COMPARED VERISON
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. TMP-5816

Amending Chapter 88, Zoning and Development Code, by repealing Section 88-120-03, “Uses;” Section 88-120-04, “Lot and Building Standards;” and Section 88-810-395, “Country Club Plaza” and enacting in lieu thereof new sections of like number and subject matter to adjust the area included in the area known as the Country Club Plaza.

WHEREAS, the Midtown Plaza Plan recognizes that the Country Club Plaza is a significant community asset and a regional business district that requires careful consideration and after discussions with the Country Club Plaza owner, the Council desires to adjust the area known as the Country Club Plaza to ensure the growth and redevelopment of the area; NOW THEREFORE,

BE IT ORDERED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-120-03, “Uses,” and enacting in lieu thereof a new section of like number and title, with said new section to read as follows:

88-120-03 USES

88-120-03-A. USE TABLE

Uses are allowed in O and B zoning districts in accordance with Table 120-1, below.

88-120-03-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 120-1 lists the groups, categories, and types allowed in one or more O or B districts.

88-120-03-C. PERMITTED USES

Uses identified with a "P" in Table 120-1 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.

88-120-03-D. SPECIAL USES

Uses identified with an "S" in Table 120-1 may be allowed if reviewed and approved in accordance with any special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-120-03-E. PROHIBITED USES

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

88-120-03-F. USE STANDARDS

The "use standards" column of Table 120-1 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.

88-120-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.

2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).

3. Uses identified with a bracketed numeral three "[3]":
    a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and

    b. require special use permit approval if adjacent to and within 150 feet of any parkway.

Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.

Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

88-120-03-H. SPECIAL STANDARDS FOR PROPERTIES LOCATED WITHIN THE AREA KNOWN AS THE COUNTRY CLUB PLAZA

Additional restrictions on uses located within the ~~area known as the~~ Country Club Plaza~~, which is the area bounded by Summit Street, Jefferson Street, and Pennsylvania Avenue on the west; W 47th Street, W 46th Street, and W 46th Terrace on the north; Broadway, Wyandotte Street, and JC Nichols Parkway on the east; and Ward Parkway on the south ("Country Club Plaza")~~ are imposed in Table 120-1, as follows:

1. Uses identified with a bracketed numeral four "[4]" are prohibited within the Country Club Plaza.

2. Uses identified with a bracketed numeral five "[5]" require special use permit approval if located within the Country Club Plaza. (Refer to special use permit procedures in 88-525.)

3. Detached houses are prohibited within the Country Club Plaza.

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
Use Category » specific use type	**O**	**B1**	**B2**	**B3**	**B4**	
					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
Use Category » specific use type	**O**	**B1**	**B2**	**B3**	**B4**	
» 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
Use Category » specific use type	**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
Use Category » specific use type	**O**	**B1**	**B2**	**B3**	**B4**	
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150—499 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
Use Category » specific use type	**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
Use Category » specific use type	**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
Use Category » specific use type	**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
Use Category » specific use type	**O**	**B1**	**B2**	**B3**	**B4**	
» 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
Use Category » specific use type	**O**	**B1**	**B2**	**B3**	**B4**	
» 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

Section 2. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-120-04, "Lot and Building Standards," and enacting in lieu thereof a new section of like number and title, with said new section to read as follows:

88-120-04 LOT AND BUILDING STANDARDS

88-120-04-A. GENERAL

This section establishes basic lot and building standards for all development in O and B districts. The standards that apply vary according to the intensity designator that is attached to the zoning district symbol. These intensity designators are identified by the numeral following the dash (-) in the district name, as in "B1-2" (B1 dash 2).

88-120-04-B. BASIC STANDARDS

All residential and nonresidential development in O and B districts must comply with the lot and building standards of Table 120-2, except as otherwise expressly provided. General exceptions to lot and building standards and rules for measuring compliance can be found in 88-820.

Table 120-2 Lot and Building Standards (O and B Districts)					
	-1	**-2**	**-3**	**-4**	**-5**
Lot Size					
» Min. lot area (square feet)	None	None	None	None	None
» Min. lot area per unit (sq. ft.)					
» in single purpose residential building	1,250	750	400	300	200
» mixed-use building[3]	None	None	None	None	None
» Min. lot width (feet)	None	None	None	None	None
Floor area ratio					
» Maximum	1.4	2.2	3.0	4.0	6.0
Min. Front Setback[1,4]					
» Abutting residential district	[1]	[1]	[1]	[1]	[1]
» Not abutting R district	None	None	None	None	None
Min. Rear Setback[4]					
» Abutting residential district					
» % of lot depth	25	25	25	25	25
» Maximum required (feet)	30	30	30	30	30
» Not abutting R district	None	None	None	None	None
Side Setback					
» Abutting residential district	[2]	[2]	[2]	[2]	[2]
» Not abutting R district	None	None	None	None	None
Maximum Height[5]					
» Mixed-use buildings[3]	40	50	60	70	None
» All other buildings	35	45	55	65	None

