



Legislation Details (With Text)

**File #:** 210256      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/29/2021      **In control:** Council  
**On agenda:** 4/8/2021      **Final action:** 4/8/2021

**Title:** Amending Chapter 88, Zoning and Development Code, by adding a new section to be known as Section 88-420-18, Outdoor Seating for Eating and Drinking Establishments, to allow eating and drinking establishments to use parking lots and open space for outdoor seating.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. No Fact Sheet

Date	Ver.	Action By	Action	Result
4/8/2021	1	Council	Passed	Pass
3/31/2021	1	Neighborhood Planning and Development Committee	Do Pass	Pass

ORDINANCE NO. 210256

Amending Chapter 88, Zoning and Development Code, by adding a new section to be known as Section 88-420-18, Outdoor Seating for Eating and Drinking Establishments, to allow eating and drinking establishments to use parking lots and open space for outdoor seating.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Zoning and Development Code, be amended by adding a new section known as Section 88-420-18, Outdoor Seating for Eating and Drinking Establishments, to allow eating and drinking establishments to use parking lots and open space for outdoor seating, to read as follows:

**88-420-18 OUTDOOR SEATING FOR EATING AND DRINKING ESTABLISHMENTS**

**88-420-18-A. PURPOSE**

To allow eating and drinking establishments to use underutilized outdoor space for dining and seating purposes.

**88-420-18-B. AUTHORIZATION**

Notwithstanding Section 88-420-11 and the parking ratios set forth in Section 88- 420-06, eating and drinking establishments as defined in Section 88-805-04-I may use parking lots and open space for outdoor seating and dining space, and for no other use other than parking and open space, in conformance with the provisions of this zoning and development code.

**88-420-18-C. STANDARDS AND CONDITIONS**

Parking lots and open space may be used for outdoor seating at eating and drinking establishments, subject to the following standards and conditions:

1. Seating in parking lots shall only be permitted in striped parking spaces; no seating shall be permitted in drive aisles.
2. Open space or other areas of the subject property may also be used for seating.
3. Driveways or entrances to vehicular use areas from the public right-of-way shall not be obstructed.
4. Landscaped areas or areas designated for stormwater management shall not be used for outdoor seating.
5. Americans with Disabilities Act (“ADA”) parking spaces shall not be used for outdoor seating.
6. Seating shall be ADA accessible.
  1. Pedestrian paths such as sidewalks or crosswalks shall not be obstructed.
7. The property owner shall supervise and maintain outdoor seating areas in a clean, orderly and safe condition and in such manner as to protect the public health and safety. All tables, chairs, seating areas, umbrellas, tents, and any other furnishings or equipment used in outdoor seating areas shall be kept and maintained in good repair.
8. Service of alcohol shall be permitted, provided the property owner meets the requirements of Chapter 10 of the City Code, as required.
9. Parking lots and open space used for outdoor seating shall be restored to their original condition and use when not in use for outdoor seating.

**88-420-18-D. ENFORCEMENT.**

Violations, penalties and enforcement shall be as stated in Section 88-615 of this zoning and development code.

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 law  
been given and had.  
been given and had.

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I hereby certify that as required by Chapter 88, 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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Sarah Baxter  
Assistant City Attorney