



**City Planning and Development Department
Development Management Division**

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STAFF REPORT **April 16, 2019** **(12)**

Re: **CD-CPC-2018-00218**

Applicant: Jeffrey Williams, AICP, Director of City Planning & Development

Request: Amending Chapter 88, the Zoning and Development Code, through revisions, clarifications, and other administrative changes throughout the chapter in accordance with the Zoning & Development Code periodic review.

Purpose:

This is another list in the series of revisions to the Zoning & Development Code.

Affected text shown in **red font with yellow highlight**. Text to be deleted is **struck-through**, and text to be added is **underlined**.

88-205-07

Add reference to the Plaza Bowl Overlay (approved by Ordinance 190100) to appropriate sections within Chapter 88 (and rearrange by alphabetizing district name so as to simplify lookup, as additional overlays are approved in the future)

88-205-07 - DOCUMENTATION OF OVERLAYS

88-205-07-A. Once an overlay district is approved by the city council, the city planning and development department must amend the official zoning maps to identify the overlay district boundaries and designation, together with the underlying zoning designation.

88-205-07-B. The city planning and development department must maintain a list of established overlay districts by type.

88-205-07-C.

Zoning Map Symbol	District Name
CXO	Adult Entertainment Overlay

HO	Historic Overlay
NCO	Neighborhood Character Overlay
PO	Pedestrian-Oriented Overlay
HO	Historic Overlay
Zoning Map Symbol	Special Character District Name
TCO	Troost Corridor Overlay
ICO	Independence Corridor Overlay (pending)
WHO	Wornall Homestead Overlay
MCO	Main Corridor Overlay
PBO	Plaza Bowl Overlay
TCO	Troost Corridor Overlay
WHO	Wornall Homestead Overlay

88-215-02

Add subsection to reference the Plaza Bowl Overlay (approved by Ordinance 190100)

88-215 - SPECIAL CHARACTER DISTRICTS GENERALLY

88-215-02 - SPECIAL CHARACTER DISTRICTS

88-215-02-E. The PBO, Plaza Bowl Overlay, ensures that future expansion within the area generally located on the south and north sides of 47th Street (extending northerly to the north side of 46th Terrace), between Madison Avenue on the west and J.C. Nichols Parkway on the east will continue in a quality manner, respectful of the current design of the Plaza. The overlay codifies height and use recommendations of the Midtown Plaza Area Plan.

88-420-04 and 88-420-06

Revise to exempt parking requirement for a single family or duplex structure to be constructed on a lot platted prior to September 10, 1951 (which includes areas of the city as far south as 63rd Street) when parking requirements were established.

This will enable provision of infill development (single family and duplex structures) in neighborhoods where driveways and garages were not originally constructed. Many subdivisions in the city were platted prior to 1951, when parking was not required.

Current code requires provision of one parking space per dwelling unit. If there is no alley, access would have to come from the street, requiring construction of a driveway. (No parking pad or parking in the front yard is permitted.)

Construction of a 12 ft. wide driveway is not practical on a lot that is less than 50 ft. (as many lots slated for infill development were platted at less than 50 ft.).

Further, construction of a driveway requires a curb cut, thereby removing space for any on-street parking.

88-420-04 - EXEMPTIONS, REDUCTIONS AND SPECIAL AREA STANDARDS

88-420-04-A. DC ZONING DISTRICT

No off-street parking is required in the DC (Downtown Core) zoning district.

88-420-04-B. DX ZONING DISTRICT

Nonresidential uses in the DX district outside of the Crossroads area are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

88-420-04-C. CROSSROADS AREA

1. Retail sales-related uses in the Crossroads area are not required to provide off-street parking for the first 4,000 square feet of gross floor area. For purposes of this paragraph, "retail sales-related uses" include general retail sales, food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.
2. Restaurants in the Crossroads area are not required to provide off-street parking spaces for the first 2,000 square feet of gross floor area, per building.

88-420-04-D. BROOKSIDE BUSINESS DISTRICT AREA

There are no minimum nonresidential parking requirements or residential parking requirements for residential units in mixed-use structures in the Brookside Business District Area. Individual non-residential uses may not provide more than 1.5 times the minimum parking requirements of 88-420-06 on the same lot or on a combination of the same and contiguous lots in any zoning district, provided however, any individual use that would require 4 or fewer spaces may provide up to 6 parking spaces. Multiple tenants in a common structure or structures sharing a common wall will be considered an individual use for purposes of this calculation. Mixed-use structures may provide a maximum of one parking space per dwelling unit for purposes of this calculation.

Charter reference— Intended to apply in the area zoned BBD immediately prior to January 1, 2011.

