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ORDINANCE NO. 250711

Sponsor: Mayor Quinton Lucas

Enacting a new Chapter 52, Code of Ordinances, containing Sections 52-1 to 52-9 to provide for the regulation of surface parking lots in the City's entertainment districts and Central Business District Area, 18th & Vine, the Country Club Plaza, Westport and Crossroads, and providing for a delayed effective date.

WHEREAS, the City recognizes that unsecured "Surface Parking Lots" are locations where occurrences of crime are more likely, including acts of violence, vandalism of vehicles, theft of vehicles or property inside vehicles, disorderly conduct, and other threats to the security of persons and property;

WHEREAS, safety and security of visitors to the City's entertainment districts and other areas including the Central Business District Area, 18th & Vine, Country Club Plaza, Westport and Crossroads is important to the continued viability of these districts and Kansas City;

WHEREAS, the City further recognizes that thefts from vehicles constitute a significant source of illegal firearms, a serious problem that contributes to violent crime in Kansas City;

WHEREAS, this problem is particularly acute in areas that attract large numbers of visitors, attendees at special events, conventions, patrons of bars and restaurants, and in districts with high population or employment density;

WHEREAS, research and experience demonstrate that unsecured surface parking lots lacking adequate lighting, fencing, surveillance, or management oversight create conditions that invite criminal activity and decrease the perception of safety for patrons and surrounding communities;

WHEREAS, calls for service at unsecured surface parking lots, including thefts, assaults, and shootings, place a significant strain on limited public safety resources and divert law enforcement from proactive crime prevention efforts; and

WHEREAS, instituting permit requirements for all properties defined as "Surface Parking Lots," and providing greater oversight of the issuance and renewal of permits for such facilities, is likely to significantly reduce the threat to health, safety, and security of parking patrons and the public; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 52, Code of Ordinances, is hereby enacted to read as follows:

Sec. 52-1. Title of chapter; delegation of duties by director of city planning and development.

(a) This chapter shall be known as the surface parking lot code and may be cited as such.

(b) Responsibilities of the director of city planning and development under this chapter may be performed by authorized representatives of the director.

Sec. 52-2. Purpose and scope of chapter.

(a) The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the permitting of all surface parking lots within the city.

(b) The regulations of this chapter are not intended to permit any violations of the zoning ordinance or any other applicable ordinances.

Sec. 52-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

18th and Vine means the area bounded by 17th Terrace on the north, Woodland on the east, 19th Street on the south, and Paseo Boulevard on the west.

Central Business District Area means the area generally described as the area between the Missouri River on the north, Broadway on the west, Holmes on the east and Pershing Road on the south. The Central Business District Area includes the public areas on both sides of the named boundaries.

Country Club Plaza means the area of the city included within the following general boundaries: Summit Street, Jefferson Street, and Pennsylvania Avenue on the west; W 47th Street, W 46th Street, and W 46th Terrace on the north; Broadway, Wyandotte Street, and JC Nichols Parkway on the east; and Ward Parkway on the south and more specifically portrayed by Exhibit A in Section 88-810-395.

Crossroads Area means the area of the city included within the following boundaries: Truman Road on the north, Troost Avenue on the east, the Kansas City Terminal Railway tracks on the south, and by Broadway Avenue between Truman Road and Southwest Boulevard and by Interstate 35 between Southwest Boulevard and the Kansas City Terminal Railway tracks on the west.

Director means the director of the department of city planning and development unless the context clearly indicates otherwise.

Entertainment District means an urban mixed-use project containing not less than 200,000 gross leasable square feet of space intended for retail, entertainment, shopping and restaurant purposes, all within 2500 feet of a convention facility owned or operated by the City within an area designated as a development area under Sections 99.915-99.980, RSMo, and which is zoned as an urban redevelopment district (URD) or a project within an area designated as a redevelopment area under Section 99.800-99.865, RSMo, containing a multipurpose arena with approximately 18,000 to 20,000 seats.

