

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO BUSINESS PARK ZONING DISTRICTS.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a virtual public hearing for the consideration of the request on March 23, 2021, and rendered a report to the City Council recommending the rezoning be approved by a vote of 7-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 19, 2021, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Sections 14-200-05 and 14-200-06 of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-200-05 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.

14-200-05-A. ANIMAL SERVICES

The following are animal services use types:

1. SALES AND GROOMING

Sales and grooming of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.

2. SHELTER OR BOARDING KENNEL

Animal shelters and kennel services for dogs, cats and small animals. Typical uses include boarding kennels, dog training centers and animal rescue shelters.

3. VETERINARY

An animal care facility operated by licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, animal surgery, or testing services for licensed veterinary practitioners. Examples include Typical uses include pet clinics, dog and cat hospitals and animal hospitals, **veterinarians’ offices, and veterinary testing laboratories, or veterinary training facilities. No outdoor grooming or pet boarding is allowed in this use.**

4. STABLE

Stables and boarding facilities for horses and similar large animals.

14-200-05-B. ARTIST WORK OR SALES SPACE

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the “Libraries and Cultural Exhibits” use category.

14-200-05-C. BUILDING MAINTENANCE SERVICES

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

1. Carpet and Floor Covering Stores

Supplies, sales and service of carpet, tile, wood, or composite materials for floor finishing. Includes the sale and support of materials incidental to finishing floors such as pre-packaged grout, glues, tools and equipment.

14-200-05-D. BUSINESS EQUIPMENT SALES AND SERVICES

Sales, rental, or repair of office, professional and service equipment and supplies to companies rather than to individuals. Excludes automotive and heavy equipment sales or service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

1. HVAC and Electrical Equipment

Supplies, sales and service of HVAC component and other similar electrical equipment and components, for distribution to retailers or wholesalers for resale.

14-200-05-E. BUSINESS SUPPORT SERVICES

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Typical uses include employment agencies and telephone answering services and business or trade schools. Business or trades schools that involve outdoor storage or manufacturing processes are not considered business support services, but rather are to be classified in an Industrial use group category.

14-200-05-F. COMMUNICATIONS SERVICE ESTABLISHMENTS

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as “major utilities and services” and “Minor Utilities.” Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

14-200-05-G. Health Club and Gyms

Health club, fitness, gymnasium or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.

14-200-05-GH. EATING AND DRINKING ESTABLISHMENTS

Provision of prepared food or beverages for on- or off-premises consumption. Typical uses include restaurants, taverns and nightclubs.

1. Restaurants Sit-Down

Establishments primarily engaged in providing food services to patrons who order and are served while seated and pay after eating (waitress/waiter services). These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment. This also includes establishments known as cafeterias, grill buffets, or buffets, primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment.

14-200-05-~~HI~~. ENTERTAINMENT AND SPECTATOR SPORTS

Provision of cultural, entertainment, athletic and other events to spectators. The following are spectator sports and entertainment use types:

1. SMALL VENUE

Entertainment and spectator sports establishments with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

2. MEDIUM VENUE

Entertainment and spectator sports establishments with a capacity of more than 149 and fewer than 500 persons. Typical uses include theaters and meeting or banquet halls.

3. LARGE VENUE

Entertainment and spectator sports establishments with a capacity of 500 persons or more. Typical uses include large theaters, cinemas and meeting or banquet halls.

4. OUTDOOR ENTERTAINMENT AND SPECTATOR SPORTS

Outdoor entertainment and spectator sporting establishments of types and sizes. Typical uses include sports stadiums, amphitheaters, and drive-in movie theaters.

14-200-05-~~IJ~~. FINANCIAL SERVICES

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, consumer investment businesses, pawn shops and short-term loan services.

1. SHORT-TERM LOAN SERVICES

Businesses that loan money on a short-term basis to the general public as an element of their operation, including businesses offering title loans, payday loans, signature loans and small loans under Chapter 367 or Section 408.500 RSMo., and other similar businesses, but not including banks, savings and loan associations or credit unions that are licensed by appropriate state and federal agencies, or retail credit financing institutions that are licensed under Chapters 364 or 365 RSMo., or pawnbrokers governed by Chapter 367 RSMo., or retail merchants governed by Chapter 400.2 RSMo.