Notes to Table 120-2

[1] Front setback required only when O- or B-zoned lot abuts R-zoned lot with frontage on the same street. In such cases, the O- or B-zoned lot must match the platted front setback of the abutting R-zoned lot. If there is no platted setback, the O- or B-zoned lot must provide at least 50% of the front setback that applies to the abutting R-zoned lot.

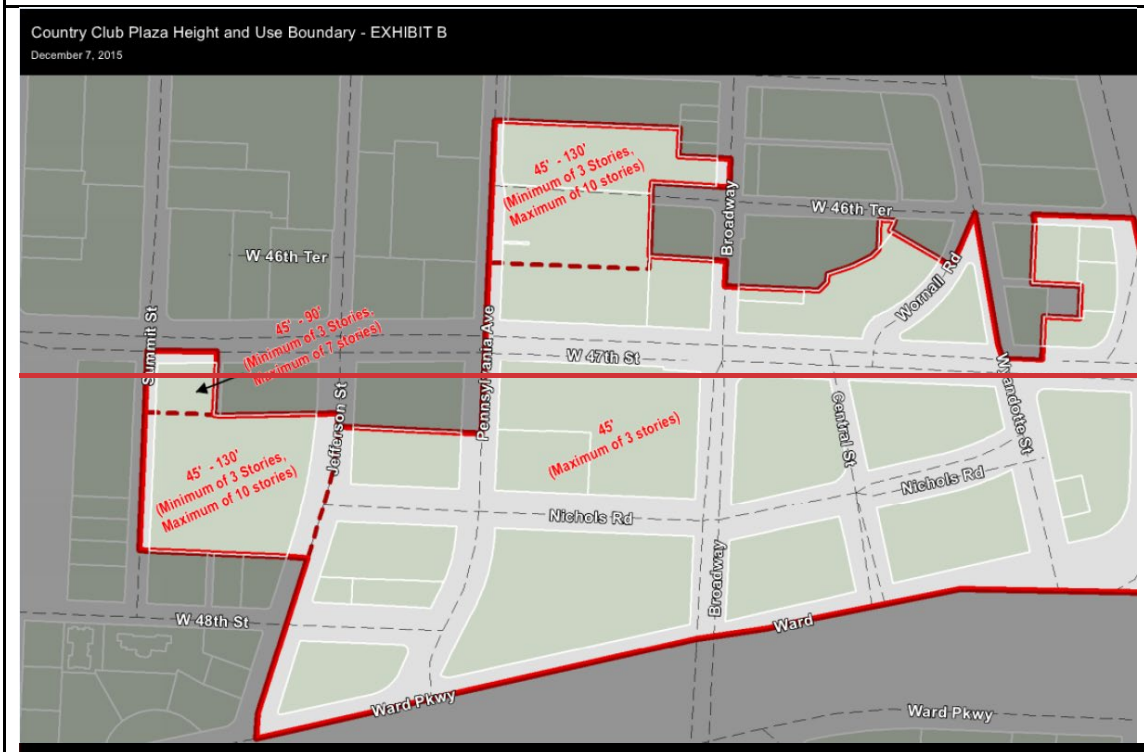
[2] Side setback required only when the side yard of an O- or B-zoned lot abuts R-zoned lots. In such cases, the O- or B-zoned lot must provide the same side setback as required for the abutting R-zoned lot.

[3] Only mixed-use buildings that comply with the ground-floor commercial space requirements of 88-120-07 are eligible to use the mixed-use building density and height provisions of Table 120-2.

