COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250530

Amending Chapter 88, Zoning and Development Code, by repealing and replacing Sections 88-120-03, 88-130-04, and 88-140-03 relating to permitted uses in Office, Business, Commercial, Downtown, and Manufacturing zoning districts; establishing new Section 88-372 to create special use permit requirements and operational standards for used motor vehicle sales lots; amending Section 88-805-04 to refine commercial use classifications; and adopting new definitions in Sections 88-810-911 and 88-810-912 to distinguish between new and used motor vehicle dealers.

WHEREAS, the City of Kansas City Municipal Code Section 88-805-04-X(3) currently allows light equipment sales/rentals, including used motor vehicle sales, in certain zoning districts;

WHEREAS, used motor vehicle sales establishments can have significant impacts on surrounding properties and neighborhoods through outdoor display and storage of inventory, frequent customer and delivery traffic, and operational activities;

WHEREAS, certain used motor vehicle dealers have engaged in practices that negatively impact consumers, particularly those with limited economic means, and surrounding neighborhoods;

WHEREAS, the City has determined that additional oversight through a special use permit process and enhanced operational standards are necessary to protect public health, safety, welfare, and neighborhood character;

WHEREAS, these enhanced requirements will ensure that used motor vehicle sales establishments operate as responsible commercial neighbors while maintaining their economic viability; and NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY 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 subject matter to establish special use permit requirements and operational standards for used motor vehicle sale lots, said 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.

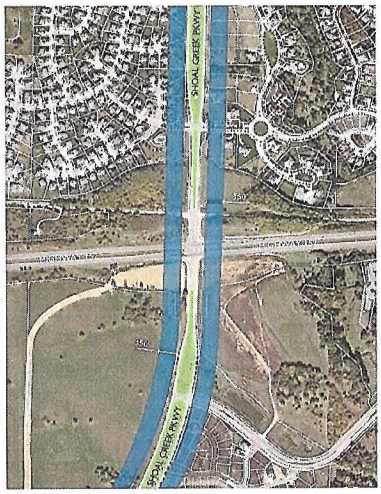
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).

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:

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	

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]	
Day Care						
» Home-based (1—5)	P	P	P	P	P[5 for Ground 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	

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**	
Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Service						
» Fire station	P	P	P	P	P[4]	
» 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

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**	
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
» 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	P	P	P	P	P	

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**	
Establishments (except as noted below)						
» Tavern or nightclub	-	-	P	P	P	
Entertainment Venues and Spectator Sports						
» 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	

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**	
Funeral and Interment Service						
» Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
» Cremating	-	S	S	S	S	88-345-02
» 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]	

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**	
Office, Medical	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	
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						

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	-	P	P	P	P[5 for Ground Floor Uses]	
» 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

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**	
» Vehicle storage/towing	-	-	-	-	P[1][4]	88-375
» Vehicle sales, used	-	-	S	S	S	88-372
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	P/S	P	P	P	88-318
» 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						

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**	
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
» 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 88-130-04, "Uses," and enacting in lieu thereof a new section of like number and subject matter to establish special use permit requirements and operational standards for used motor vehicle sale lots, said section to read as follows:

88-130-04 USES

88-130-04-A. USE TABLE

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

88-130-04-B. USE CLASSIFICATION SYSTEM
For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 130-1 lists the groups, categories, and types allowed in one or more D districts.

88-130-04-C. PERMITTED USES
Uses identified with a "P" in Table 130-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-130-04-D. SPECIAL USES
Uses identified with an "S" in Table 130-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-130-04-E. PROHIBITED USES
Uses not listed in the use table and those identified with a "-" are expressly prohibited.

88-130-04-F. USE STANDARDS
The "use standards" column of Table 130-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

88-130-04-G. SPECIAL STANDARDS ADJACENT TO 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 130-1, 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.

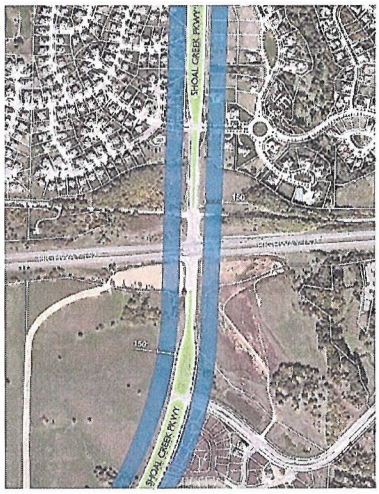
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).