2. PAWN SHOPS

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by Chapter 367 RSMo.

14-200-05-~~JK~~. FOOD AND BEVERAGE RETAIL SALES

Retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores and wine stores.

14-200-05-~~KL~~. FUNERAL AND INTERMENT SERVICES

Provision of services involving the care, preparation or disposition of human and animal dead. The following are funeral and interment services use types:

1. CEMETERY/MAUSOLEUM/COLUMBARIUM

Land or facilities used for burial of the dead.

2. CREMATING

Crematory services involving the purification and reduction of a body by fire. Typical uses include crematories and crematoriums.

3. UNDERTAKING

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

14-200-05-~~LM~~. GASOLINE AND FUEL SALES

A building or portion thereof used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent and where no motor vehicles or recreational equipment are offered for sale or rent.

14-200-05-~~MN~~. LODGING

Provision of lodging services on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

1. SHORT TERM RENTAL

A single-family or two-family dwelling unit, managed by the property owner or a property management company, for short-term lodging. A Short Term Rental shall contain four (4) or fewer guestrooms for occupancy to 10 or fewer total occupants, with no more than two (2) adults per bedroom, in which meals shall not be provided to guests. A dwelling unit in a Short Term Rental shall be rented in its entirety and individual rooms shall not be rented to separate parties during the same period of time. For the purposes of this term, a guest is a person who rents a room in a short term rental establishment for no more than 30 consecutive days.

(History: Ordinance No. 18946)

2. BED AND BREAKFAST

An owner- or manager-occupied detached house for short-term lodging which does not meet the definition of Short Term Rental. Meals may be provided to guests. For the purposes of this term, a guest is a person who rents a room in a bed and breakfast establishment for no more than 30 consecutive days.

(History: Ordinance No. 18946)

3. HOTEL/MOTEL

An establishment, other than a detached house, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels, motels and boarding houses. For the purposes of this term, a guest is a person who rents a room in a hotel/motel establishment for no more than 30 consecutive days. **A Hotel is better defined as a building in which ingress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms or conferences centers.**

(History: Ordinance No. 18946)

4. Conference and Retreat Center

A facility used for assemblies or meeting of the members or representatives of a group, such as convention centers and banquet halls. This does not include clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

14-200-05-~~NO~~. MEDICAL SERVICE

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services.

Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations and government-operated health centers. **Establishments that provide analytic or diagnostic services, and related services such as medical imaging and forensics.** Excludes use types more specifically classified, such as hospitals.

14-200-05-~~OP~~. OFFICE

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms. **A building or facility for a firm or organization that primarily provides professional, executive, management or administrative services such as accounting, advertising, architectural, consulting, planning, computer software consulting, data management, engineering, medical assistance programs, dental, chiropractic or other care professional service, environmental analysis, insurance, interior design, investment, graphic design, law, real estate offices, or drafting. Information services such as print or software publishing, internet publishing or web production. It includes research and development, scientific and technical research**

services that do not involve laboratory facilities. It includes medical offices or clinics, banks or financial services, and office that are incidental to retail, production, storage or other activities.

14-200-05-PQ. PARKING, NON-ACCESSORY

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather are available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

14-200-05-QR. PERSONAL SERVICES

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, tattoo parlors, fortune telling studios, health clubs, and yoga or dance studios, driving schools and martial arts studios.

14-200-05-RS. REPAIR AND LAUNDRY SERVICES, CONSUMER

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

14-200-05-ST. RETAIL SALES

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores and apparel stores.

14-200-05-TU. SPORTS AND RECREATION, PARTICIPANT

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). Examples include bowling alleys, skating rinks, billiard parlors, driving ranges and miniature golf courses.

14-200-05-UV. VEHICLE SALES AND SERVICE

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

14-200-05-W. Data Processing and Hosting

Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application services provisioning or may provide general timeshare mainframe facilities to clients. An example is a data center.

14-200-05-X. Research and Development

An establishment primarily engaged in the research, development and controlled production of high technology electronics, industrial or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components. Includes government research such as space research and technology.

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 autos, 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 automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

4. MOTOR VEHICLE REPAIR

An establishment primarily engaged in maintenance, repair, servicing, or painting of motor vehicles.