88-420-04-E. DOWNTOWN LOOP

Uses within the Downtown Loop are not required to provide off-street parking or loading.

88-420-04-F. B1 ZONING DISTRICT

Nonresidential uses in the B1 district are not required to provide off-street parking unless such uses exceed 2,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 2,000 square feet.

88-420-04-G. PEDESTRIAN-ORIENTED OVERLAY DISTRICT

Nonresidential uses that are subject to the P/O district regulations of 88-230 are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

88-420-04-H. LANDMARKS AND HISTORIC DISTRICTS

1. No off-street parking or loading spaces are required for rehabilitation or reuse of an official local or national historic landmark.
2. No off-street parking or loading spaces are required for rehabilitation or reuse of an existing contributing building within an official local or national historic district.

88-420-04-I. WESTPORT AREA

Restaurants in the Westport Area must provide off-street parking at a minimum rate of 2.5 spaces per 1,000 square feet.

88-420-04-J. RAPID TRANSIT STOPS

Special parking regulations apply to uses on lots located within 1,000 feet of a rapid transit stop, as follows.

1. Office and manufacturing uses are not required to provide off-street parking spaces for the first 10,000 square feet of gross floor area.
2. The following uses are not required to provide off-street parking for the first 4,000 square feet of gross floor area: artist work or sales space, food and beverage retail sales, personal improvement service, and retail sales. Uses may not exceed otherwise applicable minimum off-street parking requirements by more than 3 spaces or 33%, whichever is greater, unless such "extra" spaces are provided in a parking garage.
3. Restaurants are not required to provide off-street parking for the first 2,000 square feet of gross floor area per building.
4. The above exemptions may be used in combination with any other exemption, reduction, or special area standards.

88-420-04-K. EFFECT OF VEHICLE PARKING REDUCTION OR EXEMPTION ON BICYCLE PARKING REQUIREMENTS

The bicycle parking requirements of 88-420-09 apply regardless of any vehicle parking exemptions and reductions authorized in this section (88-420-04).

88-420-04-L. DOWNTOWN STREETCAR AREA

Uses within the Downtown Streetcar Area are not required to provide off-street parking.

88-420-04-M. SINGLE FAMILY OR DUPLEX STRUCTURE

For any single family or duplex structure on a lot platted prior to September 10, 1951, no off-street parking shall be required.

88-420-06 - PARKING RATIOS

Except as otherwise expressly stated, off-street parking must be provided in accordance with the following minimum ratios. In lieu of complying with these minimum standards, applicants may apply for approval of an alternative compliance parking plan, in accordance with 88-420-15. See also the exemptions reductions and special area standards of 88-420-04. Bicycle parking must be provided in accordance with 88-420-09.

Table 420-1 Parking Ratios	
USE GROUP	
Use Category » specific use type	Minimum Vehicle Parking Ratio
RESIDENTIAL	
Household Living	
» Elderly Housing	1 per 3 dwelling units
» All other	1 per dwelling unit (unless exempted by 88-420-04-M.)
Group Living	1 per 4 dwelling units or 1 per 4 beds/sleeping rooms
PUBLIC/CIVIC	
College/University	1 per 4 employees, plus 1 per 10 students
Day Care	
» Home-based (1–5)	None
» All other	1 per 4 employees
Hospital	1 per 3 beds, plus 1 per 4 employees

Library/Cultural Exhibit	2.5 per 1,000 square feet
Park/Recreation	
» Community center	2.5 per 1,000 square feet
» All other park/recreation	per 88-420-08
Religious Assembly	1 per 7 seats in main assembly area
Safety Service	
» Fire station	1 per 4 employees
» Police station	1 per 4 employees
» Ambulance service	1 per 4 employees
School	
» Elementary/Junior High	1 per 4 employees
» Senior High	1 per 4 employees, plus 1 per 15 students
Utilities and Services	
» Basic, minor	None
» All other utilities and services	Per 88-420-08
COMMERCIAL	
Adult Business	
» Adult media store	2.5 per 1,000 square feet

» Adult motion picture theater	1 per 4 seats or person capacity
» Sex shop	2.5 per 1,000 square feet
Animal Service	
» Sales and grooming	2.5 per 1,000 square feet
» Shelter or boarding	2.5 per 1,000 square feet, not including animal pen areas
» Veterinary	2.5 per 1,000 square feet, not including animal pen areas
» Stable	1 per 10 stalls
Artist Work or Sales Space	2.5 per 1,000 square feet of sales space
Building Maintenance Service	1 per 4 employees
Business Equipment Sales and Service	2.5 per 1,000 square feet
Business Support Service	
» Day labor employment agency	per 88-420-08
» Employment agency	2.5 per 1,000 square feet
» All other business support service	2.5 per 1,000 square feet
Communication Service	2.5 per 1,000 square feet
Eating and Drinking Establishments	
» Tavern or nightclub	20 per 1,000 square feet

