



CITY PLANNING & DEVELOPMENT

Certificate of Legal Nonconformance (CLN)
Information Bulletin No. 147

kcmo.gov/planning

Purpose

A legal nonconforming use is a use of property or a use of a building or structure that does not conform to the current zoning district in which the property is located but which was in conformance with the Zoning Ordinance at the time the use was originally established. This is commonly referred to as the "grandfather" clause. A property is not guaranteed to be eligible for a Certificate of Legal Nonconformance (CLN) simply because the use currently exists. Many properties have been converted to nonconforming uses illegally and the application for a CLN is designed to identify those properties that were legally established but made nonconforming by the original passage of the Zoning Ordinance on June 4, 1923, rezoning of the property, or a text amendment to the Zoning Ordinance. See [Section 88-610](#) of the Kansas City Zoning and Development Code (KCZDC) for complete information on legal nonconformance and restrictions on changes, continued use, and expansion of property.

Reasons for Needing a CLN

A CLN is necessary to preserve the existing, previously established legal use of the property when changes to the Zoning Ordinance or to the zoning of the property no longer allow that use. The CLN application process is required to make the determination that the use was legal at the time the use was first established on the property.

Examples:

- The property is zoned R-7.5 and the building is a duplex that was constructed in 1922 and has been continuously used as a duplex. A CLN is required because R-7.5 does not allow duplexes
- The property is zoned R-2.5 and the building is a duplex that was constructed in 1945 and has been continuously used as a duplex, the lot area is 4,400 sq ft. A CLN is required because the current R-2.5 regulations require a lot area of 5,000 sq ft for a duplex.

Timeframe to Request a CLN

Properties that are not in compliance with the KCZDC may be subject to a notice of violation at any time, so it is in a property owner's best interest to obtain a CLN as soon as possible. There is no time limit for filing an application for a CLN provided the property was made nonconforming by an amendment to the KCZDC prior to March 31, 1975, or after January 23, 2006. For those properties made nonconforming by a rezoning (downsizing) after March 31, 1975, and before January 23, 2006, the property owner shall have a period of one year to file an application

Applying for a CLN

Before filing an application for a CLN, contact the City Planning & Development Department (CPD) Development Management Division at 816-513-8801 to verify a CLN is required and a CLN has not already been issued for the property. The attached application for a CLN is provided for use in filing an application and providing the evidence required to prove that the use was legally established.

Application Form

The application form attached to this IB must be completed in its entirety. If additional space is required to answer a question, attach additional sheets. See Section 88-610 for additional information regarding the establishment of a CLN. The notarized signature of the owner of record is required on this application.

Application Fees

The filing fee for one and two-family dwellings is \$130.00 and the filing fee for all other requests is \$311.00. Such fee shall be invoiced after filing the application for a CLN on [CompassKC](#). If other parties (i.e., neighborhood association or City Councilpersons) initiate a rezoning or amendments to the KCZDC that create a non-conformance on your property, you are still obligated to pay the application fee if you wish to continue to legally use your property as you had before the rezoning or change to the KCZDC.

Supplementary Application Documentation

Please attach any evidence or documentation supporting the request with the application. A copy of the last recorded ownership deed showing the current owners of the property must be attached to the application. Any affidavits from persons who have first-hand knowledge as to the history of the use of the subject property shall be notarized. Supporting evidence may also include building permits, water service permits, telephone records, photographs, building permit plans, government records, business records, newspaper articles, City ordinances, Zoning Ordinances, and any other information that will support the application.

Field Inspection

A field inspection is required to verify the information provided in the application. The inspection will also help support the decision to either approve or deny the application. In the inspection, the inspector must be provided access to all portions of the building. Significant information discovered in the inspections includes the floor plan of the building, the original construction of the building, the number of utility meter serving the building, and any lawful alterations or changes to the building since its original construction.

Timeline of Application Review

The time required to process a CLN is a minimum of 60 days. During this time, a public notice is published, a courtesy notice is sent to surrounding property owners, a field inspection is conducted, evidence is considered, and an initial decision is made based upon all information provided with the application. A determination is made as to the earliest date in history the use existed and then a review of the zoning regulations that existed on the property at that time. The initial decision to either approve or deny the CLN may be appealed to the Board of Zoning Adjustment (BZA) by the applicant or any aggrieved property owner, such appeal must be filed within 15 days of the initial decision. The BZA reviews existing evidence, any additional information, CPD presentation, owner testimony, and any public testimony at the appeal hearing. The BZA has the authority by an affirmative vote of four members to overturn the decision of CPD. If no appeal is filed, the decision becomes final. Once the decision to approve a CLN is final, building permits may be issued and the use of the property may continue subject to the conditions of [Section 88-610](#) of the KCZDC.

Denial of A CLN

CPD will require the property owner to obtain building permits to convert the property to a use that complies with the current zoning. If the owner fails to comply, the City may pursue prosecution of the property owner through the Municipal Court's House Court until the property is converted to a conforming use.