(a) LIMITED MOTOR VEHICLE REPAIR

An establishment for passenger cars and light trucks that provides replacement of a part or repair of vehicle parts and wear parts that does not involve body work or painting or require removal of the engine, head or pan, transmission, or differential. Customers generally wait in the vehicle or on the premises while the service is performed; vehicles are not kept overnight. Such services include, but are not limited to: glass installation, brake and muffler shops, auto detailing services, window tinting, radio and stereo installation, tire and battery stores, tune-up, quick lube and fluid change businesses, and auto diagnostic centers.

(b) GENERAL MOTOR VEHICLE REPAIR

Vehicle repair activity other than those outlined in “Limited Motor Vehicle Service”. Examples include, but are not limited to: auto body repair and painting, engine overhaul and replacement, transmission repair and replacement, and the repair or servicing of commercial vehicles or heavy equipment. Customers generally do not wait on the premises for the repair to be completed, and vehicles are usually left over night.

(History: Ordinance No. 17782)

14-200-05-~~VY~~. VEHICLE STORAGE AND TOWING

The storage of operating, or non-operating, motor vehicles or vehicle towing services. The following are vehicle storage and towing use types:

1. VEHICLE STORAGE/TOW LOTS

An establishment engaged in the temporary storage of operating or non-operating motor vehicles. Typical uses include towing services, private parking tow-aways (tow lots), and impound yards. Does not include the sale, rental, salvage, dismantling or repair of vehicles or automobile salvage or wrecking yards.

2. TOW LOTS, LIMITED

An establishment for the temporary storage of passenger cars and light trucks usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding 90 days.

(History: Ordinance No. 17988)

14-200-05-~~WZ~~. CONSTRUCTION SERVICES

Establishments that construct, or assist in, the construction of buildings and improvements. This includes, but is not limited to: heating/air conditioning contractors, painters, plumbers, roofers, landscapers, carpenters, and electricians.

(History: Ordinance No. 17782)

14-200-06 INDUSTRIAL USE GROUP

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The industrial use group includes the following use categories:

14-200-06-A. JUNK/SALVAGE YARD

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, rags, and rubber tires. A junk or salvage yard includes an auto wrecking yard, but does not include waste-related uses or recycling facilities.

14-200-06-B. MANUFACTURING, PRODUCTION AND INDUSTRIAL SERVICES

1. ARTISAN

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. Computer Product Manufacturing

Establishments that primarily build computers, computer peripherals, audio and video equipment and similar electronic products but not the manufacture of raw materials.

3. Light

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses included building computers, computer peripherals, communications equipment, and similar electronic products but not the manufacture of raw materials. Assembly of electrical equipment, appliances and other manufacturing and production that typically have no negative external impacts on surrounding properties.

24. LIMITED

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

35. GENERAL

- (a) Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- (b) Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as “repair or laundry services.”

46. INTENSIVE

Examples include manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. Also includes smelting, animal slaughtering and oil refining.

14-200-06-C. MINING/EXCAVATION

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

14-200-06-D. RECYCLING SERVICE

Any building, portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. The stripping, dismantling or scrapping of motor vehicles or related equipment is considered a junk or salvage yard operation and not a recycling service.

(History: Ordinance No. 18395)

1. LIMITED

A recycling facility in which recyclable materials are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans and glass items are considered an accessory use and may be allowed in any zoning district.)

2. GENERAL

A recycling facility that, in addition to any activity permitted as part of a limited recycling service, engages in processing of recyclable materials such as cleaning, bundling, compacting or packing of recyclable materials.

14-200-06-E. RESIDENTIAL STORAGE WAREHOUSES

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a residential storage warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

14-200-06-F. WAREHOUSING, WHOLESALING AND FREIGHT MOVEMENT

Storage, wholesale sales and distribution of materials and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public.

14-200-06-G. WHOLESALING AND WAREHOUSING

Wholesale sales, storage and distribution of materials and equipment to the public and to parties other than the general public.

14-200-06-GH. WASTE-RELATED USE

Uses that receive solid or liquid wastes or recyclable material from others for transfer to another location and use that collect sanitary wastes or recyclable material or that manufacture or produce goods or energy from the composting of organic material.”