» uncovered patios or decks	20 per 1,000 square feet
» All other eating/drinking establishments	10 per 1,000 square feet
» uncovered patios or decks	5 per 1,000 square feet
Entertainment and Spectator Sports	1 per 4 seats or person capacity
Financial Services	
» Pawn shop	2.5 per 1,000 square feet
» All other financial services	2.5 per 1,000 square feet
Food and Beverage Retail Sales	2.5 per 1,000 square feet
Funeral and Interment Service	
» Cemetery/ columbarium/mausoleum	per 88-420-08
» Cremating	1 per 4 employees
» Undertaking	1 per 4 seats or person capacity
Gasoline and Fuel Sales	1 per pump
Lodging	
» 1—20 rooms	1 per room
» 21—40 rooms	1 per 4 rooms
» 41+ rooms	1 per 6 rooms

Office, Admin. Professional or General	1 per 1,000 square feet
Office, Medical	4 per 1,000 square feet
Personal Improvement Service	2.5 per 1,000 square feet
Repair or Laundry Service, Consumer	2.5 per 1,000 square feet
Research Service	1 per 1,000 square feet
Retail Sales	2.5 per 1,000 square feet
Sports and Recreation, Participant	
» Indoor	1 per 4 seats or person capacity
» Outdoor	per 88-420-08
Vehicle Sales and Service	
» Car wash/cleaning service	None
» Heavy equipment sales/rental	1 per 1,000 square feet of office space and covered display area
» Light equipment sales/rental (indoor)	1 per 1,000 square feet of office space and covered display area
» Light equipment sales/rental (outdoor)	1 per 1,000 square feet of office space and covered display area
» Motor vehicle repair, limited	2 per service bay
» Motor vehicle repair, general	2 per service bay

» Vehicle storage/towing	1 per employee
INDUSTRIAL	
Manufacturing, Production and Industrial Service	1 per 4 employees
Recycling Service	1 per 4 employees
Residential Storage Warehouse	3, plus 1 per 75 storage spaces
Warehousing, Wholesaling, Freight Movement	1 per 4 employees
OTHER	
Agriculture, Crop	None
Wireless Communication Facility	None

88-445-07

Clarify that the maximum number of wall signs allowed includes all wall, awning, canopy, projecting, and marquee signs. This is already stated in the “maximum area” column, but, according to Permit Division staff, needs reiteration.

88-445-07 - SIGNS IN NON-RESIDENTIAL DISTRICTS (OFFICE, COMMERCIAL AND MANUFACTURING)

Signs to identify parking areas allowed by special use permit shall be approved in conjunction with such special use permit, although no sign may exceed 12 square feet in area or 6 feet in height. Such signs may show only the hours in which the parking lot is open and the persons authorized to use the parking area.

The following business advertising signs are permitted in non-residential districts. Signs within the P/O, pedestrian-oriented overlay district must comply with the requirements of 88-445-09.

Sign Type (specific use or location)	Max. Number	Max. Area (sq. feet)	Setback (feet)	Max. Height (feet)	Illumination	Additional Requirements
Monument Signs						
Development district	2 per entrance; 1 per frontage without entrance	75	10	8	internal or external	88-445-08-A
Individual buildings on parcels of min. 100 feet frontage	1 per street frontage	30	10	6	internal or external	88-445-08-A
Individual buildings on parcels of min. 200 feet frontage	1 per street frontage	50	10	6	internal or external	88-445-08-A
Menu boards for a drive-through or drive-in use	2 per drive-through lane and 1 per drive-in stall	30	10	8	internal or external	88-445-08-A
Oversized Monument Signs						
Properties zoned B3, B4, UR, D, M, SC, and KCIA of minimum 15	1 per major street frontage	200	20	24	internal or external	88-445-08-B

acres in area						
Properties zoned B3 and higher of minimum 15 acres in area and adjacent to a limited access highway	1 per major street frontage	300	20	35	internal or external	88-445-08-B
Wall Signs						
Individual buildings with interior tenants (such as Wal-Mart, Target)	3 per building elevation to identify major tenant plus 3 (total) per building elevation to identify subtenants <u>(includes all wall, awning, canopy, projecting and marquee signs)</u>	subtenant sign may not exceed 12 sq. feet; cumulative total may not exceed 10% of wall area (includes all wall, awning, canopy, projecting and marquee signs)			internal or external	88-445-08-C
Tenant(s) in multi-tenant building with exterior entrance (such as strip mall)	3 per tenant per building elevation <u>(includes all wall, awning, canopy, projecting and marquee)</u>	<u>cumulative total may not exceed</u> 10% of wall area <u>cumulative total</u> (includes all wall, awning,			internal or external	88-445-08-C