Motor vehicle means an automobile, truck, motor scooter, motorcycle, motor tricycle or any other self-propelled motor vehicle.

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Owner means any person, partnership, limited liability company, corporation, or other firm, or governmental agency properly regulated by the city that alone, or jointly or severally with others:

(1) Shall have legal title to any building, structure or parcel of ground, or part thereof with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any building, structure or parcel of ground, or part thereof, as agent, employee or personal representative of the person or entity having legal title to the building or structure, or part thereof.

Security incident means any incident on the premises of a Surface Parking Lot that results in criminal harm to any person, vandalism of vehicles, theft of vehicles or property inside vehicles, discharging of firearms, or any other incidents that threaten the health, safety, and welfare of the public.

Security lighting means artificial lighting producing a minimum of 2.0-foot candles in horizontal luminance and 1.0-foot candles in vertical luminance, and a maximum to minimum uniformity ratio of 5:1.

Surface parking lot means any plot, piece, or parcel of land that has no building or structure above, and upon which a business is conducted of storing motor vehicles for a fee.
This includes all spaces, aisles, access drives and landscaped areas. Surface parking lots may be exempt from the requirements in this chapter if they meet (1), (2) and (3) or if they solely meet (4):

(1) No fee charged to park; and

(2) The lot is adjacent to a business establishment; and

(3) The lot is provided for the exclusive use and convenience of persons doing business with the adjacent establishment or

(4) If the lot is continuously monitored (no less than twenty-four hours per day) by on-site security personnel or by closed-circuit video monitoring carried out in real time by security personnel located at a security station i) that is located within the 911 service area of the City, ii) that is located within a facility whose security technologies have received Certification by the United States Department of Homeland Security under the Support Anti-Terrorism by Fostering Effective Technologies Act (the "SAFETY Act") and iii) that contains sufficient equipment and connection to immediately engage the 911 system or other direct emergency dispatch system implemented by the Kansas City Police Department shall be deemed to be in compliance with the requirements for surface parking lots set forth in this chapter.

Westport Area means the area of the city bounded by the following described perimeter: beginning at the intersection of W. 43rd Street and Madison Avenue, then north along Madison Avenue and Southwest Trafficway, then east along W. 40th Street, then north along Washington Street, then east along W. 39th Street, then south along Baltimore Avenue, then southwest along Archibald Street, then southeast along Central Street, then south along Baltimore Avenue, then west along W. 43rd Street to the point of beginning.

Sec. 52-4. Permit required in entertainment districts and other areas.

(a) No person, firm or corporation shall operate or maintain a surface parking lot in an

Entertainment District, the Central Business District Area, 18th and Vine, Country Club Plaza, the Crossroads Area or the Westport Area without first obtaining a surface parking lot permit from the director.

(b) A surface parking lot permit shall be required for each surface parking lot location, even a location within another business operation. This permit shall be in addition to any other permit or license required by other local, state, or federal government agencies. No permit shall be issued for any business seeking to operate at a location prohibited by any applicable local, state, or federal law, statute, ordinance, rule, or regulation. Every individual, firm, corporation, partnership, organization, or association holding a surface parking lot permit as required under this chapter shall post the permit in a conspicuous place and manner on the premises.

(c) The director may waive one (1) or more of the surface parking lot requirements described in this section if he concludes that the parking lot owner can show that the requirements impose a hardship due to an inability to make reasonable use of the property for parking, or impose a hardship on adjacent properties, or that they eliminate access to a public right-of-way. The director may rescind this waiver if facts arise that reasonably affect their conclusion. Hardship should be unique to the affected parking lot, not just due to ordinary inconvenience, difficulty, or maximizing the number of parking spaces, and should not generally apply to other properties.

