



## Agenda

### Neighborhood Planning and Development Committee

Lee Barnes Jr., Chair  
Andrea Bough, Vice Chair  
Dan Fowler  
Brandon Ellington  
Teresa Loar

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Wednesday, September 14, 2022

1:30 PM

26th Floor, Council Chamber

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<https://us02web.zoom.us/j/84530222968>

#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

\*\*\*Public Testimony is Limited to 2 Minutes\*\*\*

#### [220733](#)

Approving an amendment to a previously approved development plan in District B3-2 on approximately 1.07 acres generally located at 7841 N. Oak Trafficway to allow construction of Express Oil Change and Tire Engineers. (CD-CPC-2022-00119)

**Attachments:** [Fact Sheet](#)

#### [220734](#)

Vacating a portion of Jefferson Street north of West 25th Street to its terminus at the Kansas City Terminal Railway in District M1-5 (Manufacturing) to allow for the construction of a new mixed use district; and directing the City Clerk to record certain documents. (CD-ROW-2022-00001)

**Attachments:** [CD-ROW-2022-00001 Factsheet](#)

**Robinson**

[220743](#) RESOLUTION - Directing the City Manager to develop a plan to expedite affordable housing development by clearing titles on City-owned vacant properties intended for sale and/or development; and report back to the Council in 90 days.

**Attachments:** [No Fact Sheet - Resolution](#)  
[Fiscal Note - TEMP ordinance 220743](#)

[220744](#) Acknowledging that the twenty-three year statutory period for the capture of tax increment allocation financing within the Project 1 of the 22nd & Main Tax Increment Financing Plan has expired; and terminating the designation of Project 1 of the 22nd & Main Tax Increment Financing Plan as a redevelopment project therein; and directing the City Clerk to send copies of this ordinance to Clay County.

**Attachments:** [22nd Main Project 1 Fact Sheet - Updated](#)

[220746](#) Approving the Front Street Infill PIEA General Development Plan on approximately 88 acres (20 parcels), in an area generally bordered by the Missouri river on the north, railroad tracks on the south, I-435 on the east and Chouteau Trafficway on the west and declaring said area to be blighted and in need of redevelopment and rehabilitation. (CD-CPC-2022-00063)

**Attachments:** [No Fact Sheet](#)  
[Front Street Infill PIEA Presentation PIEA 6-21-22](#)  
[Historic NE Lofts PIEA Presentation PIEA 6-21-22](#)

[220747](#) Approving the Historic Northeast Lofts PIEA General Development Plan on about 22 acres (3 parcels), generally located at the southeast corner of Independence Avenue and Hardesty Avenue. (CD-CPC-2022-00064)

**Attachments:** [No Fact Sheet](#)  
[Historic NE Lofts PIEA Presentation PIEA 6-21-22](#)

**Fowler**

[220749](#) RESOLUTION - Amending the KCI Area Plan by amending the Proposed Land Use Plan and Map for an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue by changing the recommended land use designation from "Agricultural Residential / Residential Very Low Density" to "Residential Medium." (CD-CPC-2022-00106)

**Attachments:** [No Fact Sheet - Resolution](#)

**Fowler**

[220750](#) Rezoning an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue from AG-R (Agricultural Residential) to R-5 (Open Space) (Residential - 5 Open Space) and approving a Development Plan for the same which also serves as a preliminary plat to allow for the creation of 138 single-unit homes on individual lots and 9 tracts. CD-CPC-2022-00105 and CD-CPC-2022-00104.

**Attachments:** [No Fact Sheet](#)

[210348](#) Establishing the Economic Development Oversight Board, also known as the Super Board, to coordinate policies between various economic development entities; and establishing an effective date.

**Attachments:** [210348 No Fact Sheet](#)  
[210348 Fiscal Note](#)

REFERRED FROM TRANSPORTATION, INFRASTRUCTURE AND OPERATIONS COMM.

[220581](#) Authorizing the Director of Public Works to execute 10 - year a Site License Agreement with Evergy Metro, Inc., to install, operate and maintain Level Two Electric Vehicle Supply Equipment stations (EVSE) attached to City streetlight poles in the public right of way.

**Attachments:** [220581 Fact Sheet](#)  
[Fiscal Note - 220581](#)

[220621](#) Authorizing the Director of Public Works to execute a Franchise Agreement with Spire Missouri, Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri.

**Attachments:** [220621 Fact Sheet](#)  
[220621 Fiscal Note](#)

**Fowler**

[220693](#) Amending Chapter 62, Article II of the Code of Ordinances entitled Solid Waste, by repealing Section 62-41, "Residential refuse collection - Eligibility," and enacting in lieu thereof a new section of like number and subject matter which amends residents eligible for residential refuse collection.

