

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 241093

title

Sponsor: Director of City Planning and Development Department

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-516-06, Amendments to Development Plans or Project Plans, and enacting in lieu thereof a new section of like number and subject matter for the purpose of expanding the types of amendments that can be approved administratively. (CD-CPC-2024-00140)

body

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances is hereby amended by repealing Section 88-516-06-A, and enacting in lieu thereof new section of like number and title, with said new section to read as follows:

88-516-06 AMENDMENTS TO DEVELOPMENT PLANS OR PROJECT PLANS

88-516-06-A. MAJOR AMENDMENTS

1. Major amendments to approved development plans or project plans must be reviewed and approved in accordance with the development plan or project plan review procedures of this ordinance. Major amendments to development plans or project plans include one or more changes, in cumulative total (when compared to the original plan approval), that would:

a. increase building coverage by more than 10%;

b. increase the total floor area by more than 10%, provided that such increased floor area does not add an entire floor to the proposed building or add floor area in portions of the proposed building that were the subject of setback or step-down conditions in the development plan as previously approved by Council.
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c. increase building height by more than 10% or 15 feet, whichever is less, in all zoning districts except M, whichever is less provided, that: (i) the height increased through a

minor amendment process may not rely upon a further increase in overall height for parapet walls and false mansards that further extend the actual height as otherwise permitted in Section 88-820-13-B.1; (ii) measurements of height for this purpose may only be the lower of curb level or established or mean street grade if no curb exists, and not the average finished ground level adjoining the building as otherwise an option in Section 88-820-13-A; (iii) this provision to increase height as a minor amendment may only be used once for any proposed building, and not sequentially or multiple times; (iv) the amended height does not exceed the recommended height of any applicable area plan; and (v) the additional height will not add an entire floor unless the building as proposed to be modified is less than the recommended height of any applicable area plan.

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- d. increase building height by more than 10% in an M zoning district within 500 feet of a R zoning district;
- e. increase the total impervious surface coverage by more than 10% or 10,000 square feet in an M zoning district within 500 feet of an R zoning district, whichever is less;
- f. increase the total impervious surface coverage by more than 10% in a M zoning district for properties not within 500 feet of a R zoning district;
- g. increase the total impervious surface coverage by more than 10% in all other zoning districts.
- h. result in extensive site modification involving location of buildings, razing, and reconstruction of approved uses;
- i. increase the number of dwelling units by more than 10%; ~~or~~
- j. result in any other change that the city planning and development director determines will have impacts that warrant full review of the application in accordance with the development plan review procedures~~as~~

- k. result in any change inconsistent or contrary to conditions to the development plan previously approved by Council, that were requested or negotiated for by City registered neighborhood associations or civic organizations as evidenced in the public record of the approval of the prior development plan; or
- l. disregard the written objections of at least one Councilmember in whose district such proposed development is to be located.

The city planning and development director shall provide written notice to each of the two Councilmembers of the district where the proposed development is located. The notice shall describe the nature of the proposed changes requested by the developer and the basis of treating the amendment of the development plan as a minor amendment without public engagement. The notice will be sent within five business days of receipt by the director of the request from the developer for amendments to the development plan. A copy of such notice to Councilmembers will also be simultaneously provided to the city registered neighborhood association in which the proposed development is located. Such Councilmembers shall have fifteen days from receipt of such notice from the director to object. If such an objection is made by either of such Councilmembers, then public engagement will occur on such the proposed amendment to the development plan, with city staff in attendance at such public engagement. Thereafter, the director may either (i) submit the minor amendment to the development plan to the City Plan Commission for a public hearing with such objection noted in the staff report provided to the City Plan Commission, or (ii) follow the process of a major amendment to a development plan.

88-516-06-B. MINOR AMENDMENTS

Any application for an amendment to an approved development plan or project plan that does not meet the criteria for a major amendment will be considered a minor amendment. Minor amendments may be approved by the city planning and development director. A minor amendment may include a change in an approved phasing plan.

88-516-06-C. PLAN AMENDMENT - MULTIPLE OWNERS

In the case of a plan amendment with multiple owners, a single property owner may initiate the application to amend the plan if:

1. The amendment to the plan does not adversely affect the remaining parcels within the plan boundaries as to density, parking, setbacks, or other similar factors as provided in the rules and regulations of the city plan commission; and
2. The applicant property owner has notified all other property owners within the plan boundaries, in the form and manner adopted by the city plan commission and by certified mail, and has received no written objection to such amendment within 30 days after the date such notice is mailed.

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 law have been given and had.

end

I hereby certify that as required by Chapter 88, Code of Ordinances, the forgoing ordinance was duly advertised and public hearings were held.

Sara Copeland, FAICP

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter

Senior Associate City Attorney

