

ORDINANCE NO. 910214

Amending Chapter 39, Code of General Ordinances of Kansas City, Missouri, commonly known as the Zoning Ordinance, by repealing Section 39.444 thereof, entitled "Off-street parking regulations", and enacting in lieu thereof a new section of like number and subject matter to delete references to construction standards.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 39, Code of General Ordinances of Kansas City, Missouri, commonly known as the Zoning Ordinance, is hereby amended by repealing Section 39.444 thereof, entitled "Off-street parking regulations" and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Section 39.444. Off-street parking regulations.

I. General Off-Street Parking Regulations.

A. Off-street parking requirements shall apply to all buildings and uses of land erected or established after September 10, 1951, except District C-4. When the intensity of use of any building or premises, except in District C-4, is changed or increased after September 10, 1951, to provide additional dwelling units, gross floor area, seating capacity or any other measurable unit which governs the amount of off-street parking required, the amount of additional parking required as a result of the change or increased activity of the use shall be provided.

B. To determine if proposed parking areas provide the required number of spaces, the following procedure shall be used:

1. A plan shall be submitted to the Codes Administrator showing the location of parking spaces which meet the requirements.

2. In large parking areas, where the layout of parking stalls is not determined or is subject to modification, after it has been demonstrated that the required number of parking spaces can be provided as in A. above, the layout of parking stalls may be varied from time to time provided that the parking area contains at least an aggregate of three hundred (300) square feet per required space inclusive of driveways and/or maneuvering space.

3. Off-street parking, not required by paragraph A. above, but voluntarily provided for existing buildings or uses of land need not comply with the required number of parking spaces, but shall comply with all other requirements with regard to location, construction and size.

4. Off-street parking already in use or established hereafter, which serves or is to serve an existing building or use of land, shall not be reduced in any manner except where such off-street parking may be in excess of the amount required. In no case, shall off-street parking be reduced below the minimum.

5. Off-street parking in Districts R-1, R-2, R-3, R-4, R-4-O, R-5, R-5-O and R-6 shall be limited to passenger vehicles only. No trucks shall be parked in said district, except

a. For deliveries, and

b. Any truck which has a length of twenty (20) feet or less and which is used primarily as the owner's personal means of transportation and which is licensed for a gross weight of not more than 12,000 pounds.

C. Parking Stall Size.

1. All parking stalls shall accommodate a standard sized car as hereinafter provided; however, the Codes Administrator may approve the use of stalls for smaller cars provided sufficient evidence is presented showing the need for such or if the number of spaces for small cars does not exceed fifty percent (50%) until 1992 and one hundred percent (100%) thereafter. Such space identity shall be shown on a parking plan.

2. All off-street parking facilities established to satisfy the off-street parking requirements of these Regulations should accommodate standard and small cars. Parking spaces for the handicapped shall be provided if required by any federal, state, or local law. Applicants should submit estimates of the ratios of standard and small car sizes to the Codes Administrator, along with any supporting information or documentation. The design of the parking facility may accommodate these sizes of cars in any of the following ways:

a. All spaces may be designed to the standards for standard sized cars.

b. A mixture of space sizes may be used which provides areas exclusively for each size of car.

c. A design may be used which allows flexibility in parking space sizes. This may or may not involve attendant parking.

d. A method involving a combination of any of the above arrangements or other techniques may be used.

II. Computation of Specific Off-Street Parking Regulations.

A. Off-street parking shall be provided in the amount as enumerated below for the following uses unless the zoning district requires a different amount. For method of computing, see paragraph B. below:

Use	Number of Parking Spaces
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1. For dwellings or apartments. Not less than one (1) per each dwelling, or apartment unit. In District R-3, there shall be provided not less than three (3) per each two (2) units in a multiple dwelling of three (3) or more units.
2. For buildings having roomers or boarders. One (1) per each two (2) roomers or boarders.
3. For clubs, lodges or similar organizations. One (1) per each four (4) members, plus one (1) per each four (4) employees.
4. For churches. One (1) per each seven (7) persons.
5. For elementary schools and junior high schools. One (1) per each four (4) employees.
6. For senior high schools. One (1) per each four (4) employees, plus one (1) per each fifteen (15) students.
7. Educational institutions including colleges, universities, business, or commercial or trade schools or any other schools. One (1) per each four (4) employees, plus one (1) per each ten (10) students.

8. For hotels or motels.  
room or suite up to
- One (1) per each guest  
twenty (20) rooms or  
suites; one (1) for each  
four (4) guest rooms or  
suites in excess of  
twenty (20); but not  
exceeding forty (40)  
rooms or suites; one (1)  
for each six (6) rooms or  
suites in excess of forty  
(40) rooms or suites.
9. For hospitals.
- One (1) per each three  
(3) beds (less bassinets)  
plus one (1) per each  
four (4) employees,  
including staff doctors.
10. For convalescent  
homes.
- One (1) per each four (4)  
patients, plus one (1)  
per each four (4)  
employees.
11. For all public places  
of public assembly,  
including, but not  
limited to theaters,  
arenas, stadiums,  
dance halls and  
funeral homes.
- One (1) per each four (4)  
persons, plus one (1) per  
each four (4) employees.
12. For bowling alleys.
- Ten (10) per each lane,  
plus one (1) per each  
four (4) employees.
13. For medical offices.
- Five (5) per each doctor  
practicing in building,  
but not less than one (1)  
per each five hundred  
(500) square feet of  
gross floor area.
14. For offices other  
than medical offices.
- One (1) per each one  
thousand (1,000) square  
feet of gross floor area.