**Attachments:** [220693 No Fact Sheet](#)  
[220693 Fiscal Note](#)

**Robinson**

[220702](#) Directing the City Manager to update the Trails KC Plan to include additional neighborhood connections and update the Five-Year Prioritization Plan that aligns with the City's business plan and equity goals to guide future capital improvement planning and federal grant applications.

**Attachments:** [220702 No Fact Sheet](#)  
[220702 Fiscal Note](#)

HELD IN COMMITTEE

[220612](#) Amending Chapter 18, Code of Ordinances, by repealing Sections 18-10, Unsafe structures and equipment, 18-20, Fees, and 18-21, Inspections, and enacting in lieu thereof new sections of like number and subject matter to update the City's periodic building inspection protocols and conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950.

**Attachments:** [fact sheet](#)

[220638](#) Amending the Main Corridor Overlay District, which was created by Committee Substitute for Ordinance No. 171037 and includes design and use regulations for property generally located along Main Street from 27th Street on the north to Emanuel Cleaver II on the south, to permit a drive-through restaurant to be redeveloped with dual drive-through lanes. (CD-CPC-2022-00048).

**Attachments:** [CD-CPC-2022-00048 Fact Sheet - Text Amendment](#)

[220698](#) **Lucas, Bunch, Bough, Parks-Shaw and Robinson**  
Amending Chapter 88, Zoning and Development Code, by enacting new sections to be known as Sections 88-305-15, Accessory Dwelling Units, and 88-810-005, Accessory Dwelling Unit, for the purpose of establishing regulations for accessory dwelling units to provide housing choice while preserving the character of neighborhoods.

**Attachments:** [ADU Ordinance Factsheet](#)  
[01 ADUs CPC Staff Report \(2\)](#)

**Lucas, Robinson and Parks-Shaw**

- 220701** Establishing administrative processes for awarding standard incentive packages to residential, office, and industrial developments that meet certain criteria and directing the City Manager and the Director of Finance to take certain acts to implement the standard incentive packages. \*\*Request to hold until September 28, 2022\*\*

**Attachments:** [No Fact Sheet](#)

[Attachment A. Minimum Standard Incentive Packages 2022-2027 with maps 8.15.2022 Committee Sub 220701 Compared Version 220701 20220822 - Stokes - KC tax subsidies](#)

- 220722** Amending Ordinance No. 190328 by repealing Condition 16 contained in Section B, which required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development, because the developer no longer has access to public water mains. (CD-CPC-2018-00229)

**Attachments:** [CD-CPC-2018-00229 Fact Sheet 2022](#)

- 220730** Approving the Main Street - ABC/35 Block Urban Renewal Area Plan on approximately 2.4 acres generally located at 3244 Main and 3634 Main Street; and declaring said area to be blighted and in need of redevelopment and rehabilitation. (CD-CPC-2022-00094)

**Attachments:** [No Fact Sheet](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.

2. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org). Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: [http://kansascity.granicus.com/ViewPublisher.php?view\\_id=2](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.



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**File #: 220733**

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ORDINANCE NO. 220733

Approving an amendment to a previously approved development plan in District B3-2 on approximately 1.07 acres generally located at 7841 N. Oak Trafficway to allow construction of Express Oil Change and Tire Engineers. (CD-CPC-2022-00119)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District B3-2 (Community Business (dash 2)) on approximately 1.07 acres generally located at 7841 N. Oak Trafficway, and more specifically described as follows:

All that part of Tract B, of the Certificate of Survey of Lot 2, Grey Oaks Commons, a subdivision in Kansas City, Clay County, Missouri, recorded June 28, 2004, as Document No. S-79425 in Survey Cabinet F, at Sleeve 129; except that part thereof replatted as Casey's General Stores, a subdivision, recorded December 14, 2012, as Document No. 2012048579 in Plat Cabinet H in Sleeve 50.

is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.

5. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
6. All roof and ground mounted mechanical/utility equipment must be screened in accordance with Section 88-425-08
7. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
8. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
9. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
10. The developer shall grant a BMP Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
11. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
12. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
13. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
14. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)

15. Prior to issuance of any building permits, the developer shall provide storm sewer plan/profile and detail sheets that include 1% and 10% HGL in profiles, also show the 1% overland flow path where not conveyed in the pipe network as applicable.
16. Prior to issuance of any building permits, provide a drainage map showing drainage areas and improved storm drainage systems and storm drainage design calculations table in plan set.
17. The developer shall manage stormwater runoff quality with BMPs, do not increase pollutant discharges that could potentially violate City's MS4 permit. Follow MARC BMP Manual.
18. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.
19. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
20. Please note the 8" water main in N. Oak Trafficway is slated for replacement in the next year or two. No anticipated issues or concerns.
21. Please label the 8" & 16" mains along N. Oak Trafficway.
22. Please confirm the correct location of Sewer Manhole # N-113 located near the SE corner of the property.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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 the Zoning Ordinance have been given and had.