Amending an Approved CLN

The owner of a property under a CLN may file a request to amend the CLN to allow a change in the use. Under [Section 88-610-04-B](#), a CLN may be amended to allow the use to be changed to a similar use or to a more restrictive use, including but not limited to parking, setbacks, density, and other provisions of the KCZDC. When a CLN has been amended to allow a more restrictive use, the CLN cannot later be amended to allow a less restrictive use. The filing fee to amend a CLN is \$52 for one and two-family dwellings and \$181 for all other uses.

To request a change in the CLN, submit a letter including the property address, the CLN number, the new use to be made of the property, the applicable filing fee, and the name and phone number of a contact person who can provide entry to the property for inspection. This request is made on [CompassKC](#) under the application type

“Propose Alternative: Expand a Nonconforming Use.” Please allow two weeks for review. A field inspection of the property may be required.

Abandoning a CLN

A CLN is determined to be abandoned when the use is changed to a conforming use or to a more conforming use. If the CLN was issued for a six-unit apartment building in an R-2.5 zone and the building is converted to four units, it can't go back to six units and the CLN is still necessary because R-2.5 does not allow a four-unit apartment building. The building is deconverted to two units and is on a 50 ft wide, 6,000 sq ft lot, it's a conforming use and the CLN is no longer required and is abandoned.

Obtaining a CLN vs. Obtaining Variances or Rezoning

The CLN procedure is an administrative process that allows owners of legally nonconforming properties to continue to use the property in a nonconforming manner. However, if the zoning allows the use of the building but there is insufficient lot width or lot area, the property owner may apply for variances through the BZA. This is also an option available if the CLN is denied. The BZA will typically ask whether you have pursued a CLN and may decide against your appeal if you are eligible for a CLN. You should be prepared to demonstrate to the BZA the zoning regulations applicable to your property that cause practical difficulty or unnecessary hardship due to exceptional circumstances or surroundings specific to the property and that any variance granted will not be detrimental to the community. The BZA does not have the authority to grant use variance. Therefore, if the use is not allowed in the district, you may file an application for rezoning approval by the City Plan Commission and City Council.

Reconstructing or Repairing

A property that has been issued a CLN may be reconstructed or repaired provided that not more than 50% of the volume of the conforming structure is destroyed or structurally damaged. Documentation of existing conditions will be required prior to permit issuance and may involve field inspections by CPD. Details of permitted reconstruction are enumerated in [Section 88-610-04-D.5](#) of the KCZDC.

Building Additions to a Legally Nonconforming Structure

A property owner can construct an addition, either a footprint addition or additional floor area, to a legally nonconforming structure provided the structural alterations, including enlargements and expansions comply with all applicable lot and building standards.

Online Access to CLN Records

The status or existence of a CLN can be viewed online at [CompassKC](#). Use the permitting system to look up in the plans module by address.



City Planning and Development

Development Management Division

414 E 12th Street
15th Floor
Kansas City, Missouri 64106

816-513-8801

Certificate of Legal Nonconformance (CLN) Application

Applicant Name: _____ Contact Person: _____

Position: _____ Phone: _____ Email: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Property Information

Address of Property: _____

Legal Description: _____

Certified copy of recorded deed attached?: Yes

Lot Width: _____ Lot Depth: _____ Lot Area: _____

Current use of property/use for which CLN is requested: _____

Reason property is nonconforming with current zoning regulations: _____

Owner(s) of record: _____ Length of ownership: _____

Was property annexed into the City of Kansas City after June 4, 1923?: Yes No

If yes, when was the property annexed?: _____

Zoning Information

Current zoning district: _____ Zoning district at time use was established: _____

If this application is based on a recent (within the last year) rezoning of the property, state the zoning district in effect prior to the rezoning and whether the property was then in conformance with the zoning district (include rezoning ordinance number): _____

If this application is based on a text amendment to the Zoning Ordinance, state the Zoning Ordinance text in effect prior to the amendment and whether the property was then in conformance with the text of the Zoning Ordinance (include ordinance number): _____

Has the Board of Zoning Adjustment or City Plan Commission previously heard any action on this property?: _____

Use Information

When was the use established?: _____

Did the use ever conform to the zoning district? If so, when?: _____

Has the current use been continuous? If not, how long was the use vacant?: _____

Height Information

Existing height of building/structure: _____ Has the height changed? If so, when?: _____

Was the height requirement ever met? Yes No

Yard (Setback) Information

What are the existing setbacks from property lines? (attach survey, if applicable): _____

Have the setbacks changed since the use was established? If so, when?: _____

Were setback requirements ever met? Yes No

Area Information

What is the area of land covered or occupied by use?: _____

Dwelling Unit Information

Number of dwelling units currently: _____ Number of dwelling units when structure erected: _____

If number of dwelling units has changed, when did that occur?: _____

Parking Information

Current number of parking spaces: _____

Number of parking spaces required when structure erected: _____

If number of parking spaces has ever changed, when did that occur?: _____

Did the parking ever meet requirements? Yes No

I, _____, first being duly sworn, on oath state that I am the owner of the property described in the application and that the information set forth in this application for a Certificate of Legal Nonconformance is true and correct to my best knowledge.

Signature of Property Owner: _____

STATE OF MISSOURI)
)ss.

COUNTY OF _____)

Subscribed and sworn to before me this ____ day of _____, _____, by _____.

Signature of Notary Public: _____

My Commission expires: _____