100.020, “Building permit”, is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph A of Section 17.100.020 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

A. No building or structure shall be erected, added to or altered until a permit therefore has been issued by the director of community development. Except upon a written order of the board of adjustment, no such building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Title 17 or other ordinances.

**Section 15.** Paragraph C of Section 17.100.020, “Building permit”, is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph C of Section 17.100.020 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

C. One copy of such layout or plot plan shall be returned with approval by the director of community development together with such permit to the applicant.

**Section 16.** Paragraph B of Section 17.100.040, “Certificate of occupancy”, is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph B of Section 17.100.040 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:

B. No nonconforming use shall be maintained, renewed or changed without a certificate of occupancy having first been issued by the director of community development.

**Section 17.** Paragraph D of Section 17.100.040, “Certificate of occupancy”, is hereby repealed in its entirety and enacted in lieu thereof is a new paragraph D of Section 17.100.040 of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI, which shall hereafter read as follows:



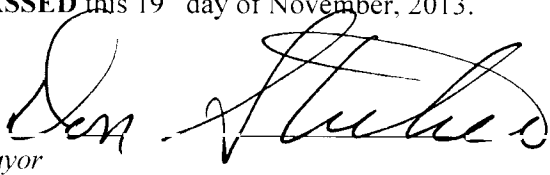
D. The director of community development shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

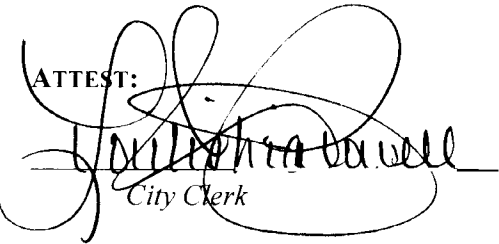
**Section 18.** Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 19.** Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

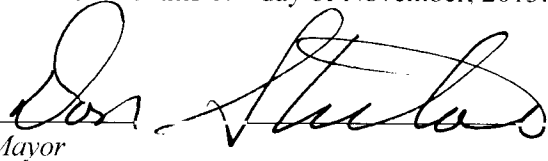
**Section 20.** Effective Date. This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

PASSED this 19<sup>th</sup> day of November, 2013.

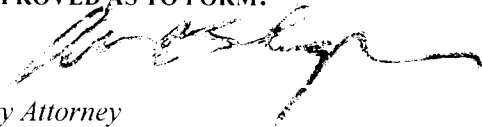
  
Mayor

ATTEST:  
  
City Clerk

APPROVED this 19<sup>th</sup> day of November, 2013.

  
Mayor

APPROVED AS TO FORM:

  
City Attorney

  
City Counselor

# **CITY OF NORTH KANSAS CITY MEMORANDUM**

**TO:** Mayor & City Council  
City Administrator

**FROM:** Sara Copeland, AICP  
Community Development Director

**DATE:** November 15, 2013

**RE:** Proposed Zoning Ordinance Amendments

## ***Background***

The Planning Commission recently discussed several text amendments to the Zoning Ordinance that fell into two categories. The first category was relatively minor amendments needed to correct typographical or reference errors, to update references to the Public Works Director to the Community Development Director, or update development review procedures.

The second category of amendments concerned the Nonconforming Structures and Uses chapter of the Zoning Ordinance, Chapter 17.80. Staff proposed replacing the existing ordinance chapter with a new chapter to clarify the four possible categories of nonconformities and how each will be handled. Staff also proposed adding a section on Certificates of Nonconformity to provide a clear avenue for owners of nonconforming property to establish and protect their legal rights under the ordinance.

State law and the Municipal Code establish that the Planning Commission has the duty to recommend appropriate regulations for the City's zoning districts.

## ***Recommendation and Conditions***

Staff recommends approval of the proposed zoning amendments.

The Planning Commission held the required public hearing on Thursday, November 7, 2013. There were no public comments. The Planning Commission took action on two separate resolutions. By a vote of 7-0, the Commission recommended approval of the Zoning Ordinance amendments that were of a housekeeping nature (Resolution 2013-8). By a vote of 6-1, the Commission

recommended approval of the amendments to Chapter 17.80, Non-Conformities (Resolution 2013-9).

The Council may approve or decline the amendments.