

BILL NO. 23-100  
ORDINANCE NO. 19499

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO VEHICLE SALE, GASOLINE AND FUEL SALES, MOTOR VEHICLE REPAIR AND CAR WASHES.

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 public hearing for the consideration of the request on September 12, 2023, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 5-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 6, 2023, 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 Section 14-201-01 of Chapter 14, Unified Development Ordinance, are hereby added to read as follows:

**14-201-01 General terms**

Unless otherwise noted, the following words and terms shall apply to this chapter.

**CAR DEALERSHIP. An establishment engaged in the sale, lease or trade of new passenger motor vehicles, including automobiles, sport utility vehicles, light trucks and vans.**

**HEAVY VEHICLE DEALERSHIP, NEW/USED/LEASE. An establishment engaged in the sale, lease or trade of new and used heavy duty trucks and vans includes utility and hauling trailers.**

**MOTORCYCLE/RV/ATV/BOAT DEALER, NEW/USED/LEASE. An establishment engaged in the sale, lease or trade of new or used motorcycles, recreational vehicle (RV), boats, all-terrain vehicles (ATVs) and/or similar type of vehicles.**

**MOTOR VEHICLE RENTAL AGENCY. An establishment engaged in the leasing or renting of passenger motor vehicles, including automobiles, sport utility vehicles, light trucks and vans.**

**USED CAR LOT. A lot or parcel of land on which pre-owned or used passenger motor vehicles are displayed for sale, trade or lease.**

SECTION 2. That Section 14-301-03-G, Commercial Gasoline & Fuel Sales and Vehicle Sales and Service, of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

**14-301-03-G. Use Standards.** The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table							
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed							
Use <i>Specific use type</i>	Category	Zoning District					Use Standards
		O-1	O-2	C-1	C-2	C-3	
<b>COMMERCIAL</b>							
<b>Gasoline and Fuel Sales</b>							
Convenience store with fuel sales		—	—	—	C/S	C/S	14-403
<b>Vehicle Sales and Service</b>							
Heavy equipment sales/rental		—	—	—	—	<b>P-S</b>	<b>14-409</b>
Light equipment sales/rental (indoor)		—	—	—	P	P	
Light equipment sales/rental (outdoor)		—	—	—	C/S	C/S	14-409
Motor vehicle repair, limited		—	—	—	C	C	14-418
Motor vehicle repair, general		—	—	—	—	C	14-418

SECTION 3. That Section 14-302-03-G, Commercial Gasoline & Fuel Sales and Vehicle Sales and Service, of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

**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					
Use <i>Specific use type</i>	Category	Zoning District			Use Standards
		B-P/PUD	I-1	I-2	
<b>COMMERCIAL</b>					
<b>Gasoline and Fuel Sales</b>					
Convenience store with fuel sales		C/S	C/S	—	14-403
<b>Vehicle Sales and Service</b>					
Car wash/cleaning service		—	P	—	14-413
Heavy equipment sales/rental		—	<b>P-S</b>	—	<b>14-409</b>
Light equipment sales/rental (indoor)		—	P	—	
Light equipment sales/rental (outdoor)		—	C/S	—	<b>14-409</b>
Motor vehicle repair, limited		—	C	—	14-418
Motor vehicle repair, general		—	C	—	14-418
<del>—All other vehicle sales/service</del>		—	<del>C</del>	—	<del>14-409</del>

SECTION 4. That a Section 14-403 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

## **14-403 GASOLINE AND FUEL SALES**

### **14-403-01 Minimum lot area**

The minimum lot area for a gas station is 30,000 square feet.

### **14-403-02 Landscaping**

**14-403-02.A.** Gas stations are subject to compliance with the landscape, bufferyard and screening regulations of Article 14-~~503607~~, expressly including parking lot perimeter landscaping standards of Article 14-503.

**14-403-02-B.** Along public and/or private streets, the parking lot perimeter landscape area shall be 50 percent larger in size than would otherwise be required. The required perimeter landscape plantings shall be increased by 25%.

**14-403-02-C.** At public and/or private street intersections, the parking lot perimeter landscape area shall be 100 percent larger in size than would otherwise be required. The required perimeter landscape plantings shall be increased by 50%. Landscaping in this intersection area shall consist of plant specimens having a high degree of visual interest during all times of the year.