..end

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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  
Senior Associate City Attorney

# COMMUNITY PROJECT/REZONING

## 220733

### Ordinance Fact Sheet

Ordinance Number

**Case No.** CD-CPC-2022-00119

#### Brief Title

The applicant is seeking approval of a major amendment to a previously approved development plan to allow construction of 5,664 square foot Express Oil Change and Tire Engineers facility on about 1.07 acres generally located at 7841 N Oak Trfy. (CD-CPC-2022-00119)

#### Details

**Location:** generally located at 7841 N Oak Trfy

**Reason for Legislation:** Development Plans for a Major Amendment to a previously approved plan requires City Council approval

**See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.**

**See attached City Plan Commission Disposition Letter for the Commission’s recommended conditions (if any).**

#### SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- Staff is requesting a Committee Sub to remove conditions #19-21

#### Positions/Recommendations

|   |  |
|---|--|
| <b>Sponsors</b>                                 | Jeffrey Williams, AICP, Director Department of City Planning & Development   |
| <b>Programs, Departments or Groups Affected</b> | 1 <sup>st</sup> District<br>O’Neill & Hall   |
| <b>Applicants / Proponents</b>                  | <b>Applicant</b> Haiden O’Keefe<br>Olsson<br><br><b>City Department</b><br>City Planning & Development<br><b>Other</b>   |
| <b>Opponents</b>                                | <b>Groups or Individuals</b>   |
|   | <b>Basis of Opposition</b>   |
| <b>Staff Recommendation</b>                     | <input checked="" type="checkbox"/> For<br><input type="checkbox"/> Against<br><b>Reason Against</b>   |
| <b>Board or Commission Recommendation</b>       | City Plan Commission 6-0 on 8/16/2022<br>By Allender, Baker, Beasley, Enders, Hill, Roja<br><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken<br><input checked="" type="checkbox"/> For, with revisions or conditions<br>(see details column for conditions) |
| <b>Council Committee Actions</b>                | <input type="checkbox"/> Do Pass<br><input type="checkbox"/> Do Pass (as amended)<br><input type="checkbox"/> Committee Sub.<br><input type="checkbox"/> Without Recommendation<br><input type="checkbox"/> Hold   |

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|--|--------------------------------------|
|  | <input type="checkbox"/> Do not pass |
|--|--------------------------------------|

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|---|------------------------|---|
| <b>Fact Sheet Prepared By:</b><br>Genevieve Kohn<br>Planner | <b>Date:</b> 8/18/2022 | <b>Initial Application Filed:</b> 6/27/2022   |
| <b>Reviewed By:</b><br>Joe Rexwinkle<br>Division Manager    | <b>Date:</b> 8/18/2022 | <b>City Plan Commission Action:</b> 8/16/2022 |
|   |                        | <b>Revised Plans Filed:</b> 8/1/2022          |
|   |                        | <b>On Schedule:</b> Yes                       |
|   |                        | <b>Off Schedule Reason:</b> N/A               |
| <b>Reference Numbers:</b><br>CD-CPC-2022-00119              |                        |   |



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**File #: 220734**

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ORDINANCE NO. 220734

Vacating a portion of Jefferson Street north of West 25th Street to its terminus at the Kansas City Terminal Railway in District M1-5 (Manufacturing) to allow for the construction of a new mixed use district; and directing the City Clerk to record certain documents. (CD-ROW-2022-00001)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 10th day of January, 2022, a petition was filed with the City Clerk of Kansas City by Sam Sahifeld, Olsson, for the vacation of a portion of right-of-way for Jefferson Street, platted as Erie Street as established by A.J. Lloyd's Block 10, a subdivision of land in the Southeast Quarter of Section 7, Township 49 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri recorded as Instrument Number 1866R0010022 in Book 1 at page 22 in the Jackson County Recorder of Deeds Office being bounded and described by or under the direct supervision of Jefferey P. Means P.L.S. 2000147866, as follows: Beginning at the southwest corner of Lot 5 of said A.J. Lloyd's Block 10; thence North 87°26'13" West, 30.00 feet to a point on the existing easterly right of way line of Interstate 35 as now established; thence North 02°20'00" East on said existing easterly right of way line, 298.08 feet; thence North 13°38'42" East on said existing easterly right of way line, 152.95 feet to a point on the west line of Lot 3 of said A.J. Lloyd's Block 10; thence South 02°20'00" West on said west line, also being the west line of Lots 4 and 5 of said A.J. Lloyd's Block 10, a distance of 448.17 feet to the point of beginning, containing 11,194 square feet or 0.26 acres, more or less, giving the distinct description of the right of way to be vacated, and also the names of the persons and corporations

owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said right of way has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That a portion of right-of-way for Jefferson Street, platted as Erie Street as established by A.J. Lloyd's Block 10, a subdivision of land in the Southeast Quarter of Section 7, Township 49 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri recorded as Instrument Number 1866R0010022 in Book 1 at page 22 in the Jackson County Recorder of Deeds Office being bounded and described by or under the direct supervision of Jefferey P. Means P.L.S. 2000147866, as follows: Beginning at the southwest corner of Lot 5 of said A.J. Lloyd's Block 10; thence North 87°26'13" West, 30.00 feet to a point on the existing easterly right of way line of Interstate 35 as now established; thence North 02°20'00" East on said existing easterly right of way line, 298.08 feet; thence North 13°38'42" East on said existing easterly right of way line, 152.95 feet to a point on the west line of Lot 3 of said A.J. Lloyd's Block 10; thence South 02°20'00" West on said west line, also being the west line of Lots 4 and 5 of said A.J. Lloyd's Block 10, a distance of 448.17 feet to the point of beginning, containing 11,194 square feet or 0.26 acres, more or less, be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works, subject to the following conditions:

1. The developer shall relocate facilities, at the developer's expense, owned and operated by Kansas City Missouri Water Services Department.
2. The developer shall retain an easement and protect facilities owned and operated by Evergy.
3. The developer shall retain an easement and protect facilities or relocate facilities, at the developer's expense, owned and operated by ATT.





# COMMUNITY PROJECT/REZONING

## 220734

### Ordinance Fact Sheet

**Case No.** CD-ROW-2022-00001

**Brief Title**

Vacation of Right of Way on Jefferson Street north of West 25<sup>th</sup> Street, to allow for the redevelopment of the site to the east. (CD-ROW-2022-00001)

**Ordinance Number**

**Details**

|  |
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| <p><b>Location:</b> Jefferson Street north of West 25<sup>th</sup> Street to its terminus at the Kansas City Terminal Railway.</p>   |
| <p><b>Reason for Legislation:</b> Vacation of Right of Way requires City Council approval</p>  |
| <p><b>See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.</b></p> <p><b>See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).</b></p> <p><b>SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> |

**Positions/Recommendations**

|   |   |
|---|---|
| <b>Sponsors</b>                                 | Jeffrey Williams, AICP<br>City Planning & Development Director  |
| <b>Programs, Departments or Groups Affected</b> | 4 <sup>th</sup> (Shields & Bunch)   |
| <b>Applicants / Proponents</b>                  | <p><b>Applicant</b> Sam Sahlfeld<br/>Olsson</p> <p><b>City Department</b><br/>City Planning &amp; Development</p> <p><b>Other</b></p>   |
| <b>Opponents</b>                                | <p><b>Groups or Individuals</b><br/>None</p> <p><b>Basis of Opposition</b></p>  |
| <b>Staff Recommendation</b>                     | <p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against</b></p>   |
| <b>Board or Commission Recommendation</b>       | <p>City Plan Commission 5-0 on 8-2-22<br/>By (Allender, Crowl, Enders, Rojas, Sadowski)</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For, with revisions or conditions<br/>(see city plan commission disposition letter for conditions)</p> |
| <b>Council Committee Actions</b>                | <p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>   |

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**Fact Sheet Prepared By:**      **Date:** 8/12/22

Matthew Barnes  
Planner

**Initial Application Filed:** 1/10/22

**Reviewed By:**                      **Date:** 8/12/22

Joseph Rexwinkle  
Division Manager

**City Plan Commission Action:** 8/2/22

**Revised Plans Filed:** 6/20/22

**On Schedule:** N/A

**Off Schedule Reason:** Vacations require consent from outside utility agencies which can take up to several months

**Reference Numbers:**

CD-ROW-2022-00001



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**File #: 220743**

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RESOLUTION NO. 220743

RESOLUTION - Directing the City Manager to develop a plan to expedite affordable housing development by clearing titles on City-owned vacant properties intended for sale and/or development; and report back to the Council in 90 days.