15. For businesses engaged in sale of retail goods or services excluding establishments serving food or drink. One (1) per each four hundred (400) square feet of gross floor area.
16. For restaurants or any establishment serving food or drink (the serving of alcoholic beverages as an incidental accessory use is subject to definition for restaurants as contained in the liquor ordinance). One (1) per each seventy five (75) square feet of gross floor area.
17. For bars, taverns, "carry-on-liquor" and all other liquor-by drink establishments (subject to definition by the liquor ordinance). One (1) per each fifty (50) square feet of floor area devoted to patron use. Combination restaurant and bar must be provided for on a cumulative basis calculating square footage of the restaurant and bar area separately and providing parking accordingly.
18. For industrial buildings including wholesale businesses and warehouses. One (1) per each four (4) employees.

B. The following computations shall be used in determining the maximum amount of off-street parking required for uses enumerated in paragraph II, A., above.

1. Where buildings or land are occupied by a combination of uses as enumerated in paragraph II, A., above, the off-street parking required shall be the total as required under the method of computation for each of the several uses located within the building or on the land.

2. Gross floor area shall be determined by the outside dimensions of the building less any area within the building devoted to off-street parking.

3. The number of persons or employees shall be based upon the total persons and employees present or on duty at any one time when the maximum functional use of the building or land is being made.

4. The number of persons in assembly areas with fixed seating or a designed functional seating capacity shall be based upon the maximum functional seating capacity.

5. The number of persons in assembly areas without fixed seating or without a designed functional seating capacity shall be based upon the total number of square feet of net floor area actually used for public assembly, divided by fifteen (15).

6. If more than one (1) assembly area within a building is used simultaneously by different adult persons, then the capacity of all such assembly areas shall be computed.

7. If several assembly areas within a building are not used simultaneously but are used by the same group of persons separately at different times, then the computation shall be made for assembly areas comprising the maximum simultaneous occupancy.

### III. Location of Off-Street Parking.

A. All off-street parking shall be provided on the lot on which the use to be served is located, except that:

1. Uses which are located in Districts R-4, R-5 and R-6 may provide such off-street parking as required by this section within a community garage which may provide for the total off-street parking requirements for uses on more than one (1) lot, provided that any such lot so served is located not more than five hundred (500) feet from the site of the community garage; and

2. Uses which are located in Districts C-1 to M-3 may provide such off-street parking within five hundred (500) feet of the lot to be served when such parking is within a commercial or industrial district except as otherwise permitted by the Board of Zoning Adjustment under the provisions of Section 39.446.

3. Where parking facilities are permitted on land other than the lot to be served, such parking facilities shall be in the same ownership as the lot to be served unless otherwise permitted under terms approved by the Board of Zoning Adjustment after a public hearing.

4. The Board of Zoning Adjustment, after public hearing, shall modify the parking requirements for housing for the elderly subject to the following conditions:

a. Parking modifications for housing for the elderly may be granted in any district including any permitted district (Section 39.271, ROKC) but not in Districts R-1 or R-2.

b. Parking modifications shall provide, at least, one (1) parking space per three (3) dwelling units.

c. Only dwelling units shall be used in making parking determination needs; beds or occupancy numbers shall not be used as a factor.

The Board of Zoning Adjustment in determining such reduction also may:

a. Require open space in lieu of reduced parking requirements in the event of conversion to housing other than for the elderly.

b. Consider accessibility to bus transportation.

c. Consider accessibility to shopping districts.

d. Consider availability of sidewalks.

B. In Districts R-1, RA, R-2, R-3, R-4, R-5 and R-6 all off-street parking shall be in the side or rear yard only except in a group housing project or a community unit project where the location of off-street parking areas shall be subject to approval of the development plan as provided in Section 39.260 and Section 39.270, provided however, this section shall not be interpreted to prohibit the parking of vehicles, otherwise permitted, in residential driveways or on pads authorized by Chapter 25, Code of General Ordinances.

1. Where off-street parking is provided in the side yard area, such parking area shall set back from the side property line a distance equal to the minimum side yard required for the district in which it is located, except as otherwise provided under Section 39.446.

2. Where off-street parking spaces are provided in the rear yard, such parking area shall observe the minimum setback for the side or rear property line as required for an accessory building except as otherwise provided under Section 39.446.

C. In commercial or industrial districts, the off-street parking shall not be located in any area required as a yard area.

D. Where off-street parking areas are required to set back from property lines, the setback required shall include all of the parking area intended to be used by vehicles including individual parking spaces and all access drives thereto, except drives providing direct access to the parking area from a street or alley. The boarder screening as required by paragraph B above shall be located at the edge of the parking area but need not be included in the calculation of the setback required.

#### IV. Exceptions to Off-Street Parking Requirements.

A. The Board of Zoning Adjustment may modify any of the specific off-street parking requirements as enumerated in Subsections II and III above after a public hearing, if undue hardship in complying with any of said provisions is shown.

B. Before granting any modification of the requirements of this section, the Board shall determine:

1. That the amount of off-street parking to be provided

is reasonable in relation to the nature of the use to be served and that the number of parking spaces, as required by this section, is not compatible with the actual off-street parking requirements of the particular use because of unusual circumstances regarding any such use.

2. That any off-street parking proposed to be provided other than on the lot of the use to be served is reasonably located and readily accessible in relation to the use to be served and is reasonably related to surrounding uses of land and that said parking area is either within the same block or not more than five hundred (500) feet distant from the boundaries of the lot to be served and that said parking is permitted in the district in which it is located.

3. That modification of any setback or yard requirement for the parking area or modification of any construction requirement is necessary because of unique or unusual circumstances which render the specific requirements of this section unreasonable and without benefit to surrounding property.

Section B. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning Ordinance have been given and had.

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I hereby certify that as required by Chapter 39, Code of General Ordinances of Kansas City, Missouri, the amendment in the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form and legality:

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Assistant City Attorney<sup>9</sup>