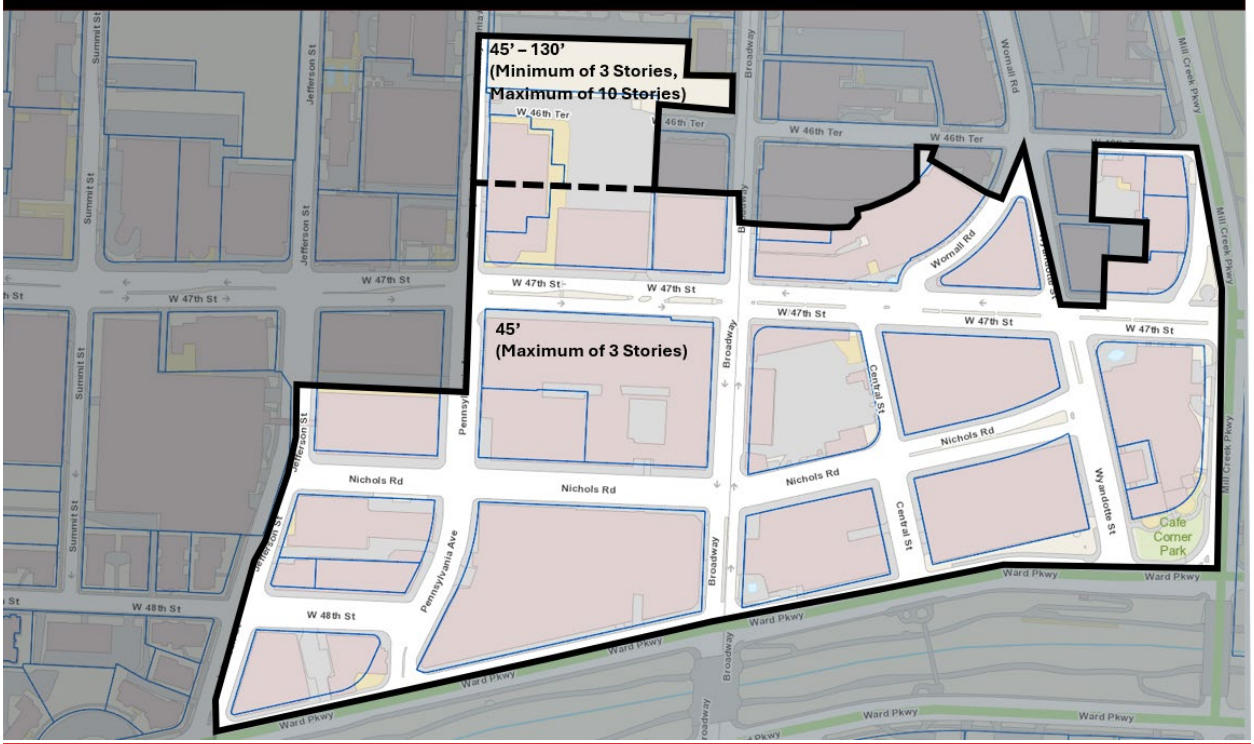
[4] Buffer and setback regulations of 88-425 apply.

[5] For buildings located within the Country Club Plaza, building heights shall be limited or allowed to the heights and stories as shown on the ~~Bowl Concept Map attached hereto as Exhibit "B" and~~

~~incorporated herein by reference.~~Country Club Plaza Height and Use Boundary Map set forth below in Table 120-2.