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.

Table 130-1 Downtown Districts Use Table				
USE GROUP **(refer to 88-805 Use Groups and Categories)**	**Zoning District**			**Use Standards**
Use Category **» specific use type**	**DC**	**DX**	**DR**	
RESIDENTIAL				
Household Living				
» Single-family home	P	P	P	
» In single-purpose residential building	P	P	P	88-323
» In mixed-use building	P	P	P	
Group Living	S	S	S	
PUBLIC/CIVIC				
Bicycle Sharing Facilities	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	
Table 130-1 Downtown Districts Use Table	P	P	P	
Day Care				
» Home-based (1—5)	P	P	P	
» Family (up to 10)	P	P	P	
» Group (up to 20)	P	P	S	
» Center (21+)	P	P	S	
Hospital	S	S	S	
Library/Museum/Cultural Exhibit	P	P	P	
Park/Recreation (except as noted below)	P	P	P	

Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	**Zoning District**			**Use Standards**
Use Category » specific use type	**DC**	**DX**	**DR**	
» Community center	P	P	P/S	88-365
Religious Assembly	P	P	P	
Safety Service				
» Fire Station	P	P	P	88-365
» Police Station	P	P	P	88-365
» Ambulance service	P	P	P	88-365
School	P	P	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	88-425-08-B
COMMERCIAL				
Adult Business				
» Adult media store	P[1]	P[1]	-	88-310-03
» Adult motion picture theater	P[1]	P[1]	-	88-310-02
» Sex shop	P[1]	P[1]	-	88-310-02
Animal Service				
» Sales and grooming	P	P	S	88-315
» Shelter or boarding	P	P	-	88-315
» Stable	-	S	-	88-315

Table 130-1 Downtown Districts Use Table				
USE GROUP **(refer to 88-805 Use Groups and Categories)**	**Zoning District**			**Use Standards**
Use Category **» specific use type**	**DC**	**DX**	**DR**	
» Veterinary	P	P	S	88-315
Artist Work or Sales Space	P	P	P	
Building Maintenance Service	P	P	-	
Business Equipment Sales and Service	P	P	-	
Business Support Service (except as noted below)	P	P	-	
» Day labor employment agency	-	S[1]	-	
Communications Service Establishments	P/S	P/S	P/S	88-327
Drive-Through Facility	S[2]	S[2]	-	88-338 & 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	
» Tavern or nightclub	P	P	S	
Entertainment Venues and Spectator Sports				
» Indoor small venue (1—149 capacity)	P	P	S	
» Indoor medium venue (150—499 capacity)	P	P	S	
» Indoor large venue (500+ capacity)	S	S	S	
» Outdoor (all sizes)	S	S	S	
Financial Services (except as noted below)	P	P	P	
» Pawn shop	-	S[1]	-	

Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	**Zoning District**			**Use Standards**
Use Category » specific use type	**DC**	**DX**	**DR**	
» Short-term loan establishment	-	P[1]	-	88-325
Food and Beverage Retail Sales	P	P	P	
Funeral and Interment Service				
» Cemetery/columbarium/mausoleum	-	-	-	
» Cremating	-	-	-	
» Undertaking	P[2]	P[2]	-	88-345
Gasoline and Fuel Sales	S[3]	S[3]	-	88-323
Lodging				
» Bed and Breakfast	P	P	P	
» Hotel/motel	P[2]	P[2]	S[2]	88-323
» Short term rental, non-resident	P	P	P	Chapter 56
» Short term rental, resident	P	P	P	Chapter 56
Mobile Vendor Park	P	P	-	88-358
Office, Administrative, Professional or General	P	P	P	
Office, Medical	P	P	P	
» Blood/plasma center	S	S	-	
Parking, Accessory	P	P	P	88-323
Parking, Non-accessory	S[1]	S[1]	S[1]	