SECTION 2. That the definition of Pad Site Development in 14-201-01 of Chapter 14, Unified Development Ordinance, is hereby modified to read as follows:

“PAD SITE DEVELOPMENT

Separate lots or parcels encompassed by, or contained within a shopping center, office park or business park/**PUD** that are physically separated from the main shopping center building or buildings, with their primary egress points located from within the shopping center, office park or business park/**PUD**, and may or may not have direct access to adjoining public streets.”

SECTION 3. That Sections 14-302-01, 14-302-02, 14-302-03 and 14-302-04 of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-302-01 Districts

14-302-01-A.List. The city's industrial zoning districts are listed below. When this development ordinance refers to "industrial" zoning districts or "I" districts, it is referring to these districts.

Map Symbol	District Name
B-P/ PUD	Business Park
I-1	Industrial
I-2	Heavy Industrial

14-302-02 Purpose

14-302-02-A.General. Independence's industrial (I) zoning districts are intended to accommodate business, manufacturing, warehousing, wholesale and industrial uses. The regulations are intended to promote the economic viability of manufacturing and industrial uses, encourage employment growth, and limit the encroachment of unplanned residential and other non-industrial development into industrial areas.

14-302-02-B.B-P/PUD District. The B-P district is primarily intended to be attractive and appropriate locations for low-impact business and employment uses in a campus-like setting, typical of modern business and industrial parks. **This zoning is intended to allow a mix of office, light assembly and manufacturing with limited retail service uses in a planned business park setting. This district is designed to provide for low density, high quality development with open spaces and increased amenities. The planned unit development (PUD) is to accommodate innovative development proposals or unique site conditions that cannot be readily addressed by other available development options. Planned unit development regulations are included in Article 14-902.**

14-302-02-C.I-1 District. The I-1 district is primarily intended to accommodate low-, moderate-impact service industrial uses.

14-302-02-D.I-2 District. The I-2 district is primarily intended to accommodate high-impact industrial uses.

14-302-03 Uses

14-302-03-A.Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C.Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E.Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G.Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table					
P: Permitted		S: Special Use Permit Required		C: Conditional Uses	—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District			Use Standards	
	B-P/ <u>PUD</u>	I-1	I-2		
PUBLIC/CIVIC					
College/University	C	C	—	14-407	
Day Care	C	C	—	14-401	
Detention/Correctional Facility	—	—	S	14-407, 14-415	
Government Buildings/Facilities	P	P	P		
Hospital	C	—	—	14-407	
Religious Assembly	P	P	P		
Safety Service	C	C	—	14-407	
Utilities and Services					

Basic, minor	P	P	P	
All other utilities and services	P	P	P	
COMMERCIAL				
Animal Service				
Sales and grooming	—	—	—	
Shelter or boarding	P =	P	—	
Veterinary	P	P	—	
Stable	—	P	—	
Artist Work Space	P	P	—	
Building Maintenance Service	P	P	—	
Business Equipment Sales and Service	P	P	—	
Business Support Service				
Day labor employment agency	—	P	—	
Employment agency	P	P	—	
All other business support service	P	P	—	
<u>Carpet and Floor Covering Stores</u>	<u>P</u>	=	=	
Communication Service	P	P	P	
Computer Product Manufacturing	<u>P</u>	=	=	
Conference and Retreat Center	<u>P</u>	=	=	
Construction Services				
No outdoor storage of equipment or materials	P	P	—	
With outdoor storage of equipment and materials	—	C	—	14-503
<u>Data Processing and Hosting</u>	<u>P</u>	=	=	
Gasoline and Fuel Sales	C	C	—	14-403
Health Club and Gyms	<u>P</u>	=	=	
Hotel	<u>P</u>	=	=	
HVAC and Electrical Equipment	<u>P</u>	=	=	
Medical Marijuana Facility				
Medical marijuana cultivation facility	—	C	—	14-421
Medical marijuana dispensary facility	—	—	—	14-421
Medical marijuana infused products manufacturing facility	—	C	—	14-421
Medical marijuana testing facility	C	C	—	14-421
<u>Medical Services</u>	<u>P</u>	=	=	
Office	P	P	—	
Parking, Non-accessory	P	P	P	
Repair or Laundry Service	P	P	—	
Research and Development	<u>P</u>	=	=	
Restaurants Sit-Down	<u>P</u>	=	=	
Retail Sales [1]	P	=	—	
Sports and Recreation, Participant				
Indoor	— <u>P</u>	P	P	
Outdoor	—	—	—	
Vehicle Sales and Service				
Car wash/cleaning service	P =	P	—	14-413
Heavy equipment sales/rental	—	P	—	
Motor vehicle repair, limited	—	C	—	14-418
Motor vehicle repair, general	—	C	—	14-418
All other vehicle sales/service	—	C	—	14-409