(d) Notwithstanding any provision to the contrary, any property owner or lessee, may apply for a temporary construction surface parking lot permit for a property that is temporarily being used for parking in connection with an adjacent construction project, as determined by the director, for which a valid building permit with an estimated cost greater than three hundred thousand dollars ($300,000.00) has been issued. Such temporary construction surface parking lot permits shall be valid for six (6) months at a time and can be renewed up to two (2) times during active construction of an adjacent project. In no event can a temporary construction surface parking lot be permitted for longer than a total of eighteen (18) months unless the director approves an extension. The application for a temporary construction surface parking lot permit must address and meet the requirements outlined in Section 52-5(b)(9) - (12). The temporary construction surface parking lot permit shall expire thirty (30) days after substantial completion of the construction project

Sec. 52-5. Permit application.

(a) Application for a surface parking lot permit may be made by the person intending to operate the surface parking lot upon forms furnished by the director and shall set forth the following information:

(1) The name under which, and the place where, the surface parking lot is to be operated;

(2) Whether the applicant is an individual, partnership or corporation; if an individual, the name and business and residence of the applicant; if a partnership, the name and business and residence address of each partner; if a corporation the name, date and state under which such corporation was organized, the names and business addresses of the officers, manager-in-charge, and directors thereof;

(3) Whether the premises are owned or leased by the applicant, and if leased, the name and residence and business address of each owner or partner thereof;

(4) The vehicle capacity and hours of operation of the surface parking lot;

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(5) The hours, if any, during which an attendant will be on duty, and any other information deemed necessary by director and not inconsistent with this chapter;

(6) The signature(s) of the owners of the property, the signature(s) of the lessors of the property, and the signature(s) of the parking lot operators must appear on the application;

(7) Documentation describing how all of the requirements in Section 52-5.A Surface parking lot requirements will be addressed.

(b) Permit applications must include a site plan and/or other documentation to demonstrate compliance with the following requirements:

(1) A perimeter fence extending along abutting public streets/alleys between every vehicle entry/exit and pedestrian ingress/egress opening. Vehicle entry/exit must be no wider than twenty (20) feet each. Pedestrian ingress/egress must be no wider than six (6) feet. Perimeter fences must have a height of at least four (4) feet, open at least eighty (80) percent (i.e., no more than twenty (20) percent opaque), and constructed of aluminum, steel or other decorative metal. Other permitted options shall include a continuous masonry barrier, or bollards spaced no more than twelve (12) inches apart, or landscaped mounds. Permitted options must be at least three (3) feet in height and capable of deterring trespassing vehicles and pedestrians.
For any new surface parking lot constructed after the effective date of this chapter, or any existing surface parking lot that currently has no perimeter fence in compliance with this chapter, no chain link fencing is permitted along any public street or alley except for temporary lots adjacent to an active construction project. No additional barrier higher than six inches is allowed along or adjacent to a perimeter fence.

(2) No surface parking lot may operate outside of hours of operation approved by the Director.

(3) Landscaping shall be free of weeds, trash and debris and be well maintained at all times.

(4) Paving and striping must be in good condition.

(5) Security lighting must be present and functioning during all non-daylight hours. A perimeter fence extending along abutting public streets/alleys between every vehicle entry/exit and pedestrian ingress/egress opening.

(6) Surfaces shall be free of potholes, large cracks, and standing water.

(7) Signage must have the address of the surface parking lot, the hours of operation for the surface parking lot, the phone number of its management company and/or owner, and the amount to be charged for parking. A local contact must be provided, in addition to the address and phone number of any out-of-town owner/operator.

(8) The property owner/lessee must have an occupancy permit and a business license. The occupancy permit will list the approved hours of operation.

(9) All lots must be cleaned of trash, glass, and other debris before opening the following day. An owner, operator, or lessee applying for a temporary construction surface parking lot permit is not

required, for the purposes of a temporary permit, to meet requirements 2, 3, 4, 5, 6, 7, 8, 9, and 10.