Table 130-1 Downtown Districts Use Table				
USE GROUP **(refer to 88-805 Use Groups and Categories)**	**Zoning District**			**Use Standards**
Use Category **» specific use type**	**DC**	**DX**	**DR**	
Personal Improvement Service	P	P	P	
Repair or Laundry Service, Consumer	P	P	S	
Research Service	P	P	S	
Retail Sales	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	88-366-01
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	
Sports and Recreation, Participant				
» Indoor	P	P	S	
» Outdoor	S	S	S	
Vehicle Sales and Service				
» Car wash/cleaning service	S[1]	S[1]	-	
» Heavy equipment sales/rental	-	S[1]	-	
» Light equipment sales/rental (indoor)	S[2]	S[2]	-	88-323
» Light equipment sales/rental (outdoor)	S[1]	S[1]	-	
» Motor vehicle repair, limited	S[2]	S[2]	-	88-323
» Motor vehicle repair, general	-	S[2]	-	88-323
» Vehicle storage/towing	-	S[1]	-	88-375

Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	**Zoning District**			**Use Standards**
Use Category » specific use type	**DC**	**DX**	**DR**	
» Vehicle sales, used	S	S	-	88-372
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
» Artisan	P	P	P/S	88-318
» Limited	S	S	S	
» General	S	S[2]	-	88-323
Recycling Service				
» Limited	-	S[1]	-	
Self-Storage Warehouse	-	S[2]	-	88-323 88-369
Warehousing, Wholesaling, Storage, and Freight Movement				
» Indoor	S[2]	S[2]	—	88-323 88-378
» Outdoor		S[2]	-	88-323 88-378
AGRICULTURAL				
Agriculture, Animal	-	P/*	-	Chapter 14
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Urban				

Table 130-1 Downtown Districts Use Table				
USE GROUP (refer to 88-805 Use Groups and Categories)	**Zoning District**			**Use Standards**
Use Category » specific use type	**DC**	**DX**	**DR**	
» Home Garden	P	P	P	88-312-02-A
» Community Garden	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	88-312-02-C
ACCESSORY				
Wireless Communication Facility				
» Freestanding	-	-	-	
» Co-located antenna	P	P	P	88-385

Section 3. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-140-03, "Uses," and enacting in lieu thereof a new section of like number and subject matter to establish special use permit requirements and operational standards for used motor vehicle sale lots, said section to read as follows:

88-140-03 USES

88-140-03-A. USE TABLE

Uses are allowed in M zoning districts in accordance with Table 140-1, below.

88-140-03-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 140-1 lists the groups, categories, and types allowed in M districts.

88-140-03-C. PERMITTED USES

Uses identified with a "P" in Table 140-1 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.

88-140-03-D. SPECIAL USES

Uses identified with an "S" in Table 140-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with the use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-140-03-E. PROHIBITED USES
Uses not listed and those identified with a "-" are expressly prohibited.

88-140-03-F. USE STANDARDS
The "use standards" column of Table 140-1 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.

88-140-03-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 140-1, 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.

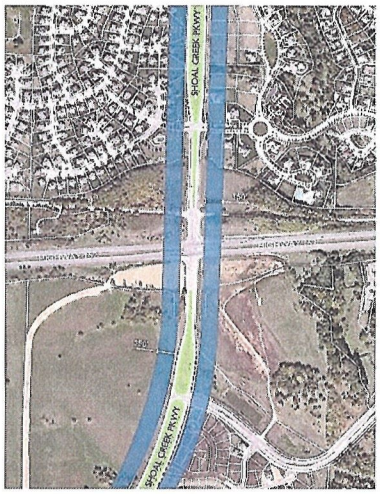
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).

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.

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**	
RESIDENTIAL					
Household Living					
» Single-family home	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**	
» In single-purpose residential building	P	S	-	-	
» In mixed-use building	P	S	-	-	
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

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**	
COMMERCIAL					
Adult Business					
» 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]	

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**	
» Short-term loan establishment	P[1]	P[1]	P[1]	P[1]	88-325
Food and Beverage Retail Sales	P	P	P	P	
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	

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**	
Repair or Laundry Service, Consumer	P	P	P	-	
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
» Vehicle sales, used	S	S	-	-	88-372
INDUSTRIAL					

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**	
Junk/Salvage Yard	-	-	S[1]	P[1]	88-425-09
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