Vehicle Storage and Towing				
Vehicle storage/tow lots	—	C	—	14-408
Tow lot, limited	==	C	==	14-408
Tow service dispatch center	==	C	==	14-408
INDUSTRIAL				
Junk/Salvage Yard	—	—	—	
Manufacturing, Production and Industrial Service				
Artisan	P	P	—	
Light	<u>P</u>	<u>P</u>	==	
Limited	P ==	P	—	
General	—	P	P	
Intensive	—	—	S	
Mining/Excavation	—	—	S	14-414
Recycling Service				
Limited	P ==	P	P	
General	—	P	P	
Residential Storage Warehouse	—	P	—	
Warehousing, Wholesaling, Freight Movement				
Indoor	P ==	P C	P C	<u>14-503</u>
Outdoor	—	P C	P C	<u>14-503</u>
Wholesaling and Warehousing				
Indoor	<u>C</u>	==	==	<u>14-302-04-B</u>
Waste-related Use	—	—	—	
OTHER				
Agriculture, Crop	P	P	—	
Agriculture, Urban				
Home Garden	P	P	P	
Community Garden	C	C	C	14-417
Wireless Communication Facility				
Cellular towers	C	C	C	14-410
Non-cellular towers (television, radio, microwave)	S	S	S	14-410
Outdoor Advertising	—	S	—	14-406

Notes to Table 302-1:

[1] Retail sales establishments may not exceed 5,000 square feet (gross floor area). **Sales include commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises. Business machines or office supplies; sales and repair. Appliances; sales and repair. Electronics; sales and repair.**

[2] **Car wash cleaning services not allowed in BP.**

(Ord. No. 17446; Ord. No. 17534; Ord. No. 17642; Ord. No. 17727; Ord. No. 17782; Ord. No. 17942; Ord. No. 17988; Ord. No. 18790; Ord. No. 19023; Ord. No. 19089)

14-302-04 Lot and building standards

14-302-04-A. Basic Standards. All development in I districts must comply with the lot and building standards of Table 302-2, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in Table 302-2 and applicable exceptions to the standards can be found in Article 14-202.

Table 302-2 Lot and Building Standards (I Districts)			
	B-P/ <u>PUD</u>	I-1	I-2
Lot Size			
Min. lot area (square feet)	None [2]	None	None
Min. lot width (feet)	None [2]	None	None
Min. Exterior Setback			
Abutting residential district (feet)	50 <u>100</u>	25	25
Not abutting R district	25	25	25
Min. Interior Setback	25[1]	25[1]	35
Building Coverage			
Maximum (%)	50 [2]	50	50
Height			
Maximum	50 <u>65</u>	None	None

Notes to Table 302-2

[1] Interior setbacks are required only when an I-zoned lot abuts an R-zoned lot. In such cases, the I-zoned lot must provide a minimum setback of 25 feet or the minimum setback required on the R-zoned lot, whichever provides the greater setback.

[2] For Business Park PUD District standards, reference Article 14-302-04-D.

(Ord. No. 19036)

14-302-04-B. Warehousing in B-P Districts. Warehousing is limited to ~~60~~ 50 percent of gross floor area ~~and must utilize interior loading docks.~~ Buildings shall be designed in a manner that loading docks and dock doors are facing interior of the development. No loading dock shall be permitted to face any street. Other exterior service areas should be screened by either a building or screening wall that is integrated into the building design to not be noticeably visible to other zoning districts.