### **14-403-03 Lighting**

All lighting must be directed downward and shielded to prevent illumination of adjoining residential property. Under canopy-mounted lighting must be recessed ~~or flush-mounted~~ so that light sources do not extend below the ceiling of the canopy. **Lenses and/or light fixtures dropping below the surface of the canopy underside are not permitted. Canopy fascia shall not be externally lit.**

### **14-403-04 Driveways and access**

All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

### **14-403-05 Pump Canopy locations and appearance**

**14-403-05.A.** ~~Dispensing pumps~~ **Fueling area canopy shall are not be** located within 25 feet of a property line abutting a street **and 50 feet from a residential use or district.** There shall be adequate space to allow up to three cars to stack in a line at a pump without using any portion of the adjacent street. The design, location, covering colors, and screening of the gasoline pumps shall be such that they are compatible with the design of the building.

**14-403-05-B.** **The cross-section of canopy columns shall have a minimum width of 24 inches and depth of 16 inches, except that round columns shall have a minimum diameter of 24 inches. All columns shall be faced with brick, stone, stucco, or decorative masonry block to match the wall materials of the main building.**

### **14-403-06 Visual impacts**

The visual impact of the uses is minimized and screened from adjacent rights-of-way and properties through placement of buildings, screening, landscaping, and other site design techniques.

### **14-403-07 Vehicle servicing and storage**

Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site.

No materials, supplies or equipment, including firm owned or operated trucks, shall be stored in any area on a site except inside a closed building or behind a visual barrier or service area that screens the equipment from view of all public street.

**14-403-08 Separation from Other Automotive Uses.**

**The property containing a gasoline and fuel sales facility shall not be located within 750 feet of a property containing the following uses:**

- **Used car lot;**
- **Car Wash;**
  - **Motor Vehicle Repair, limited and general;**
  - **Motor Vehicle Rental Agency;**
  - **Vehicle Storage/Tow lot;**
  - **Tow Lot, Limited;**
  - **Heavy Vehicle Dealership;**
  - **Gasoline and Fuel Sales**

**14-403-09 Rehabilitation of existing gasoline and fuel sales facilities.**

**When architectural or site modifications are made to a gasoline and fuel sales facility, at least 15 percent of the total lot area shall be landscaped to the maximum extent practicable. Sites that are restricted by easements, pump and canopy locations, fire lanes, and circulation requirements may include landscape areas in adjacent public or private rights-of-way in the 15 percent calculation. Regardless of site constraints, the total landscaped area may not be reduced below that existing prior to redevelopment.**

**14-403-10 Maximum number of pumps.**

**14-403-10.A. A gasoline and fuel sales use with 25 or fewer pumps may be approved subject to the conditions in Section 14-403.**

**14-403-10.B. A gasoline and fuel sales use with more than 25 pump shall be reviewed as a special use permit. Said use shall be reviewed in accordance with Sections 14-704 and the requirements of Section 14-403.**

SECTION 5. That a Section 14-409 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

**14-409 VEHICLE/EQUIPMENT SALES/RENTAL**

**14-409-01 Applicability**

The standards of this article apply to vehicle/equipment sales establishments.

**14-409-02 Location and lot area**

~~As a conditional use, a vehicle/equipment sales business may not locate within 100 feet of any residential use or district, church, school, or public park and must have a lot area of at least 1.50 acres.~~

~~With special use permit approval, a vehicle/equipment sales business may locate less than 100 feet of any residential use or district, church, school, or public park and may have a lot size less than 1.50 acres. Such special use permit must be approved in accordance with Section 14-704.~~

~~Such measurement shall be made from the boundary of any property containing the proposed vehicle/equipment sales business and the boundary of any property zoned residential or in use for a residential purpose, a church, school, or public park.~~

~~(Ord. No. 18286)~~

#### ~~14-409-03 Permanent structure~~

~~Every vehicle/equipment sales establishment must include at least one on-site permanent structure with a minimum heated floor area of 400 square feet. On-site permanent structures must be constructed in accordance with all applicable building code requirements.~~

#### ~~14-409-04 Outdoor display areas~~

~~14-409-04 A. Elevated displays, lifts or metal structures used in conjunction with the display of motor vehicles may be allowed only within such areas are specifically designated upon the approved site plan. Such structures may not be located in any required setback.~~

~~14-409-04 B. Outdoor display/sales areas must incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into required building setback and landscape areas. All vehicle display and parking areas must be paved in accordance with the requirements of the Public Works Manual.~~

