



## Legislation Text

File #: 220454, Version: 3

### COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220454, AS AMENDED

Amending Chapter 88, Code of Ordinances, by repealing Sections 88-420-16, Alternative Compliance Parking Plans; 88-516, Plan Review; 88-530, Site Plan Review and Approval; and 88-570, Administrative Adjustments and enacting in lieu thereof new sections of like number and subject matter for the purpose of providing a mechanism for property owners to elect to receive notice of certain administrative decisions regarding property within 300 feet of an owner's property; appropriating \$36,000.00 for Ener-Gov enhancements; designating requisitioning authority; and providing for a delayed effective date of Section 1 of this ordinance.

WHEREAS, amendments to Chapter 88, Code of Ordinances, are necessary to provide a mechanism for property owners to elect to receive notice of certain administrative decisions; and

WHEREAS, enhancements to the City's permitting system Ener-Gov would allow for customer self-selection of properties to receive notifications of administrative review decisions; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by repealing Sections 88-420-16, Alternative Compliance Parking Plans; 88-516, Plan Review; 88-530, Site Plan Review and Approval; and 88-570, Administrative Adjustments, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

#### **88-420-16 - ALTERNATIVE COMPLIANCE PARKING PLANS**

##### **88-420-16-A. SCOPE**

This section authorizes several alternatives to strict compliance with the standards of this article.

##### **88-420-16-B. APPLICABILITY**

Applicants seeking approval of an alternative compliance parking plan must secure approval of such plan in accordance with the provisions of this section.

##### **88-420-16-C. CONTENTS**

Alternative compliance parking plans must be submitted in a form established by the city planning and development director and made available to the public. At a minimum, such plans must detail the type of alternative proposed and the rationale for such a proposal, including any supporting research or documentation required by the director.

##### **88-420-16-D. REVIEW AND APPROVAL PROCEDURE**

Applications for alternative compliance parking plans constitute an application for a site plan approval under Section 88-530. The city planning and development director is authorized to approve, approve with conditions, or deny alternative compliance parking plans in accordance with the site plan review procedure of 88-530.

#### **88-420-16-E. RECORDING**

The city planning and development director is authorized to require that an attested copy of an approved alternative compliance parking plan be filed with the appropriate county recorder of deeds office whenever the director deems necessary to ensure long-term availability and viability of the alternative parking arrangement. When recording of an agreement is required by the city planning and development director, no building permit, parking facilities permit, or occupancy certificate may be issued without proof of recordation.

#### **88-420-16-F. VIOLATIONS**

Violations of an approved alternative compliance parking plan will be considered violations of this zoning and development code and be subject to the penalty and enforcement provisions of 88-615.

#### **88-420-16-G. APPROVAL CRITERIA**

The city planning and development director is authorized to approve an alternative compliance parking plan if the applicant demonstrates to the satisfaction of the city planning and development director that the proposed plan:

1. will comply with all applicable requirements of this section;
2. will not adversely affect surrounding neighborhoods;
3. will not adversely affect traffic congestion and circulation; and
4. will have a positive effect on the economic viability or appearance of the project or on the environment.

#### **88-420-16-H. AUTHORIZED ALTERNATIVES**

The city planning and development director is authorized to approve alternative compliance parking plans for the following:

1. Shared parking (See 88-420-16-I);
2. Off-site parking (See 88-420-16-J);
3. Special facilities for cyclists (See 88-420-16-K);
4. Valet parking (See 88-420-16-L);
5. Transportation demand management programs (See 88-420-16-M);
6. Transit accessibility (See 88-420-16-N);
7. Pervious parking surfaces (See 88-420-16-O);
8. Car-share vehicle spaces (See 88-420-16-P); and

9. Gravel parking (See 88-420-16-Q).

#### **88-420-16-I. SHARED PARKING**

1. **DESCRIPTION**

Shared parking represents an arrangement in which two or more uses with different peak parking periods (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

2. **AUTHORIZATION AND CRITERIA**

- a. The city planning and development director is authorized to approve an alternative compliance parking plan allowing shared parking arrangements for uses with different hours of operation.
- b. The city planning and development director may permit up to 100% of the parking required for one use to be supplied by the off-street parking spaces provided for another use if the city planning and development director determines that the various activities will have peak parking demands at different periods of the day or week.
- c. In order to approve an alternative compliance parking plan for shared parking, the city planning and development director must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
- d. A request for approval of a shared parking arrangement must be accompanied by such information determined by the city planning and development director to be necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses and their operational characteristics, a development plan, and a parking study prepared by a licensed professional traffic engineer or equivalent qualified professional which justifies the reduction in parking requested.