14-302-04-C. DEVELOPMENT AND PERFORMANCE STANDARDS IN BP/PUD DISTRICTS

- [1] Buildings should be designed in an attractive and interesting manner to define the image of the community with building materials and colors carried throughout the development area. Designs should provide visual interest and variety yet be consistent with the architectural character of the area.
- [2] Building facade materials shall consist of quality materials as noted in Article 14-506-01-B and meet the requirements of Article 14-506-03 A 14-506-01-C. Architectural details such as texture, pattern, color and building form used on the front facade shall be incorporated on all building facades.
- [3] All operations shall be conducted within a fully enclosed building and there shall be no overnight tractor trailer parking.
- [4] There shall be no outside storage of trailers, materials, products, or equipment, other than in trash receptacles which must be completely screened utilizing the same building materials as the main building, unless such outside storage is specifically approved as part of the development plan.
- [5] Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent or LED light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on a public street shall not exceed seven lux as measured from the center line of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed two lux (Article 14-508-6) as measured from said property line. A photometric plan shall be provided and prepared by a lighting professional, professional engineer, architect or landscape architect.

- [6] A grounds maintenance and management plan and recorded covenants shall be submitted for approved that includes but not limited to irrigation sprinkler systems and landscaping maintenance and replacement.
- [7] A Business Park shall be developed by a single entity. Lots may be sold to separate users but the sale of lots must be accompanied by protective covenants assuring a high level of architecture, and site improvements in concurrence with the standards set forth in this code. The covenants shall include continued maintenance and at minimum have property owners' association, provisions for maintenance of individual sites and common areas, standards for finishing of buildings, and design standards for signs. Such covenants shall be submitted with the application for a Business Park PUD zoning classification.

14-302-04-D. DEVELOPMENT DIMENSIONAL STANDARDS IN BP/PUD DISTRICTS

- [1] Minimum development size shall be 15 acres with minimum lot sizes of 1 acre.
- [2] Sites shall be limited to the lesser of five (5) stories or 65 feet in height.
- [3] The Floor Area Ratio (FAR) which is the number of square feet in a building divided by the square footage of the building lot shall be (0.25).
- [4] The maximum impervious cover, which means the total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete and buildings. shall not exceed 60% of the building lot with the exclusion of sidewalks in public right-of-ways or multi-use trails on public land or in public easement.
- [5] Parking decks (parking structures with vehicles under cover) shall be designed with adequate ingress and egress and complement the scale and facade of the principle structure and shall not exceed the height of the principle structure."

SECTION 4. That Section 14-501-10-B. of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-501-10-B. SETBACKS AND PARKING SURFACES

1. RESIDENTIAL DISTRICTS

The following standards apply in all R districts:

- (a) Parking spaces and maneuvering aisles are prohibited in required exterior setbacks, except as otherwise expressly stated. Access driveways may traverse required exterior setbacks.
- (b) Parking spaces for detached houses, zero lot line houses, attached houses, and two-unit houses may be located on an approved driveway and adjoining asphalt/concrete pads, or other designated, approved parking areas. Parking on other than asphalt, concrete, paver stones, brick, or other hard durable surface, as determined by the Community Development Director, is expressly prohibited. Paver stones, bricks, and related materials must be designed and manufactured to withstand the weight of a motor vehicle. Driveways composed of gravel or other aggregate that lawfully existed before July 20, 2004 may continue to be used for off-street parking areas but may not be expanded or enlarged. In order to retain the use of these nonconforming gravel parking and drive areas, the areas must be maintained at all times and kept free from grass, dirt, and other debris.

(History: Ordinance No. 17988, 18395)

- (c) No more than 40% of the front yard area in an R district may be paved or used for vehicle use. On corner lots, not more than 20% of the exterior side yard area may be paved or used for vehicle use.
- (d) In RA districts, on lots of five acres or more, aggregate may be used for driveways provided that the driveway approaches are constructed with the approval of the Public Works Department, and an asphalt/concrete parking pad for at least two vehicles is provided adjacent to the residential structure.

(History: Ordinance No. 17942)

2. COMMERCIAL AND INDUSTRIAL DISTRICTS

In O, C, **BP/PUD** and I districts, parking is prohibited in required setback areas and in required landscape areas. All parking and storage of vehicles must be on a paved, all-weather surface.