#### ~~14-409-05 Landscaping~~

~~Vehicle/equipment display/sales lots must comply with the perimeter parking lot landscaping requirements of Section 14-503. Shrubs may be substituted for required trees at the rate of seven shrubs for each required tree.~~

#### ~~14-409-06 Vehicle quality~~

~~All motor vehicles/equipment parked or displayed outdoors must be operable and conform to all applicable State and City Code requirements.~~

#### ~~14-409-07 Repairs~~

~~Repairs and service of inoperable motor vehicles may be conducted only when wholly enclosed within an on-site permanent building.~~

#### 14-409-01 General Provisions

##### 14-409-01-A. Location and lot area

1. As a conditional use, a vehicle/equipment sales business may not locate within 100 feet of any residential use or district, church, school, or public park and must have a lot area of at least 1.50 acres.
2. With special use permit approval, a vehicle/equipment sales business may locate less than 100 feet of any residential use or district, church, school, or public park and may have a lot size less than 1.50 acres. Such special use permit must be approved in accordance with Section 14-704.
3. Such measurement shall be made from the boundary of any property containing the proposed vehicle/equipment sales business and the boundary of any property zoned residential or in use for a residential purpose, a church, school, or public park.

14-409-01-B. Hard Surface Parking and Display Areas. All parking and display/sales areas shall be a hard, durable, all-weather surface such as asphalt or concrete. Parking and display/sales areas, other than asphalt or concrete is expressly prohibited. Existing parking areas that are in disrepair or do not comply with this requirement shall be improved to current asphalt or concrete requirements.

14-409-01-C. Vehicle Quality. All motor vehicles, boats, RVs, etc. parked, stored or displayed shall not have exterior body damage and shall be operable and conform to all applicable Federal and State requirements.

14-409-01-D. Multi-tenant building. When a facility is located in a multi-tenant building or structure, proof of adequate parking for customers of all businesses in the building or structure, and storage of vehicles, boats, RVs, etc. shall be provided to the City.

14-409-01-E. Screening. Screening shall be required between the use and any adjacent residential property as required by Section 14-503.

14-409-01-F. Off-Street Parking. The off-street parking required for the use shall not be utilized for vehicle, boat, RVs, etc. display or storage.

14-409-01-G. Overhead Doors. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from a residential zoning district boundary.

#### 14-409-02 Used Car Lots

14-409-02-A. Number of Establishments per Capita. The number of used car lots in the City shall not exceed a population density factor of one such establishment per 12,000 residents based on the last decennial census.

14-409-02-B. Permanent structure. Every used car lot establishment shall include at least one on-site permanent structure with a minimum heated floor area of 1,000 square feet. The on-site permanent structures shall comply with the Nonresidential Design Standards of Section 14-506 and shall be constructed in accordance with all applicable building code requirements.

14-409-02-C. Minimum Display Area. In order to provide adequate access for customers around each displayed vehicle and to prevent vehicles from being closely parked, a minimum of 200 square feet (encompassing the vehicle) is required around each vehicle displayed for sale in the vehicle sales area. The display area shall not include drive aisles.

14-409-02-D. Use of Public Right-of-Way Prohibited. Used car lots are prohibited from loading and unloading vehicles or to park or display vehicles for sale in the public right-of-way.

14-409-02-E. Repairs. Any onsite repair of vehicles shall be conducted in a completely enclosed on-site building. Outside storage of vehicles awaiting repairs or outside repairs is expressly prohibited.

14-409-02-F. Washing and Cleaning of Vehicles. The incidental washing and cleaning of vehicles for sale shall be conducted in a completely enclosed on-site building.

14-409-02-G. Licensure and Bonding. Every used car lot shall provide state license and bonding.

14-409-02-H. Application to Existing Businesses.

A. The provisions of Sections 14-409-01.B through 14-409-01.F and 14-409-02-C through 14-409-02-G shall apply to all used car lots existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), as well as to all used car lots established after the effective date of Ordinance No. (Insert Ordinance No.).

B. Any used car lot lawfully operating on the effective date of Ordinance No. (Insert Ordinance No.) that is ineligible for licensing solely as a result of the restrictions set forth in Section 14-409-01.G and Section 14-409-02.I through 14-409-02-L herein shall be deemed a lawful nonconforming use.