3. **LOCATION OF SHARED PARKING FACILITY**

A use for which shared parking is proposed must be located within 1,000 feet walking distance of the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking facilities.

4. **AGREEMENT**

An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the city planning and development director in a form approved by the city planning and development director. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

#### **88-420-16-J. OFF-SITE PARKING**

The city planning and development director may permit any off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this

section.

**1. LOCATION**

No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the city planning and development director if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

**2. ZONING CLASSIFICATION**

Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the off-site parking area unless approved as a special use pursuant to 88-525.

**3. OFF-SITE PARKING AGREEMENT**

An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the city planning and development director, in a form approved by the city planning and development director. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

**4. EXEMPTION**

Off-site parking in facilities in O, B, D, and M districts which meet the location and zoning classification requirements indicated in this section and which are in the same ownership as the lot to be served will not require approval of an alternative compliance parking plan per 88-420-15.

**88-420-16-K. SPECIAL FACILITIES FOR BICYCLISTS**

The city planning and development director may authorize up to a 15% reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of eligible accommodations include enclosed bicycle lockers, employee shower facilities, dressing areas for employees, and on-site public bicycle sharing stations. A reduction in required vehicle parking does not entitle the applicant to a reduction in required bicycle parking.

**88-420-16-L. VALET PARKING**

The city planning and development director may authorize valet parking as a means of satisfying up to 100% of otherwise applicable off-street parking ratios. In order to approve an alternative parking plan for valet parking the city planning and development director must determine that the proposal satisfies the approval criteria of 88-420-15-G and that the valet parking will not cause interference with the public use of rights-of-way or imperil public safety.

**88-420-16-M. TRANSPORTATION DEMAND MANAGEMENT PROGRAMS**

The city planning and development director may authorize up to a 50% reduction in the number of required off-street parking spaces for large employers (150 employees or more) that institute and commit to maintain a transportation demand management program, in accordance with the standards of this section.

**1. REQUIRED STUDY**

The applicant must submit a report to the city planning and development director that clearly indicates the types of transportation demand management activities and measures proposed.

## 2. **TRANSPORTATION MANAGEMENT ACTIVITIES**

The following transportation demand management activities may qualify for a reduction in otherwise required off-street parking ratios:

- a. The appointment of a transportation coordinator with responsibility for disseminating information on transit, ride-sharing and other alternative transportation options.
- b. The institution of off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period. The peak morning commute period is defined as 7:00-9:00 a.m.
- c. The provision of specially marked spaces for each registered car pool and vanpool vehicles.
- d. The provision of cash or in-kind financial incentives for employees commuting by car pool, vanpool, and public transit.

### **88-420-16-N. TRANSIT ACCESSIBILITY**

The city planning and development director may authorize up to a 25% reduction in office parking ratios for uses located within 1,000 feet of a transit stop with 30-minute or more frequent service during the hours of 7:00 a.m. to 9:00 a.m. This reduction may not be applied in conjunction with the special rapid transit provisions of 88-420-04-J.

### **88-420-16-O. PERVIOUS PARKING SURFACES**

The city planning and development director may authorize a portion of required off-street parking spaces to be provided on pervious surfaces if the city planning and development director finds that such spaces will be used only intermittently, either for special events or for seasonal peak parking demands or overflows in patronage of the principal use or uses.

1. The decision of the city planning and development director must indicate what number or percentage of required parking spaces may be provided on pervious surfaces.
2. The city planning and development director is authorized to determine acceptable pervious surfaces.
3. Parking spaces, aisles, etc. must be marked by flags, biodegradable dyes or paints, or some other method that does not kill grass or plants.
4. Pervious parking areas must be adequately drained.

### **88-420-16-P. CAR-SHARE VEHICLES**

The city planning and development director may authorize a portion of a development's required off-street parking to be met by providing car-share vehicle parking on the development site, as follows:

1. For any development, one parking space or up to 5% of the total number of required spaces, whichever is greater, may be reserved for use by car-share vehicles. The number of required parking spaces may be reduced by one space for every parking space that is leased by a car-share program for use by a car-share vehicle. Parking for car-share vehicles may be provided in any

non-required parking space.