(History: Ordinance No. 17782)''

SECTION 5. That Section 14-503-02-D. of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-503-02-D. ALL NON-RESIDENTIAL DISTRICTS

The following standards apply to development in O-1, O-2, C-1, C-2, C-3, **BP/PUD**, I-1 and I-2 districts:

1. NUMBER

A minimum of one street tree is required for every 40 feet of public or private street frontage.

2. LOCATION

Street trees must be installed within the front yard of the subject property. The trees need not be placed at even 40-foot intervals; however, they should be installed as close to 40 feet as possible along the street frontage, allowing for utilities and intersection visibility requirements.

3. SPECIES

Recommended tree species are identified in the plant list found in Sec. 14-503-16. Tree species planted must be canopy trees to provide shade and visual relief with a clearance of nine feet over sidewalk. Ornamental trees may also be planted, but should be in groups and located 10 feet or more from a sidewalk. The final design is subject to site plan review.

4. EXCEPTIONS

Existing trees may be counted as fulfilling the requirements of this section upon approval of the Community Development Department. Deciduous trees with a diameter at breast height of four inches or larger and evergreen trees measuring 5 feet or more in height may be counted.”

SECTION 6. That Sections 14-503-04-B. and 14-503-04-C. of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-503-04-B. In O-1, O-2, C-1, C-2, C-3, **BP/PUD** and I districts at least 20% of the area within 20 feet of the perimeter of all buildings shall be landscaped open space. Such landscaping shall be located along the side(s) of a building facing a public street and in the vicinity of the public entrances to the building. (History: Ordinance No. 17942)

14-503-04-C. In the **BP/PUD** district, at least 40% of the total lot area must be landscaped open space.”

SECTION 7. That Section 14-503-05-B. of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-503-05-B. LANDSCAPE AREA

A continuous nonpaved area at least 10 feet in width must be located between the edge of the parking lot and the lot line. **For BP/PUD districts a continuous nonpaved area at least 20 feet in width must be located between the edge of the parking lot and the lot line.** On sites with an area of five acres or more, parking lot perimeter landscape buffers must have a minimum width of 25 feet.”

SECTION 8. That Sections 14-503-07-B. and 14-503-07-C. of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-503-07-B. TYPES OF SCREENING

A screen may consist of a wall, berm, fence, or plant material, or any combination thereof:

1. WALLS

- (a) A screening wall consisting of a masonry material such as concrete, stone, or brick, must be a minimum of six feet in height and a maximum height of eight feet. The wall must form an effective visually opaque screen. When high impact screening is required, low impact landscaping requirements must be included with the solid wall.
- (b) Opaque walls may not exceed 200 feet in length without being broken by a landscape area to soften the linear effect of the wall. Long walls may be constructed in a serpentine manner with integrated landscaping. Walls should also be integrated into physical topographical features whenever possible.
- (c) Screen walls developed adjacent to an existing screen wall must match the existing wall construction or provide a landscape transition area between walls/fences of different design and/or materials.
- (d) In BP/PUD districts, screening walls should reflect the same level of architectural design as the primary structure, including elements such as landscaping to soften the walls appearance, architectural detailing, staggering with recesses and projections, and visual interest.

2. BERMS

A berm screen constructed of earth materials may be sodded, mulched, and/or landscaped to prevent erosion. Plantings must be added to provide a visual screen of at least five feet high, including berm, when planted. A six foot high opaque landscape screen must be achieved within two growing seasons after installation.

3. FENCE, SOLID

- (a) An opaque fence screen must be at least six feet in height and a maximum height of eight feet and must be constructed of approved fencing materials. The fence must form a complete (100%) opaque screen. Fence regulations are located in Section 14-400-02. When high impact screening is required, low impact landscaping requirements must be included with the solid fence.
- (b) Opaque fences may not exceed 200 feet in length without being broken by a landscape area to soften the linear effect of the fence. Long fences may be constructed in a serpentine manner with integrated landscaping. Fences should also be integrated into physical topographical features whenever possible.
- (c) Screen walls developed adjacent to an existing screen wall must match the existing wall construction or provide a landscape transition area between walls/fences of different design and/or materials.
- (d) In BP/PUD zones when fencing is required for screening it shall be provided along the property line. A decorative fencing material and architectural accents shall be used which are compatible with the building facades. Fencing must be designed in a manner to create variety such as staggering the fence line and incorporating wrought iron or masonry columns.