C. All nonconforming uses shall be governed by Section 14-800.

14-409-02-I. Separation from Other Automotive Uses. The property containing a used car lot shall not be located within 750 feet of a property containing the following uses:

- Used car lot;

- Car Wash;
  - Motor Vehicle Repair, limited and general;
  - Motor Vehicle Rental Agency;
  - Heavy Vehicle Dealership;
  - Vehicle Storage/Tow lot;
  - Tow Lot, Limited;
  - Gasoline and Fuel Sales

14-409-02-J. Landscaping Previously Developed Lots. In order to assist in mitigating the outdoor display and storage aspects of this use, used car lot facilities on previously developed lots shall landscape at least 20 percent of the gross lot area. Areas required to be landscaped shall be determined by the city through the development process. Special attention shall be paid to right-of-way and buffer areas for such landscaping. All newly developed lots shall follow the landscaping provisions of Section 14-503.

14-409-02-K. Stormwater. Every used car lot shall provide storm water management to address water runoff in accordance with Chapter 20 of the City Code.

14-409-02-L. Access Management. Every used car lot shall be evaluated for improving roadway safety and access management. Those driveways not in conformance with the City's Access Management Policy shall be closed.

#### 14-409-03 Motor Vehicle Rental Agency

14-409-03-D. On-Site Servicing. On-site servicing of vehicles shall be prohibited.

14-409-03-E. Display Area. In order to provide adequate access for customers around each displayed vehicle and to prevent vehicles from being closely parked, a minimum of 200 square feet is required for each vehicle displayed for sale in the vehicle sales area. Copy from Used Car Lot.

14-409-03-F. Washing and Cleaning of Vehicles. The incidental washing and cleaning of vehicles for rent shall be conducted in a completely enclosed on-site building.

#### 14-409-04 Motorcycle/RV/ATV/Boat Dealer, New/Used/Lease

14-409-04-A. Elevated displays, lifts or metal structures used in conjunction with the display of motor vehicles may be allowed only within such areas are specifically designated upon the approved site plan. Such structures may not be located in any required setback.

14-409-04-B. Outdoor display/sales areas must incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into required building setback and landscape areas. All vehicle display and parking areas must be paved in accordance with the requirements of Chapter 20 of the City Codes.

14-409-04-C. Repairs. Any onsite repair of vehicles shall be conducted in a completely enclosed on-site building. Outside storage of vehicles awaiting repairs is permitted provided the vehicles are not visible from a public street. This shall be accomplished by:

- a. Placement. The vehicle(s) shall be located on the property where the vehicles are not visible from public streets; or
- b. Screening. The vehicle(s) shall be screened by 8-foot opaque fence with low-impact screening, identified in Section 14-503, around the fence.

#### 14-409-05 Car Dealerships

**14-409-05-A. Elevated displays.** Elevated displays, lifts or metal structures used in conjunction with the display of motor vehicles may be allowed only within such areas are specifically designated upon the approved site plan. Such structures may not be located in any required setback.

**14-409-05-B. Outdoor display/sales areas.** Outdoor display/sales areas must incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into required building setback and landscape areas. All vehicle display and parking areas must be paved in accordance with the requirements of Chapter 20 of the City Codes.

**14-409-05-C. Repairs.** Any onsite repair of vehicles shall be conducted in a completely enclosed on-site building. Outside storage of vehicles awaiting repairs is permitted provided the vehicles are not visible from a public street. This shall be accomplished by:

- a. Placement. The vehicle(s) shall be located on the property where the vehicles are not visible from public streets; or
- b. Screening. The vehicle(s) shall be screened in accordance with Section 14-503.

**14-409-05-C. Trash disposal and storage.** All used tires and parts, trash and similar objects shall be stored and fully screened from view of the public right-of-way.

#### **14-409-06 Heavy Vehicle Dealership, New/Used/Lease**

**14-409-06-A. Elevated displays.** Elevated displays, lifts or metal structures used in conjunction with the display of vehicles is prohibited.

**14-409-06-B. Outdoor display/sales areas.** Outdoor display/sales areas must incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into required building setback and landscape areas. All vehicle display and parking areas must be paved in accordance with the requirements of Chapter 20 of the City Codes.

**14-409-06-C. Repairs.** Any onsite repair of vehicles shall be conducted in a completely enclosed on-site building. Outside storage of vehicles awaiting repairs is permitted provided the vehicles are not visible from a public street. This shall be accomplished by:

- a. Placement. The vehicle(s) shall be located on the property where the vehicles are not visible from public streets; or
- b. Screening. The vehicle(s) shall be screened by 8-foot opaque fence with low-impact screening, identified in Section 14-503, around the fence.