(10) The property owner/lessee must provide a certificate of insurance showing at least one million dollars ($1,000,000.00) of commercial general liability insurance (updated copy sent to the Building Division annually).

(11) Security video surveillance system capable of producing retrievable images and videos, and positioned to view the surface parking lot's points of vehicular entrance, exit, and able to view all parked vehicles.

(12) Entry and exit by vehicles shall only be possible: a) when an attendant on duty allows entry or exit, or b) by means of a security access gate system that restricts unauthorized entry and exist, whether or not connected to automated payment system.

(c) Each permit application must be reviewed by the Kansas City Police Department to evaluate the adequacy of security measures to be implemented.

Section 52-6. Permit issuance, denial or revocation.

(a) *Fee*. The fee for a surface parking lot permit application is $110.00.

(b) *Revocation or denial of renewal*.

(1) The director may revoke an existing permit or deny renewal of a permit if any of the following deficiencies or conditions exist:

a. The property is included on the City's list of nuisance properties.

b. The surface parking lot is not being operated in compliance with the surface parking lot requirements described in Section 52-5.

c. The physical improvements to the surface parking lot have deteriorated or are damaged and no longer function properly.

(2) If any of the above deficiencies or conditions have been determined to exist by the director, a letter of warning shall be sent to the permit holder for the surface parking lot no later than thirty (30) days prior to a proposed revocation or denial of renewal of the permit. In the event that the permit holder fails to adequately address the deficiencies or conditions described in the letter of warning, the director shall hold an administrative hearing to determine if the permit shall be revoked or renewal should be denied.

(3) If a permit is revoked by the director, the permit holder may not apply for a new permit for the same surface parking lot for a period of three (3) months.

(c) *Appeal*. If the director revokes a permit or denies a new or renewal application, such permittee or applicant may appeal such decision to the building and fire codes board of appeals in the manner provided in Section 18-12.

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Sec. 52-7. Inspections.

(a) *Annual inspection*. The director shall make or cause to be made an inspection at least once a year of every surface parking lot. The director is hereby empowered to make such inspections, to appoint designated inspectors to make said inspections, and all surface parking lots shall be open to the inspections of the director or their designee(s), as well as any member of the police department, at any time during the hours allowed by business and other reasonable times. The director shall maintain a record of security incidents taking place on the lot and include it with the inspection report.

(b) *Fee*. The fee for an annual inspection is $50.00. Parking lots having more than twenty (20) spaces shall be charged an additional inspection fee for each twenty (20) spaces or portion thereof. A fee of $50.00 shall be charged for each additional inspection required.

Sec. 52-8. Authority to prescribe additional rules and regulations.

The director shall have the power to promulgate regulations as may be necessary and feasible for the carrying out the intent of this chapter that are not inconsistent with the other provisions of this chapter. The rules and procedures shall be in writing and kept on file in the office of the director. In addition, all current surface parking lot permit holders will be promptly notified by certified mail and email of any changes.

Sec. 52-9. Enforcement of chapter.

(a) *Violations; penalty*. It shall be unlawful for any owner to operate or maintain any surface parking lot without a surface parking lot permit. Upon conviction thereof, such person shall be punished by a fine of not more than $500.00, imprisonment for not more than six months, or both such fine and imprisonment. Each day a surface parking lot is operated in violation of this chapter or any provision thereof shall constitute a separate offense.

(b) *Appeals*. Any decision of the director in the enforcement of this chapter shall be subject to appeal to the building and fire codes board of appeals in the manner provided in Section 18-12.

(c) *Right of entry*. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause to believe that there exists any condition which makes the surface parking lot unsafe, dangerous or hazardous or there exists a violation of this chapter, the director may enter upon the premises at all reasonable times to inspect or to perform any duty imposed upon the director, provided that the director shall first request entry to inspect any area not properly open to the director.

Section 2. This ordinance will be effective nine (9) months after its passage.

Approved as to form:

Eluard Alegre
Associate City Attorney

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