	signs); (end wall may identify max. of 3 tenants within building; 10% of wall area)	canopy, projecting and marquee signs)				
Single purpose building (such as car dealership, pad building, gasoline station, office)	3 per elevation (includes all wall, awning, canopy, projecting and marquee signs);	cumulative total may not exceed 10% of wall area (cumulative total); includes all wall, awning, canopy, projecting and marquee signs)			internal or external	88-445-08-C
Projecting Signs						
Individual buildings and tenant in multi-tenant building	1 per building wall (in lieu of 1 wall sign)	12 if perpendicular to building; 40 if installed radially on building corner			internal or external	88-445-08-E
Other Signs						
Roof Signs	1 per building			26 (from top of the highest parapet to the top of the sign)	internal or external	88-445-08-F

Incidental Signs	as required to direct pedestrian and vehicular traffic	6 for commercial; 2 for residential development	10	3 (freestanding); 8 (wall-mounted)	internal or external	88-445-08-G
Sidewalk Signs	1 per business and not closer than 15 feet to another sidewalk sign	10	Must be within 2 ft. of building wall	4 maximum; 2.5 minimum	not allowed	88-445-08-M
Interim Signs to identify a developer or development	1 per 1,000 ft. frontage on interstate highway	300	20	15	external	88-445-08-H
Interim Signs (real estate/other)	1 per street frontage	32	10	8; 15 if abutting interstate highway	external	88-445-08-H
Special Event Temporary Signs, including Banners	Freestanding: 1 per street frontage Wall: 1 per elevation	Freestanding: 40 Wall: All signage not to exceed 10% of wall area	10	6	not allowed	88-445-08-I
Ornamental Tower Signs	2 per tower; max. 3 towers or structures	10% of wall area (includes awning, canopy, marquee signage)		none	internal or external	88-445-08-J

88-820-13

Correct intent by removing the word "not".

88-820-13 - BUILDING HEIGHT

88-820-13-A. MEASUREMENT

The vertical distance between the "ground" and the level of the highest point of the roof beams in the case of flat roofs or roofs inclining no more than one inch to the foot and between the "ground and midpoint between top of the main plate and highest ridge in the case of all other roofs. For the purpose of measuring building height, the "ground" level is the highest of the following three levels: curb level; established or mean street grade if no curb exists; or the average finished ground level adjoining the building if the building is setback more than 10 feet from the street line.

88-820-13-B. EXCEPTIONS

1. PARAPET WALLS AND FALSE MANSARDS

Parapet walls and false mansards may extend no more than 8½ feet above the height limit.

2. APPURTENANCES

Exceptions shall ~~not~~ apply to flagpoles, chimneys, cooling towers, electric display signs, elevator bulkheads, belfries, penthouses, finials, gas tanks, grain elevators, stacks, silos, storage towers, observation towers, radio or television antennas and towers, windmills, ornamental towers, monuments, cupolas, domes, spires, standpipes and necessary mechanical appurtenances which, where permitted, shall be erected to a height in accordance with existing or hereafter adopted ordinances of the city. In R districts, radio or television structures accessory to a residential use, including antenna supports and antennas, may exceed the maximum height permitted by lot and building standards, but shall not exceed 60 feet in height. Height of accessory solar and wind energy systems shall comply with 88-305-09.

3. AMUSEMENT PARK RIDES, AMUSEMENT ATTRACTIONS OR ROLLER COASTERS

Height restrictions in any zoning district do not apply to amusement park rides, amusement attractions or roller coasters of any type that are erected in any zoning district in which they are allowed, either temporary or permanent, provided that each is set back a distance equal to its height from all property lines.

4. LIMITATIONS ON ROOFTOP FEATURES IN R DISTRICTS

- a. Stairway enclosures and elevator penthouses in R districts are allowed to exceed the maximum building height, provided:
 1. They are set back at least 20 feet from the front building line, and
 2. Do not exceed 9 feet in overall height or extend more than 5 feet above the building parapet, whichever results in a lesser height.
 - b. Stairway enclosures in R districts may not contain habitable space and may not exceed 170 square feet in area.
 - c. Elevator penthouses in R districts may not contain habitable space and may not exceed 465 square feet in area.
 - d. Building-mounted solar energy systems may extend up to 3 feet above the applicable maximum height limit for the subject building type, provided they do not extend more than 5 feet above the roof line.
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Recommendation:

Staff recommends approval of revisions to Chapter 88, Zoning & Development Code, as noted.

Respectfully Submitted,
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