2. For any development that (a) is required to provide 20 or more spaces and (b) provides one or more spaces for car-share vehicles, the number of required parking spaces may be reduced by 3 spaces for each reserved car-share vehicle parking space or by 15% of the total number of required spaces, whichever is less. An agreement between the property owner and a car-share program must be filed with the city planning and development director, in a form approved by the city planning and development director. The parking reduction will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the car-share vehicles. If the agreement lapses or is no longer valid, then the normally required parking spaces must be provided as otherwise required by this article.

### **88-420-16-Q GRAVEL PARKING**

The city planning and development director may authorize a portion of a development's off-street parking and vehicular use areas to be gravel on the development site, as follows:

1. Gravel vehicular use areas shall only be permitted in districts M3 and M4.
2. Gravel is prohibited in any required setback or within 10 feet of any property or right-of-way line, whichever is greater.
3. Gravel is not permitted on a lot adjacent to an R, B, O, D, M1 or M2 district, unless such lot is in the floodplain.
4. Gravel may not be used for parking intended for use by the public.
5. Gravel is not permitted on any lot or portion of a lot with a slope greater than 4 to
6. Gravel surfaces shall comply with the standards of 88-420-15-M.

### **88-516-08 - PLAN APPROVAL NOTED**

**88-516-08-A.** City council approval of a development plan per 88-517 shall be indicated on the zoning map by the letter "p" following the district classification.

**88-516-08-B.** Building permit application constitutes site plan (88-530) review and approval and is subject to the site plan review procedure of 88-530.

### **88-530 - SITE PLAN REVIEW AND APPROVAL**

#### **88-530-01 - INTENT**

Site plan review is a procedure that allows for administrative review of detailed site plans to determine whether such plans comply with city regulations and policies. A building permit application and an alternative parking plan application, each constitutes a site plan review application, including any such application submitted in connection with a development plan or project plan or property subject to a development plan under 88-517 or a project plan under 88-518.

#### **88-530-02 APPLICABILITY**

Site plan review is required for all development that is not subject to development plan review under 88-517 or project plan review under 88-518.

### **88-530-03 DECISION-MAKING AUTHORITY**

The city planning and development director has final decision-making authority on site plan applications. No public hearing is required.

### **88-530-04 REVIEW AND ACTION**

A building permit application constitutes site plan review application. The planning and development director must review each complete application for site plan approval and take one of the following actions:

1. approve the application;
2. identify those revisions or modifications that would allow approval of the application;
3. approve the application with conditions;
4. disapprove the application; or
5. forward the application to the city plan commission for review and action.

### **88-530-05 - APPEALS OF SITE PLAN DECISIONS**

**88-530-05-A.** Appeals of the city planning and development director's decision on a site plan application may be taken to the city plan commission by any aggrieved person by filing a notice of appeal with the city planning and development director. Appeals must be filed within the later of 15 calendar days of the date of the city planning and development director's decision or, if applicable, 15 calendar days of the date notice of such decision has been provided by the director in accordance with Section 88-530-05-C .

**88-530-05-B.** The city plan commission's decision may be appealed by any aggrieved person to the board of zoning adjustment by filing a notice of appeal with the city planning and development director. Appeals must be filed within 15 calendar days of the city plan commission decision.

**88-530-05-C.** In the event an owner, or its representative, of property located within 300 feet of the subject property of a site plan has submitted in writing to the city planning and development director a request for notice of a director's decision on a currently pending site plan application or future filed site plan application for the subject property, the city planning and development director shall provide written notice of such decision to such property owner. The written request for notice submitted by or on behalf of a property owner must identify the subject property, the name of the property owner requesting notice, the property owned by such property owner located within 300 feet of the subject property, and the address of the property owner to which notice of the director's decisions is to be sent. Any such request for notice by or on behalf of a property owner shall expire one year following the submittal of such request to the planning and development director; provided that such property owner may submit another request for notice in the manner as provided in this section.