4. FENCE, OPEN

An open weave or mesh type fence, constructed of approved materials must be a minimum of four feet in height and a maximum height of six feet. The screening must consist of plant material in order to form an 80% opaque screen. Fence regulations are located in Section 14-400-02.

5. PLANT MATERIAL

A plant screen must consist of 60% compact evergreen trees or other approved trees with a minimum of six feet in height at the time of installation. Shrubs are also required in order to screen lower areas. A six foot high opaque landscape screen must be achieved within two growing seasons after installation. Hedgerows may be planted near the lot line and must be maintained on both sides of the hedge by the property owner.

14-503-07-C. LANDSCAPE (PLANT MATERIAL) SCREENS

When landscape screens are required for the bufferyard, the following standards apply.

1. NUMBER OF PLANTS

Required plant material must be calculated based on the square footage of buffer area. For example, if the lot has a 100-foot property boundary and the required buffer depth is 15 feet, the resultant buffer area would be 1,500 square feet.

2. SPECIES

Tree species must conform to those trees identified on the plant list in Sec. 14-503-16. The majority of planted material must be those which provide a visual buffer, such as evergreen trees, in order to minimize the visual impact of the adjacent land use. Plantings such as evergreen trees, shrubs, and hedges must be installed within the buffer area. Canopy trees must be spaced 15 to 40 feet apart. Evergreen trees must be spaced 10 to 20 feet apart. Ornamental trees must be spaced eight to 16 feet apart. Shrubs must be 18 to 24 inches in height and reach a maximum height of five to six feet at maturity. Shrubs must be planted at least three to 10 feet apart, depending on the mature spread of the shrub, and must be planted in staggered rows, allowing for utilities. See Sec. 14-503-18 for bufferyard plantings installed near overhead utility lines.

3. BP/PUD Zones

Plant material in all BP/PUD zones shall be accomplished in a manner to control noise generated from service activities and mechanical equipment.

SECTION 9. That Section 14-506-01-A. of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-506-01-A. APPLICABILITY

Unless otherwise expressly stated, the building design and material standards of this section apply to all development in O, C, **BP/PUD** and I districts, and public/semi-public and institutional buildings (i.e., churches, schools) in all zoning districts that is subject to site plan review.

(History: Ordinance No. 17713)”

SECTION 10. That Sections 14-506-02-A. and 14-506-02-B. of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-506-02-A. APPLICABILITY

The standards of this section shall apply to all retail uses and food and beverage retail sales uses on sites that include, in aggregate, more than 70,000 square feet of gross floor area **and any building in the BP/PUD District.**

14-506-02-B. PARKING LOTS

1. Large-scale retail projects should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of parking areas must therefore safely and attractively serve all transportation modes. **(See 14-302-04-D for BP/PUD Development Dimensional Standards)**
2. Parking areas must be distributed around large buildings on not less than two sides in order to shorten the distance to other buildings and public sidewalks and to reduce the perceived scale of parking areas and paved surfaces.
3. In order to reduce the scale of parking areas, no single parking area may include more than 200 parking spaces unless divided into two or more sub-areas separated from each other by landscaping, access drives or public streets, pedestrian walkways, or buildings.
4. Safe and clearly defined pedestrian walkways, leading to store entrances, must be provided within large parking lots.
5. Placing large amounts of parking between the front door of buildings and the adjacent street contributes to a formless arrival experience for users, and creates a detached relationship between the primary

building and the street. If more than 65 percent of the total off-street parking spaces for the entire site are located between the front facade of the principal building and the primary street abutting the site, additional landscaping, buffering and raised pedestrian walkway connection must be provided as a condition of plan approval.”

SECTION 11. That Section 14-506-03-A. of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-506-03-A. APPLICABILITY

The design and material standards of this section apply to the facades of all buildings of properties zoned ~~BP~~, I-1 and I-2. Depending upon the classification of the street which they face, buildings shall utilize the materials specified in Section 14-506-01-B. Secondary buildings on the same lot shall also meet these standards.”

SECTION 12. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 13. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

Acting City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.