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**	
» Solid waste separation facility	-	-	S[1]	S[1]	88-380
» 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 4. That Chapter 88, Zoning and Development Code, is hereby amended by adopting a new section, 88-372, "Vehicles Sales, Used" to establish special use permit requirements and operational standards for used motor vehicle sale lots, said section to read as follows:

88-372 VEHICLE SALES, USED

88-372-01 PURPOSE

These standards are designed to ensure that used vehicle sales establishments operate as responsible commercial neighbors while maintaining their economic viability and minimizing potential conflicts with surrounding uses while preserving community character. The following provides regulations to reduce visual and operational impacts and nuisances.

88-372-02 STANDARDS

The following standards shall apply to all Used Vehicle Sales establishments:

1. The property must be developed with at least one permanent structure greater than 200 square feet.

2. Vehicles and equipment displayed for sale may not be parked, displayed, or stored within 10 feet of the public right-of-way or within 10 feet of any R zoned district.

3. Any on-site vehicle or equipment repair or service must be conducted in a completely enclosed building. Any inoperable, wrecked, junk, or salvage vehicles must be kept within a completely enclosed building and may not be stored outdoors.

4. All vehicle sales establishments must be screened from the public right-of-way with a landscape buffer meeting the standards of Section 88-425-05.

5. The total number of vehicles displayed or stored on-site shall not exceed one vehicle per 200 square feet of lot area, excluding required parking, landscaping, and building areas. Vehicles must be displayed or stored in marked parking or display spaces.

6. Lighting shall be provided at a minimum of 1 footcandle and a maximum of 25 footcandles to ensure proper security lighting for the property. A lighting plan meeting the standards of 88-430 shall be provided.

Section 5. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-805-04, "Commercial Use Group," and enacting in lieu thereof a new section of like number and subject matter to establish special use permit requirements and operational standards for used motor vehicle sale lots, said section to read as follows:

88-805-04 COMMERCIAL USE GROUP

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories.

88-805-04-X. VEHICLE SALES AND SERVICE

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

1. **CAR WASH/CLEANING SERVICE**

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

2. **HEAVY EQUIPMENT SALES/RENTALS**
Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

3. **LIGHT EQUIPMENT SALES/RENTALS**
Sale, retail, wholesale, or rental from the premises of new autos, new noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include new automobile franchise dealers, boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

4. **MOTOR VEHICLE REPAIR, LIMITED**
   a. A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.

   b. Also included vehicle repair establishments that provide replacement of passenger vehicle parts or repairs that do not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

5. **MOTOR VEHICLE REPAIR, GENERAL**
Any vehicle repair activity other than "minor vehicle repair." Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

6. **VEHICLE STORAGE AND TOWING**
Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services; private tow lots; impound yards; parking station for buses; and fleet storage yards. Includes the use of a site for temporary storage of motor vehicles to be sold, rented, salvaged, dismantled, or repaired for a period of not more than 15 days.

7. **VEHICLE SALES, USED**
A parcel or lot of land operated by a used motor vehicle dealer, being any motor vehicle dealer who is not a new motor vehicle franchise dealer, for the purpose of selling, bartering, or exchanging used motor vehicles.

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Section 6. That Chapter 88, Zoning and Development Code, is hereby amended by adopting new Sections 88-810-911, "Motor Vehicle Franchise Dealer, New," and 88-810-912, "Motor Vehicle Dealer, Used" to establish special use permit requirements and operational standards for used motor vehicle sale lots, said sections to read as follows:

88-810-911 MOTOR VEHICLE FRANCHISE DEALER, NEW
Any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting business as a franchise dealer, sell, barter, or exchange used motor vehicles.

88-810-912 MOTOR VEHICLE DEALER, USED
Any motor vehicle dealer who is not a new motor vehicle franchise dealer.

Section 7. The City Manager or designee is hereby authorized to:

a) Develop administrative procedures for the review and approval of special use permits for used motor vehicle sales establishments;

b) Conduct regular inspections to ensure compliance with the standards established in this ordinance;

c) Issue violations and impose penalties for non-compliance with these standards;

d) Coordinate with other City departments and external agencies as necessary for enforcement.

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

SEP 11 2025
Date Passed