

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210463

Amending Chapter 88, Zoning and Development Code, Section 88-370, to include a new subsection 88-370-08, Temporary Government Sponsored Shelters, to allow the City to provide temporary housing for the houseless. (CD-CPC-2021-00074)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, zoning and Development Code, is hereby amended by repealing Section 88-370, Temporary Uses, and enacting in lieu thereof a new section of like number and subject matter to read as follows:

88-370 - TEMPORARY USES

88-370-01 - DESCRIPTION AND PURPOSE

88-370-01-A. A temporary use is the use of property conducted from an area or structure (e.g., parking lots, lawns, trucks, tents, or other temporary structures) that does not require a building permit and that may not comply with the use or lot and building standards of the zoning district in which the temporary use is located.

88-370-01-B. The temporary use regulations of this article are intended to permit such occasional, temporary uses and activities when consistent with the purposes of this zoning and development code and when the operation of the temporary use will not be detrimental to other nearby uses.

88-370-02 - AUTHORITY TO APPROVE

88-370-02-A. Except as expressly stated in 88-370-03, all temporary uses require city approval.

88-370-02-B. The city planning and development director is authorized to approve temporary uses that comply with the provisions of this article and to impose conditions on the operation of temporary uses that will help to ensure their general compatibility with surrounding uses.

88-370-02-C. The city planning and development director is also authorized to require that temporary use requests be processed as special use permits in accordance with 88-525.

88-370-03 - EXEMPTIONS

The following are permitted as temporary uses without complying with the permit requirements of this section:

88-370-03-A. Garage sales conducted in R districts or on lots occupied by residential dwelling units for no more than 6 days total in any calendar year; and

88-370-03-B. Temporary uses of no more than 3 days duration conducted on city parkland or public property, provided such uses have been approved by the parks board or other duly authorized city official.

88-370-04 - AUTHORIZED USES

The following may be approved as temporary uses when the city planning and development director or other authorized decision-making body determines that the operation of such use will be generally compatible with surrounding uses and will not be detrimental to public safety:

88-370-04-A. Christmas tree and similar holiday sales lots;

88-370-04-B. Outdoor carnivals;

88-370-04-C. Outdoor concerts and festivals;

88-370-04-D. Outdoor religious revivals;

88-370-04-E. Construction yards and offices;

88-370-04-F. Temporary sales facilities;

88-370-04-G. Auctions;

88-370-04-H. Mobile vendor parks; and

88-370-04-I. Similar uses and activities.

88-370-05 - TIME LIMIT

Unless otherwise allowed by this Code, temporary uses may be permitted for a maximum of 45 days unless the city planning and development director expressly approves a longer time limit. Upon expiration of a temporary use permit, another permit for the same premises may not be obtained for at least 30 days. The applicant must submit a written explanation of the length of time needed for the temporary use.

88-370-06 - PROCEDURE

Upon receipt of a complete application for a temporary use, the city planning and development director must review the proposed use for its likely effects on surrounding properties and its compliance with the general provisions of this article. The city

planning and development director may impose such conditions of approval as are necessary to ensure compliance with this article.

88-370-07 - TEMPORARY PORTABLE STORAGE CONTAINERS

Temporary portable storage containers are an allowed temporary, accessory use on lots containing a dwelling, subject to all of the following.

88-370-07-A. On lots developed with detached houses:

1. Temporary portable storage containers are permitted for a period not to exceed a total of 30 days within any consecutive 6-month period. However, in cases where a dwelling has been damaged by natural disaster or casualty, the city planning and development director is authorized to allow a temporary portable storage container for a longer period.
2. Temporary portable storage containers may not exceed a cumulative gross floor area of 260 square feet.
3. Temporary portable storage containers may not be located in a setback abutting a street unless located on a driveway or other paved surface.

88-370-07-B. On lots developed with residential buildings other than detached houses:

1. Temporary portable storage containers are permitted for a period not to exceed 72 hours within any consecutive 6-month period. However, in cases where a dwelling has been damaged by natural disaster or casualty, the city planning and development director is authorized to allow a temporary portable storage container for a longer period.
2. Temporary portable storage containers may not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.
3. Temporary portable storage containers may not be located in a setback abutting a street unless located on a driveway or other paved surface.

88-370-07-C. Temporary portable storage containers may not exceed 8.5 feet in height.

88-370-07-D. Temporary portable storage containers may not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation.

88-370-07-E. Signs on temporary portable storage containers must comply with all applicable sign regulations of this zoning and development code.

88-370-07-F. Rail cars, semi-trailers, and similar structures may not be used for temporary or permanent storage on lots containing a dwelling.

88-370-08 - TEMPORARY GOVERNMENT SPONSORED SHELTERS

Temporary government sponsored shelters are an allowed temporary use only to be located on City-owned property or property under the control of the City pursuant to a written agreement with the City, and subject to all of the following:

88-370-08-A. Temporary government sponsored shelters:

1. shall be no smaller than 60 square feet and no larger than 130 square feet and shall have a minimum 12-foot separation between shelter units.
2. shall have a maximum of 2 persons per 64 square feet.
3. shall not have cooking facilities.
4. shall have an address marker on each unit for emergency responders.
5. shall be setback a minimum of 10 feet from the right of way line and 25 feet from any residentially zoned property.

88-370-08-B. Temporary government sponsored shelter sites:

1. shall have a fence surrounding the site.
2. shall have lighting to provide a safe, secure environment.
3. shall have a common bathroom facility.
4. may have common area for eating or meetings, and
5. shall have 24-hour security.

88-370-08-C. Parking shall not be required. If parking is installed, it shall be rock or crushed stone not more than two (2) inches in diameter and at least a 2-inch layer.

88-370-08-D. Temporary government sponsored shelters are permitted for a period not to exceed one year. Permits for temporary government sponsored shelters may not be renewed or extended.

88-370-08-E. Notice required. Prior to any site preparation, construction or installation of a temporary government sponsored shelter, the City shall provide 30 days' courtesy notice to all property owners, any registered neighborhood organizations, and/or registered civic organizations whose boundaries include the subject property, and all owners of property within 300 feet of the subject property. Addresses must be based on the latest available, city-maintained

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property ownership information. Required mailed notices must be sent by U.S. mail, first class.

Section 2. 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 and Development Code have been given and had.

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney