

Article 5. ZONING DISTRICTS

Use is permitted by right
 Use is permitted by right but with conditions
 Use may be permitted as a Special Use
 Per approved Plan
 Use is not permitted

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	C
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	AG	RDR	RL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI	AZ	PMIX
Marital Arts Studio											P	P	P	C	P	P		
Massage Therapist (In-home as home occupation) (Amend. #6746)				C-S														
Massage Therapy/Parlor (as defined herein) (Amend. #3)											C	C	C	C	C			*
Manufactured Home Sales															S	S		*
Motorcycle Sales, Rental or Service (No Outdoor Display) (Amend. #3)												P	P	P	P	P		*
Musical Instrument Store												P	P	P	P			*
Outdoor Gun Club, Skeet or Trap Shoot or Archery Range	S															S		*
Pawn Shop (Amend. #33)													C					
Paint or Wallpaper Store												P	P	P	P			*
Personal Enrichment School or Tutoring											P	P	P	P	P		P	*
Pet Grooming (Amend. #5)												P	P	P	P	P	P	
Pet Motel or Training (Amend. #5)													P		P	P	P	*
Pet Motel or Training with Outdoor Exercise Area (Amend. #58)												C	C	P	P	P	P	*
Photocopying and Duplicating Services											P	P	P	P	P		P	*
Photography Service										P	P	P	P	P	P		P	*
Plumbing and Heating Equipment Dealers												P	P	P	P	P	P	*
Produce Stand, Outdoor (off-site)												S	S	S	S	S	S	*
Radio or TV Repair											P	P	P	P	P		P	*
Recording Studio													P	P	P		P	*

9. Deliveries of materials to and from the premises in conjunction with the home occupation shall not require the use of vehicles other than parcel post or similar parcel service vehicles;
10. Noise, vibration, smoke, odors, heat or glare as a result of a home occupation, which would exceed that normally produced by a single residence, shall not be permitted;
11. The home occupation shall not utilize more than one private commercial vehicle limited to 1 ton capacity. The vehicle shall be capable of being parked or stored inside the garage and shall be required to be kept in said garage when not in use for the home occupation (Amend. #13);
12. Retail sales on the premises shall be secondary to the major operation of the home occupation;
13. The primary use of the building in which the home occupation is situated shall clearly be the dwelling used by the person as his/her private residence;
14. Home occupations shall maintain required licenses mandated by applicable local, state and/or federal laws;
15. Persons intending to operate a home occupation should notify the HOA, Home Owners Association, of their intent prior to beginning operations. Said notification is to provide the HOA with notice of intent only.

C. Permitted home occupations.

Home occupations shall be approved by the Director upon his/her determination that the requirements of this ordinance can be satisfied. In the event a home occupation is denied by the Director, the reasons for the denial shall be given to the applicant in writing. Such decision for denial may be appealed to the City Council within 14 days of the date on the letter from the Director.

D. Prohibited home occupations. The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the following uses shall be specifically prohibited as home occupations, except as further indicated below. (Amend. #16)

1. Sales to the public on the premises not secondary thereto;
2. Equipment rental;
3. Automobile and other motor vehicle repair services and/or sales;
4. Radio, television and similar electronic devices, small appliances and small engine repair services;
5. Physicians, dentists;
6. Chiropractor, except when located within a home on a lot that is a minimum of one acre in size and where access to a collector street from the residential driveway is no greater distance than one lot depth or 250 feet whichever is less. (Amend. #9)
7. Upholstery and furniture making;
8. Horse pasturing (does not include the accessory use of same)

9. Pet grooming, except when: (Amend. #17)
 - a. Only one (1) animal is groomed or kept on the premises at a time, except for pets owned by the groomer; and
 - b. Only one person shall perform grooming services on the premises; and
 - c. All grooming activities shall be by appointment only; and
 - d. No animal runs, kennels or cages shall be kept on the premises in conjunction with the grooming business except for portable kennels necessary to transport the animal to and from the grooming appointment; and
 - e. No more than five (5) animals shall be groomed per day.
 10. Animal grooming (except as provided in 8 above) (Amend. #17), boarding, and/or related services;
 11. Uses requiring storage or use of highly flammable, toxic or other hazardous materials;
 12. Printing and/or typesetting services;
 13. Photographic studio with multiple employees in excess of the standard home occupation allowance, where photographs are taken on the premises, except when:
 - a. located within a home on a lot that is a minimum of one acre in size, and
 - b. where access to a collector street from the residential driveway is no greater distance than one lot depth or 250 feet whichever is less. (Amend. #9) (Amend. #62)
 14. Massage therapy, (to be conducted in the Licensed Massage Therapist's home) except when operated as a Conditional Use under Article 9 of this Chapter. unless specifically approved as a Special Use under Article 10 of this Chapter. (Amend. #67_16)
- E. Any proposed home occupation not specifically prohibited in this Section may be permitted provided that all conditions listed above are observed.

Section 8.110. Hospital – related accessory uses

The following uses are accessory uses within a hospital when located within the main hospital building and designed to serve hospital personnel, visitors or patients: residential quarters for staff and employees; nursing or convalescent quarters; storage and utility buildings; food service and vending machines; laundry and dry cleaning pickup and delivery; and flower and gift shops.

Heliports shall be allowed as an accessory use at a regional hospital, provided the following conditions are met:

- A. A heliport plan is submitted to the Director which includes all approach and departure paths as necessary to assure safe and adequate landing and take-off area and shall be supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).
- B. Adequate safety provisions shall be provided and indicated by plans that control or restrict access to the landing and take-off areas by the general public.
- C. Landing and take-off areas shall be surfaced in such a manner as to avoid dust or dirt from blowing onto neighboring property.

Article 9. USES PERMITTED WITH CONDITIONS

Section 9.220. Dance Club

- A. Provided the front entrance of the facility is 300 feet or greater distance from any school, church or residential district or use. (Amend.1)

Section 9.230. Drug Store (Pharmacy) with drive up window/facility

- A. Provided there is a minimum of 3 car stacking measured from the point of service delivery, i.e., drive-up window or pneumatic tube, etc., and
- B. Provided on-site traffic circulation is not impeded by the required car stacking mentioned above.

Section 9.240. Dry Cleaners with drive-up window or drive-through facility

- A. Provided there is a minimum of 2 car stacking measured from the point of service delivery, i.e., drive-up window, door or pneumatic tube, etc., and
- B. Provided on-site traffic circulation is not impeded by the required car stacking mentioned above.

Section 9.250. Electric repair shop-(see repair services-non automotive)

Section 9.260. Fast food restaurant with drive thru (see restaurant drive-through)

Section 9.270. Horse riding stable, track or polo field (commercial)

A commercial horse riding stable, track or polo field:

- A. Shall be located on a site of at least ten (10) acres, and
- B. All structures shall be located at least two hundred (200) feet from any property.

Section 9.280. Martial Arts Studio (Amend.#25)

- A. Limited to 12 students per class
- B. Limited to one (1) class at a time
- C. One (1) hour minimum time lapse between classes to lessen the parking impact on surrounding businesses

Section 9.290. Massage Therapist (in-home as Home Occupation)

- A. Adherence to Code of Ordinances. Massage therapy to be conducted as a home occupation where the therapy is to take place in the home of the licensed massage therapist shall meet all requirements of Chapter 28 Division 2 of the Code of Ordinances of the City of Lee's Summit.
- B. Inspections. The massage facility shall be available for inspection in accordance with Chapter 28 Division 2 of the Code of Ordinances of the City of Lee's Summit.

Article 9. USES PERMITTED WITH CONDITIONS

C. Intensity of use. There shall be only one licensed therapist per address operating at the home. No more than one room shall be used for massage therapy and the appointment times shall be spaced out during the day to eliminate patients waiting for their massage therapy appointment.

D. Hours of operation. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.

~~Section 9.290.~~Section 9.300. **Massage Therapy/Parlor Therapist/Massage Facility**

- A. See Definitions in Article 2 of this Chapter
- B. See Chapter 28 Division 2 of the Code of Ordinances for licensing requirements

~~Section 9.300.~~Section 9.310. **Pawn shop (Amend. #33)**

A pawn shop shall be allowed provided that the following conditions can be met:

- A. A minimum of 5,280 feet distance between similar businesses;
- B. A minimum distance of 1,500 feet from any church, school, day care facility, public park or hospital; and
- C. A minimum distance of 500 feet from any residential district or use

Note: All distances shall be measured from the front door of the pawn shop to the property line of the other use.

- D. Lighting requirements – light levels shall be in accordance with the following standards:
 - 1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer's specifications
 - 2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance
- E. Video surveillance camera(s), two-color digital high definition, required:
 - 1. To maintain view of cash register counter
 - 2. To maintain view of all public and/or employee entrances into building/tenant space
 - 3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of between 4 and 5 feet from the bottom of the door
 - 4. Capable of providing a minimum storage of 30 days of video surveillance data
- F. Alarm system required.
 - 1. Alarm system shall be monitored off-site
 - 2. Silent panic alarm shall be provided at each cash register
 - 3. Employees shall be provided a remote alarm to wear on their person
- G. Automatic door lock required. An automatic door lock capable of being locked from the cash transaction counter shall be provided
- H. Visibility maintained.

~~Section 10.400. Massage therapy, in home. (Amend. #16) (Amend. #41)~~

- ~~A. Adherence to Code of Ordinances. Massage therapy to be conducted as a home occupation where the therapy is to take place in the home of the licensed massage therapist shall meet all requirements of Chapter 28 Division 2 of the Code of Ordinances of the City of Lee's Summit.~~
- ~~B. Inspections. The massage facility shall be available for inspection in accordance with Chapter 28 Division 2 of the Code of Ordinances of the City of Lee's Summit.~~
- ~~C. Intensity of use. There shall be only one licensed therapist per address operating at the home. No more than one room shall be used for massage therapy and the appointment times shall be spaced out during the day to eliminate patients waiting for their massage therapy appointment.~~
- ~~D. Hours of operation. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.~~

Section 10.410. ~~Section 10.400.~~ Mining

A. Permits.

1. Open face quarry, sand or gravel pit for the purpose of removing, screening, crushing, washing, or storage of clay, stone, gravel; concrete batching plant; asphalt plant; and related industries.
 - a. No permit shall be issued until the location, development plan and method of operation, including necessary structures, have been submitted to and approved in writing by the Commission and Governing Body.
 - b. Such operation shall make provision for the preservation or restoration of the ground surface and cover and shown on the Development Plan.
 - c. The special use permit shall not exceed five (5) years but may be renewed by the Governing Body after public hearing.
2. Underground mine.
 - a. No permit shall be issued until the location, development plan and method of operation, including necessary structures, have been submitted to and approved in writing by the Commission and Governing Body.
 - b. The permit shall be for a limited period of time not to exceed ten (10) years, and shall be subject to regulations and restrictions prescribed by the Governing Body.

B. Prior to initiation of mining activities an application for a Special Use Permit must be submitted that provides the following:

1. Written stipulations that the activity will not have any harmful impacts on the environment (air, water, natural landscape), neighboring residents and businesses, or to livestock.
2. A specific development plan indicating the extent of the area proposed to be mined and time schedule for completion of mining operations.
3. Information as to how the operation will be buffered and methods to assure that no harmful off-site impacts will occur.
4. A transportation plan detailing routes to be used by vehicles serving the site, weight