**14-409-06-C. Trash disposal and storage.** All used tires and parts, trash and similar objects shall be stored and fully screened from view of the public right-of-way.

**SECTION 6.** That a Section 14-413 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

#### **14-413 CAR WASHES**

##### **14-413-01 Intent**

These uses generally service motor vehicles and domestic equipment typically owned by residents in the surrounding neighborhoods. However, car washes and related services have the potential to generate undesirable conditions for neighboring properties including airborne mist, chemical odors, vehicle exhaust, and noise from both vehicles and equipment. These impacts can be detrimental to the quality of life for adjacent property owners. The purpose of this section is to establish standards which allow for the typical range of activities for the business while mitigating the associated impacts.



This section does not apply to temporary not-for-profit car wash activities typically used as fund raising activities.

#### **14-413-02 Lot area and setback requirements**

All car washes shall meet the following lot area and setback requirements:

**14-413-02-A.** A coin-operated self-service car wash shall have a minimum lot area of ~~10~~30,000 square feet with a minimum of 100 feet of frontage along a collector or higher classification roadway.

**14-413-02-B.** A drive-through automatic car wash shall have a minimum lot area of ~~15~~30,000 square feet with a minimum of 120 feet of frontage along collector or higher classification roadway.

**14-413-02-C.** A conveyor automatic type car wash shall have a minimum lot area of ~~20~~30,000 square feet with a minimum of 150 feet of frontage along collector or higher classification roadway.

#### **14-413-03 Stacking and drying areas**

A stack space is defined as an area where the car can wait before entering the car wash which shall consist of at least 200 square feet, with a length of 20 feet and a width of ten feet. A dry-off space is defined as an area where the car can be parked after leaving the car wash area so that the car can be dried off which shall consist of at least 200 square feet, with a length of 20 feet, and a width of ten feet.

**14-413-03-A.** A coin-operated self-service car wash shall have a minimum of three stack spaces per bay not including the wash bay spaces; one dry-off space per bay in addition to the wash bay space, and one parking space per employee.

**14-413-03-B.** The automatic drive-through car wash shall have a minimum of five stack spaces per bay and two parking spaces for dry-off and one parking space for every employee during one shift, when the maximum employees are employed.

**14-413-03-C.** The automatic conveyor type car wash shall have a minimum of ten stack spaces per bay and three parking spaces for dry-off and one parking space for every employee employed during one shift, when the maximum employees are employed.

#### **14-413-04 Drainage and waste water disposal**

Catch basins shall be provided at the curb cuts of all exits for drainage from cars leaving the car wash. Waste water from car washing shall be emitted into the sanitary sewer after flowing through grease and mud traps.

#### **14-413-05 Operations within a building, setbacks**

All washing facilities shall occur under a roofed area with at least two walls. Solid windows that do not open, glass block, or other closed material may be used for the wall. The building shall not be less than 100 feet from any residential district.

#### **14-413-06 Vacuum Stations**

All vacuum stations and bays shall meet the following requirements:

**14-413-06-A.** Vacuum stations and related equipment shall comply with the setbacks for the principal structure.

**14-413-06-B.** Vacuum stations and related equipment are prohibited along any side of a building facing a residential use or abuts or is across an alley from the site.

**14-413-06-C.** Vacuum stations and related equipment visible from a street shall be screened with landscaping.

#### **14-413-07 Noise**

The sound levels for car washes shall be in accordance with Article 7.10 Noise Control Regulations, as amended.

#### **14-413-08 Number of Establishments per Capita**

**The number of car wash facilities in the City shall not exceed a population density factor of one such establishment per 7,200 residents based on the last decennial census.**

**14-413-09 Separation from Other Automotive Uses.**

**The property containing a car wash facility shall not be located within 750 feet of a property containing the following uses:**

- **Used car lot;**
- **Car Wash;**
  - **Motor Vehicle Repair, limited and general;**
  - **Motor Vehicle Rental Agency;**
  - **Vehicle Storage/Tow lot;**
  - **Tow Lot, Limited;**
  - **Heavy Vehicle Dealership;**
  - **Gasoline and Fuel Sales**

SECTION 7. That a Section 14-418 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

**14-418 MOTOR VEHICLE REPAIR**

**14-418-01 Applicability**

The standards of this section apply to both limited and general motor vehicle repair services.

