

**Planning & Zoning Commission
Council Chambers
Hall of Waters Building
201 East Broadway
Excelsior Springs, MO**



Meeting Notice

May 10, 2021 at 6:00 PM

Special Study Session

Agenda

- 1 Call to Order
- 2 Zoning Code Review: Special Use Permits; Height and Area Exceptions
 - a Special Use Permits; Height and Area Exceptions
- 3 Zoning Code Review: Zoning District Review Summary
- 4 Adjourn

Copies of this notice are available by contacting Community Development, at 201 E. Broadway, Excelsior Springs, MO 64024, (816) 630-0756.

Date and time posted: 5/5/21 at 10:00 a.m.



**Community Development
Planning and Zoning Special Study Session - 5/10/2021**

To: Commission Members
From:
Date
RE: Special Use Permits; Height and Area Exceptions

ATTACHMENTS:

Description	Type	Upload Date
Special Use Permits	Exhibit	5/10/2021
Height and Area Exceptions	Exhibit	5/10/2021

Special Use Permits

Section 400.230 Zoning Ordinance

The Zoning Ordinance recognizes that there are special land uses and activities that cannot be classified as a “permitted use” in any particular zoning district without special consideration for the potential impact to surrounding properties and for the public need for that particular use or the particular location. Some uses that are permitted outright in certain zoning districts might be appropriate in other, similar type zoning districts, with special consideration. Such special uses fall into three categories:

1. Uses operated by a public agency or public related utilities or uses traditionally affected with a public interest.
2. Private uses of such a nature that the operation may give rise to unique issues with respect to the impact upon surrounding properties or public facilities.
3. Uses which are of a short duration and short-range impact on the community.

PRINCIPLE – Certain land uses deserve special consideration to ensure the impact on surrounding properties is minimized and there is a particular public need for the land use or for the particular location.

Special Use Permits can be authorized by the City Council upon Planning and Zoning Commission public hearing and consideration in the same process as for a zoning ordinance amendment/rezoning. Current City practice is to approve an appropriate special use permit for an initial two-year period, allowing the opportunity to evaluate the operation and impact on surrounding properties, before considering a possible extension for additional years or in perpetuity. A special use permit is issued for the specific land use and activity; it is not tied to the applicant.

The Zoning Ordinance requires that no special use permit shall be granted unless the use:

1. Is deemed necessary for the public convenience at that location.
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
4. Will comply with the height and area regulations of the (zoning) district in which it is located unless specifically granted otherwise.

Certain conditions and restrictions may be placed on a special use permit to help ensure the general objectives of limiting impact on surrounding properties and protecting the public health, safety and welfare. If these conditions are not satisfied, the special use permit may be subject to review and possible revocation by the Planning and Zoning Commission and City Council following the same procedure as with the initial application.

The Zoning Ordinance provides a list of land uses that may be located in any zoning district by special use permit.

Specific land uses are identified with specific standards and requirements:

1. Payday loan and title loan businesses can be allowed under special use permit with the following provisions:
 - a. A separation of at least 5,280 feet from another payday or title loan business.
 - b. A separation of at least 200 feet from a residential, church, park or school property.
 - c. Must be located within a multi-tenant commercial building with not less than four separate occupancies.
2. Tattoo, body piercing and branding businesses are only permitted in the “C-2” and “C-3” zoning districts and the special use permit may only be issued for up to two years, with opportunity for renewal.
3. Adult entertainment establishments are governed by a different Zoning Ordinance section (to be reviewed at a later time).

Short-term, temporary special use permits such as for street fairs, expositions, sidewalks sales and carnivals may be authorized by the City Manager under certain conditions.

CONSIDERATIONS –

- Special use permit time limits?
- Specific land uses with specific standards and requirements.

Height and Area Exceptions

Section 400.270 Zoning Ordinance

Building height, lot area and yard setback requirements are outlined in each specific zoning district section, but general exceptions are granted for particular circumstances.

PRINCIPLE – Not all circumstances can be universally addressed within each zoning district section so a section on general exceptions is established to cover those circumstances that exist across several zoning district classifications.

Height – In any zoning district, public or semi-public buildings, such as hospitals, churches or schools, may be as high as 100 feet provided each yard setback shall be increased one foot for each additional foot the building exceeds the specific zoning district height standard.

Yard setbacks –

Residential Districts – Where lots comprising 40% or more of the frontage on a block are developed with buildings having front yards with a variation of not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage. The Board of (Zoning) Adjustment may establish a reasonable setback in case of hardship.

“C-0” to “M-2” – Where buildings located in the same block on the same side of a street have provided front yards of greater or less depth than required by the respective zoning district, The Board of (Zoning) Adjustment may establish setbacks for building or structures constructed hereafter.

Official line for future widening or opening of street – Where an official line has been established by the City Council (through the comprehensive planning process) or State Highway Commission for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official right-of-way line to the nearest line of the building.

Required yard or court to be open – exceptions – Very part of a required yard shall be open and unobstructed, with the following exceptions:

- a. Ordinary building projections of sills, cornices, chimneys, eaves, etc. may extend into a minimum yard not more than 24 inches.
- b. In residential districts, canopies or open porches having a roof area not exceeding 120 square feet may project a maximum of 10 feet into the required yard.
- c. In residential districts, open, uncovered porches, balconies and decks may extend into the required front yard or the required side street yard on a corner lot not more than 8 feet or one-half of an existing yard, whichever is less.

Fire escapes and stairways – An open fire escape may project into a required side yard not more than one-half the width of such yard, but not more than four feet from the building. In non-residential districts, fire escapes, solid floored balconies and enclosed outside stairways may project not more than 4 feet into a required rear yard.

Detached accessory building – In any district, a detached accessory building may not occupy more than 30% of a rear yard.

Sight distance on corner lots – All corner lots shall provide sight distance triangles – 20 feet by 140 feet – free of shrubbery, fences or other visual obstruction more than two feet in height, measured from the roadway. Standard does not apply to “R-1A” district at four-way stops.

Rear yards in Districts “C-1” to “M-2” – No rear yard is required in these zoning districts for business or industrial purposes when adjoining a railway right-of-way or which has a rear railway track connection.

Through lot with one (1) end abutting a limited access highway – Such through lots abutting a limited access highway shall be deemed to front the street which gives access to that lot.

CONSIDERATIONS –

- Clarify residential yard exceptions in context of recent zoning ordinance amendment regarding in-fill development.
- Clarify detached accessory building rear yard coverage standards in context recent zoning ordinance amendment regarding accessory use buildings.