### **88-570 - ADMINISTRATIVE ADJUSTMENTS**

#### **88-570-01 INTENT**

Administrative adjustments are intended to provide a streamlined approval procedure for minor modifications of selected zoning and development code standards. Administrative adjustments are further intended to:

**88-570-01-A.** allow development that is in keeping with the general purpose and intent of development regulations and the established character of the area in which it is located;

**88-570-01-B.** provide flexibility that will help promote rehabilitation and reuse of existing buildings when

such flexibility will not adversely affect nearby properties or neighborhood character; and

**88-570-01-C.** provide flexibility for new construction when necessary to address unusual development conditions when such flexibility is in keeping with the general purpose and intent of development regulations and will not adversely affect other properties or surrounding neighborhood character.

## **88-570-02 APPLICABILITY; AUTHORIZED ADMINISTRATIVE ADJUSTMENTS**

The city planning and development director has the authority to review and approve the following administrative adjustments:

### **88-570-02-A. P/O DISTRICT-BUILDING LOCATION STANDARDS**

1. The city planning and development director is authorized to approve an administrative adjustment to the building placement standards of 88-230-03-A.
2. Such an administrative adjustment may be approved only when the city planning and development director determines that useable public spaces or pedestrian amenities (e.g., extra-wide sidewalk, plaza with seating or outdoor dining area) will be provided between the building and the street.

### **88-570-02-B. P/O DISTRICT-TRANSPARENT WINDOW STANDARDS**

1. The city planning and development director is authorized to approve an administrative adjustment to the ground-floor transparency standards of 88-230-03-B.
2. Such an administrative adjustment may be approved only when the city planning and development director determines that (1) such a reduction will be offset by the provision of other pedestrian amenities or building or site design features that are not otherwise required by this zoning and development code.

### **88-570-02-C. P/O DISTRICT-DOOR AND ENTRANCE STANDARDS**

1. The city planning and development director is authorized to approve an administrative adjustment to the door and entrance standards of 88-230-03-C.
2. Such an administrative adjustment may be approved only when the city planning and development director determines that a safe pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the sidewalk abutting street.

### **88-570-02-D. P/O DISTRICT-DRIVEWAY AND VEHICLE ACCESS STANDARDS**

1. The city planning and development director is authorized to approve an administrative adjustment to the driveway and vehicle access standards of 88-230-03-E.
2. Such an administrative adjustment may be approved only when the city planning and development director determines, in consultation with other appropriate city officials that access to the subject lot cannot be safely accommodated by alley or side (non-pedestrian) street access.

### **88-570-02-E. GROUND-FLOOR COMMERCIAL SPACE**

The city planning and development director is authorized to approve an administrative adjustment to reduce the ground-floor commercial floor area requirement of 88-120-07 by up to 20%.

### **88-570-02-F. BICYCLE PARKING**



1. The city planning and development director is authorized to approve an administrative adjustment reducing the number of bicycle spaces required under 88-420-09.
2. Such an administrative adjustment may be approved only when the city planning and development director determines that use will generate reduced bicycle traffic or that it would be impossible to provide bicycle parking at the subject location.

#### **88-570-02-G. LANDSCAPING**

The city planning and development director is authorized to approve administrative adjustments to otherwise applicable landscape standards, as expressly authorized in 88-425-13.

#### **88-570-02-H. MINOR AMENDMENTS TO APPROVED DEVELOPMENT PLANS**

Unless otherwise expressly stated in this zoning and development code or as part of the final action to approve a development plan, the city planning and development director is authorized to approve an administrative adjustment allowing minor amendments to approved development plans. For the purpose of this provision, minor amendments are changes that:

1. do not increase building coverage by more than 10%, cumulative;
2. do not increase the cumulative floor area by more than 10% or 1,500 square feet, whichever is less;
3. do not increase building height by more than 10% or 6 feet, whichever is less;
4. do not increase the total cumulative impervious surface coverage by more than 10% or 2,000 square feet, whichever is less;
5. do not involve extensive site modifications;
6. do not increase the number of dwelling units or residential occupancy by more than 10%; or
7. do not, in the determination of the city planning and development director, have impacts that warrant city plan commission, city council, or board of zoning adjustment review of the application.

