



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230936

Submitted Department/Preparer: City Planning

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

This is an amendment to the zoning and development code proposed by the Law Department as part of a settlement of a lawsuit.

Discussion

Under federal law the city must provide reasonable accommodation to all persons with a disability when such persons formally request such. The city does comply with this as a matter of practice, however the zoning and development code contain no language outlining the request process or expressly authorizing the city planning and development director to grant relief from standards of the zoning and development code if such relief is necessary to provide the reasonable accommodation requested. This amendment provides such a process and authorizes the director to grant relief when necessary to provide accommodation. It also clarifies the definition of group living so that it matches federal law. The existing definition of group home states that group homes are for disabled persons but expressly excludes alcoholics and drug addicts (who are not actively using) which is in conflict with federal law because both are considered disabilities.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
None identified.
3. How does the legislation affect the current fiscal year?
Unknown.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Unknown. While CPD staff currently provide reasonable accommodation it is typically in the form of providing the accommodation during a public hearing, rather than for relief from a zoning standard and is done informally (i.e. no

records are collected, no application form, etc.). The typical process for obtaining relief from a zoning standard is pursuing a variance from the Board of Zoning Adjustment, which is an approximately 5 week process from beginning to end. The applicant must prove hardship or practical difficulty to obtain the variance. A disabled person requiring such relief would usually receive the variance due to their being disabled. It is possible, though unlikely, this will result in an increased workload for CPD and we are not permitted to collect a fee for this service.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No. It is CPD's understanding that federal law prohibits us from collecting a fee for this service.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

There is no account string to verify as this ordinance has no fiscal impact.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Maintain and increase affordable housing supply to meet the demands of a diverse population
 - Broaden the capacity and innovative use of funding sources for affordable housing
 - Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
 - Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
 - Address the various needs of the City's most vulnerable population

- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation

None.

Service Level Impacts

The amendment would formalize the existing accommodations process, providing for an application procedure for requesting reasonable accommodation and require the department to retain certain records regarding such requests. This will increase workload for the department, but the extent to which it will affect the department's service delivery is unknown. Such provisions are not customary in other city's zoning codes so it is not something easily compared.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Unknown.
2. How have those groups been engaged and involved in the development of this ordinance?
This is an amendment initiated from the settlement of a lawsuit.
3. How does this legislation contribute to a sustainable Kansas City?
Unknown.
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:
[Click or tap here to enter text.](#)
5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)