

**COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 031154**

**Amending Section 80-446, Auxiliary parking, to eliminate the requirement of Board of Zoning Adjustment approval of parking already approved in a plan, and changing the requirements regarding distance between the parking lot and the business district.**

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 80, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 80-446, Auxiliary parking, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

**Sec. 80-446. Auxiliary parking.**

(a) Customer-employee parking.

- (1) The board of zoning adjustment may permit, as an auxiliary use for customers and employees of neighboring business establishments, a parking area for passenger automobiles only, on a lot or lots in R-3, R-4, R-4-O, R-5, R-5-O and R-6 districts, a portion of which lot or lots is within 500 feet of a business or industrial district; provided such parking area is developed as follows:
  - a. Such area shall be paved and shall be properly enclosed with a fence, wall or other suitable enclosure to be determined by the board of zoning adjustment, having a height of not less than four feet. Such fence, wall or enclosure shall be maintained in good condition and observe the front yard requirements of the district in which it is located. No parking shall be permitted within six feet of an adjoining lot in a residential district, or, on a corner lot, within six feet of the side street property line. The six-foot restriction or front yard requirement may be modified by the board of zoning adjustment in unusual and justifiable situations or circumstances.
  - b. Any lights used to illuminate the parking area shall be so arranged as to reflect the light away from any adjoining premises in a residential district.
  - c. Signs, as may be permitted by the board to identify the parking area, shall be limited to not more than 12 square feet in area and shall not exceed six feet in height, but may be reduced in size and height at the direction of the board. Such signs may show only the hours in which the parking lot is open and the persons authorized to use the parking area.

- d. In the interest of traffic control and providing off-street parking in congested neighborhoods, the owner of such auxiliary parking areas may, upon approval of the board, make arrangements for the use thereof when not needed for the auxiliary use specified in this section; and such owner may charge a fee therefor, provided such fee is not collected on such area and provided any advertising signs relating to such fees are located on or adjacent to such area. Notwithstanding such fee arrangements, such area shall not be considered to be a commercial parking station.
  - e. The board of zoning adjustment shall place such additional restrictions or conditions as deemed necessary by the board for the protection of neighboring property, in harmony with the purpose and intent of this chapter.
- (2) The board of zoning adjustment may permit, as an auxiliary use for customers and employees of neighboring business establishments a multilevel parking structure, in an R-5, R-5-O or R-6 district, or portion of which structure is within 500 feet of a business or industrial district, provided such parking structure complies with the following:
- a. The structure shall maintain the same setback from the street as required for any residential structure in the district.
  - b. The setback for the rear yard shall be at least 25 percent of the depth of the lot but need not be more than 25 feet.
  - c. The setback for the side yard shall be the same as required for residential structures in this district.
  - d. The height shall not exceed three stories and shall not exceed 45 feet.
  - e. The yards shall be suitably landscaped and well maintained.
  - f. Any lights used to illuminate the parking structure shall be so arranged as to reflect the light away from any adjoining premises in the residential district.
  - g. The provision for signs and arrangement for fee parking shall be permitted upon the same basis as set forth in subsections (a)(1)c and d of this section.
- (b) Residential, church or nonprofit use parking.

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- (1) The board of zoning adjustment may permit, as an auxiliary use of residential uses, church uses or nonprofit uses, such as community centers, schools or private clubs, a parking area for passenger vehicles only, on a lot or lots in an R-1, R-2 or R-3 district, which lot or lots so put to such auxiliary use adjoin or are opposite across the street or alley from the use to be served; or permit the same use in R-4, R-4-O, R-5, R-5-O and R-6 districts, a portion of which lot or lots is within 500 feet of the lot to be served; provided such parking area is developed as provided in subsections (a)(1)a through e of this section.
- (2) The board of zoning adjustment may permit the use of a parking lot of a church or other nonprofit organization, which lot is in an R-2, R-3, R-4, R-4-O, R-5, R-5-O or R-6 district, and which lot abuts or adjoins or is opposite or across a street or alley from a business or industrial district, for the storage of passenger cars only from an adjoining commercially operated parking area in the business or industrial district, at only such time as the parking area is not required for its use for parking for the church or nonprofit organization; provided that the parking lot conforms to all conditions as set forth in subsections (a)(1)a through e of this section, and further provided that no fees are collected and no advertising signs are located within the residentially zoned area. The board of zoning adjustment shall place such additional restrictions or conditions such as side yard setback, location and widths of entrances and exits, and appropriate landscaping or other restrictions as deemed necessary by the board for the protection of neighboring property, in harmony with the purpose and intent of this chapter.

(c) Any auxiliary lot that conforms to the requirements of (a) or (b) of this section and which has been approved by the City Plan Commission under Sections 80-270, Community Unit Projects, (d) Final Plan; 80-271, Limited districts, (f) Final Plan; 80-280, Final plans and failure to commence construction after approval of planned district; and 80-260, Group housing projects, (d) Final Plan, shall be allowed without the approval of the Board of Zoning Adjustment. Under this subsection, the Commission shall have the authority given to the Board in subsections (a) or (b).

Section 2. 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 80, Code of Ordinances, 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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M. Margaret Sheahan Moran  
Assistant City Attorney