**14-418-02 Activity**

All activities must be conducted within a building ~~or fully screened area. At minimum, screening shall consist of a six foot high opaque fence constructed in accordance with Section 14-400-02.~~

**14-418-03 Outdoor storage**

**14-418-03.A.** Outside storage of vehicles awaiting repairs is prohibited in exterior yards and shall be confined to the rear and sides of the property behind the front wall of the building. All storage areas must be screened by a six foot opaque fence constructed in accordance with Section 14-400-02 with low-impact screening, identified in Section 14-503, around the fence.

**14-418-03.B.** No motor vehicle may be stored outdoors for a period longer than 30 consecutive days.

**14-418-03.C.** Equipment, auto parts, and supplies used in conjunction with servicing, repair, painting, or body repair shall be stored inside an enclosed structure at all times. Outdoor storage of auto-related parts and equipment, including but not limited to tires and fluid containers, shall not be allowed.

**14-418-04 Tow service for customer vehicles**

A motor vehicle repair service may utilize a company tow vehicle as an accessory use in its business operations. This vehicle may be used to tow customers' vehicles to the business only and not used for any other non-customer vehicle related functions. During non-business hours, the tow vehicle must be stored or parked within a building.

**14-418-05 Use of Right-of-Way Prohibited**

**Streets, alleys, and public rights-of-way shall not be used for the storage of inoperable vehicles, or for storage of any vehicles awaiting service or work by the establishment, or for performing any motor vehicle servicing, painting, or body repair at any time. Any inoperable vehicles left on streets, alleys, or public rights-of-way shall be moved inside an enclosed structure.**

**14-418-06. Screening.**

Screening shall be required between the use and any adjacent residential property as required by Section 14-503.

**14-418-07. Hard Surface Parking/Storage Areas.**

All parking and vehicle storage areas shall be a hard, durable, all-weather surface such as asphalt or concrete. Parking areas other than asphalt or concrete is expressly prohibited. Existing parking areas that are in disrepair or do not comply with this requirement shall be improved to current asphalt or concrete requirements.

**14-418-08. Application to Existing Businesses.**

- A. The provisions of Sections 14-418-02 through 14-418-07 shall apply to all motor vehicle repair facilities existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), as well as to all motor vehicle repair facilities established after the effective date of Ordinance No. (Insert Ordinance No.).**
- B. Any motor vehicle repair use lawfully operating on the effective date of Ordinance No. (Insert Ordinance No.) that is ineligible for licensing solely as a result of the restrictions set forth in Sections 14-418-09 through 14-418-12 herein shall be deemed a lawful nonconforming use.**
- C. All nonconforming uses shall be governed by Section 14-800.**

**14-418-09. Overhead Doors.**

Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from a residential zoning district boundary.

**14-418-10. Landscaping Previously Developed Lots.**

In order to assist in mitigating the aspects of this use, motor vehicle repair facilities on previously developed lots shall landscape at least 20 percent of the gross lot area. Areas required to be landscaped shall be determined by the city through the development process. Special attention shall be paid to right-of-way and buffer areas for such landscaping. All newly developed lots shall follow the landscaping provisions of Section 14-503.

**14-418-11. Access Management.**

Every motor vehicle repair shall be evaluated for improving roadway safety and access management. Those driveways not in conformance with the City's Access Management Policy shall be closed.

**14-418-12 Separation from Other Automotive Uses**


The property containing a used car lot shall not be located within 750 feet of a property containing the following uses:

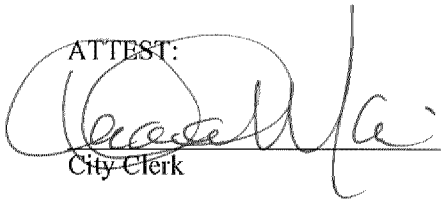
- Used car lot;
- Car Wash;
- Motor Vehicle Repair, limited and general;
- Motor Vehicle Rental Agency;
- Heavy Vehicle Dealership;
- Vehicle Storage/Tow lot;
- Tow Lot, Limited;
- Gasoline and Fueling Sales

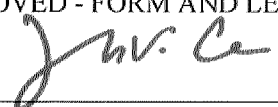
SECTION 8. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

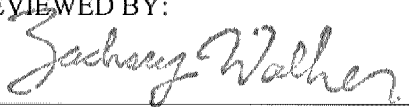
SECTION 9. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS 6<sup>th</sup> DAY OF November, 2023, 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:  
  
\_\_\_\_\_  
City Counselor

REVIEWED BY:  
  
\_\_\_\_\_  
City Manager

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