Country Club Plaza Height and Use Boundary Map

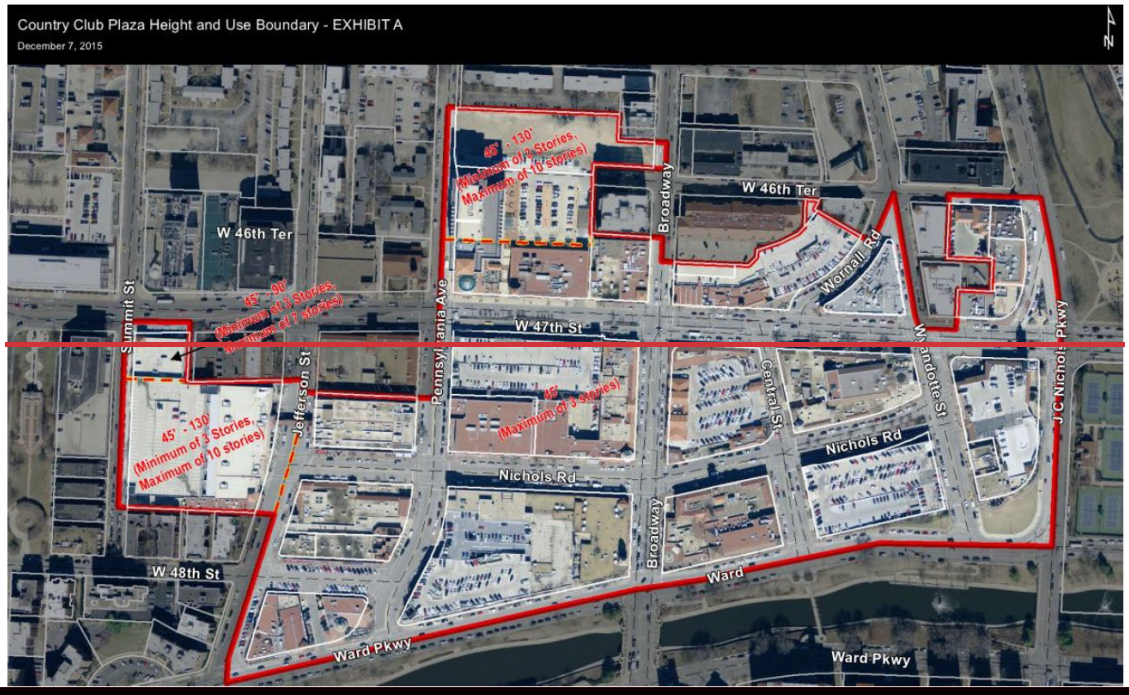


88-120-04-C. A lot shall be occupied by only one principal building and any customarily accessory uses, unless otherwise approved.

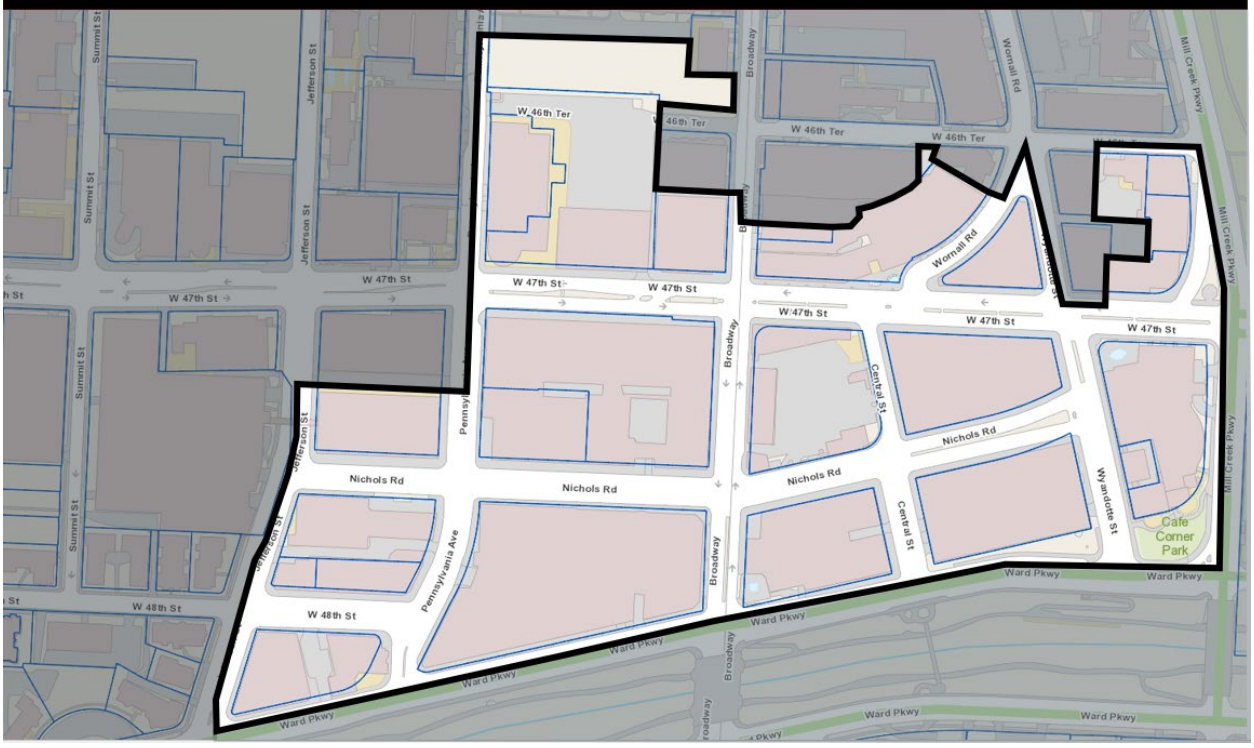
Section 3. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-810-395, "Country Club Plaza," and enacting in lieu thereof a new section of like number and title, with said new section to read as follows

88-810-395 - COUNTRY CLUB PLAZA

The area of the city included within the following general boundaries: ~~Summit Street,~~ Jefferson Street~~,~~ and Pennsylvania Avenue on the west; W 47th Street, W 46th Street, and W 46th Terrace on the north; Broadway, Wyandotte Street, and ~~JC Nichols~~Mill Creek Parkway on the east; and Ward Parkway on the south and more specifically portrayed by ~~Exhibit A:~~ the Country Club Plaza Boundary Map set forth below.



Country Club Plaza Boundary Map



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

_____
Sara Copeland, FAICP
Secretary, City Planning Commission

Approved as to form :

_____
Sarah Baxter
Senior Associate City Attorney