#### **88-570-02-I. TRAIL ENCROACHMENTS INTO STREAMSIDE BUFFER ZONE**

The city planning and development director is authorized to approve an administrative adjustment allowing paved or unpaved trails to encroach into the streamside zone (See 88-415-05-A.1). Administrative adjustments for (paved or unpaved) trail encroachments into the streamside zone may be approved only when the city planning and development director determines that alternative alignments are not feasible due to topography, the presence of existing structures such as bridges or flood control levees, the inability to acquire property to accommodate other trail alignments, or when that the trail represents the termini of existing trails and trail rights-of-way. Streambanks and natural resource areas affected by allowed encroachments must be stabilized in accordance with the city's Standards, Specifications and Design Criteria, and natural resources must be mitigated in accordance with 88-415-07-C and 88-415-08-B.4.

#### **88-570-02-J. NONCONFORMITIES**

The city planning and development director is authorized to approve an administrative adjustment

allowing expansion of a nonconforming use into another part of the same building, in accordance with Section 88-610-04-C.

#### **88-570-02-K. SIGNS**

The city planning and development director is authorized to approve an administrative adjustment to allow an electronic, digital or motorized wall sign that is directed toward the interior of a site that is at least 3 acres and that meets each of the following standards:

1. The sign is not visible from any other site or any right of way.
2. The design of the sign is compatible with the design of the development and the other existing signs on the site.
3. The sign will not negatively impact the use or enjoyment of any other property.

#### **88-570-03 APPLICATION FILING**

Complete applications for administrative adjustments must be filed with appropriate personnel in the city planning and development department.

#### **88-570-04 REVIEW AND DECISION-CITY PLANNING AND DEVELOPMENT DIRECTOR**

The city planning and development director must review each application for an administrative adjustment and act to approve the application, approve the application with conditions, deny the application, or refer the application to the board of zoning adjustment. The city planning and development director's decision to approve or deny must be based on the approval criteria of 88-570-05. If referred to the board of zoning adjustment, the matter must be processed as a zoning variance request in accordance with 88-565.

#### **88-570-05 APPROVAL CRITERIA**

Administrative adjustments may be approved by the city planning and development director only when the city planning and development director determines that any specific approval criteria associated with the authorized administrative adjustment and the following general approval criteria have been met:

**88-570-05-A.** the requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning and development code, including the intent statement of 88-570-01;

**88-570-05-B.** the requested administrative adjustment will have no appreciable adverse impact on the health, safety, or general welfare of surrounding property owners or the general public; and

**88-570-05-C.** any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

#### **88-570-06 CONDITIONS OF APPROVAL**

In granting an administrative adjustment, the city planning and development director may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood, and to carry out the stated purpose and intent of this zoning and development code.

#### **88-570-07 - NOTICE AND APPEALS**

**88-570-07-A.** In the event an owner, or its representative, of property located within 300 feet of the subject property of an administrative adjustment has submitted in writing to the city planning and development director a request for notice of a director's decision on a currently pending application or

future application of an administrative adjustment for the subject property, the city planning and development director shall provide written notice of such decision to such property owner. The written request for notice submitted by or on behalf of a property owner must identify the subject property, the name of the property owner requesting notice, the property owned by such property owner located within 300 feet of the subject property, and the address of the property owner to which notice of the director's decisions is to be sent. Any such request for notice by or on behalf of a property owner shall expire one year following the submittal of such request to the planning and development director; provided that such property owner may submit another request for notice in the manner as provided in this section.

**88-570-07-B.** Final decisions of the city planning and development director may be appealed to the board of zoning adjustment by any person aggrieved by the decision by filing a notice of appeal with the city planning and development director. Appeals must be filed within the later of 15 calendar days of the date of the city planning and development director's decision or, if applicable, 15 calendar days of the date notice of such decision has been provided by the director in accordance with Section 88-570-07-A. Appeals of decisions on administrative adjustments will be heard by the board of zoning adjustment as zoning variance requests.

#### **88-570-08 REPORTING**

The city planning and development director must provide a report to the board of zoning adjustment on a regular basis describing the number, nature and disposition of administrative adjustment requests acted on by the city planning and development director since the last report was given to the board of zoning adjustment.

Section 2. That the following amount is hereby appropriated from the Unappropriated Fund Balance of the Development Services Fund, Fund No. 2210, to the following account:

23-2210-071866-B	Ener-Gov	\$36,000.00
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Section 3. That the Director of General Services is designated as requisitioning authority for Account No. 23-2210-071866-B.

Section 4. Section 1 of this ordinance shall become effective September 12, 2022.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

Sarah Baxter  
Assistant City Attorney