WHEREAS, the City of Kansas City, Missouri, like many jurisdictions nationwide, is in a housing crisis due to the low number of affordable and available housing units; and

WHEREAS, remediating the issue of lack of affordable housing requires a multi-step approach, many of which the City has already implemented; and

WHEREAS, the City desires to expedite the development of affordable units through various means; and

WHEREAS, the clearing of titles is an impediment to timely development; and

WHEREAS, the City should develop a plan to clear titles on City-owned vacant properties intended for sale and/or development as one way to facilitate affordable housing initiatives; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is directed to develop a plan to expedite housing development by clearing titles on City-owned vacant properties intended for sale and/or development, said plan to include:

- a) Cost, with associated funding plan;
- b) Staffing;
- c) Timelines for plan execution;
- d) Public/private collaboration;
- e) A list of City-owned vacant properties with analysis of how the plan assists with the City's blight remediation goals in historically blighted areas; and
- f) Mapping of City-owned vacant lots showing where clusters may exist and a further analysis of a cluster's demographics and other surrounding data (i.e., 311 reports, median household income, walkability, access to public transportation, etc.).

Section 2. That the City Manager is hereby directed to report back to the Council within ninety (90) days of passage of this resolution.

..end

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**No Fact Sheet  
Provided for  
Resolution No.**

**220743**

# LEGISLATIVE FISCAL NOTE

LEGISLATION  
NUMBER:

220743

**LEGISLATION IN BRIEF:**

RESOLUTION - Directing the City Manager to develop a plan to expedite affordable housing development by clearing titles on City-owned vacant properties intended for sale and/or development; and report back to the Council in 90 days.

**What is the purpose of this legislation?**

LEGISLATIVE

*for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank*

**Sections 01-04 should be blank. See section 00 for more information**

NO

Yes/No

NO

Yes/No

NO

Yes/No

NO

Yes/No

**Section 00: Notes:**

*No fiscal impact can be determined at this time*

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

| FUND | DEPTID | ACCOUNT | PROJECT | FY 22-23 BUD | FY 23-24 EST |
|------|--------|---------|---------|--------------|--------------|
|      |        |         |         |              |              |

**Section 02: If applicable, where will new revenues be estimated?**

| FUND | DEPTID | ACCOUNT | PROJECT | FY 22-23 BUD | FY 23-24 EST |
|------|--------|---------|---------|--------------|--------------|
|      |        |         |         |              |              |

**Section 03: If applicable, where will appropriations be increased?**

| FUND | DEPTID | ACCOUNT | PROJECT | FY 22-23 BUD | FY 23-24 EST |
|------|--------|---------|---------|--------------|--------------|
|      |        |         |         |              |              |

**NET IMPACT ON OPERATIONAL BUDGET**

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RESERVE STATUS:

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

| FUND | FUND NAME | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | FY 27-28 | All Outyears |
|------|-----------|----------|----------|----------|----------|----------|----------|--------------|
|      |           |          |          |          |          |          |          |              |
|      |           |          |          |          |          |          |          |              |
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|      |           |          |          |          |          |          |          |              |

TOTAL REV

- - - - -

| FUND | FUND NAME | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | FY 27-28 | All Outyears |
|------|-----------|----------|----------|----------|----------|----------|----------|--------------|
|      |           |          |          |          |          |          |          |              |
|      |           |          |          |          |          |          |          |              |
|      |           |          |          |          |          |          |          |              |

TOTAL EXP

- - - - -

NET Per-YEAR IMPACT

- - - - -

NET IMPACT ( SIX YEARS)

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REVIEWED BY

Michael Ignacio Jr

DATE

9/13/2022



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**File #: 220744**

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ORDINANCE NO. 220744

Acknowledging that the twenty-three year statutory period for the capture of tax increment allocation financing within the Project 1 of the 22nd & Main Tax Increment Financing Plan has expired; and terminating the designation of Project 1 of the 22nd & Main Tax Increment Financing Plan as a redevelopment project therein; and directing the City Clerk to send copies of this ordinance to Clay County.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), the City Council of Kansas City, Missouri, by Ordinance No. 54556, passed on November 24, 1982, and further amended thereafter, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, the Council by passage of Ordinance No. 980230 on March 11, 1998, approved the 22nd & Main Tax Increment Financing Plan ("22<sup>nd</sup> & Main TIF Plan"); and

WHEREAS, Project 1 was approved by passage of Ordinance No. 991058, on August 26, 1999; and

WHEREAS, the twenty-three year statutory period for the capture of tax increment allocation financing within Project 1 of the 22nd & Main TIF Plan has expired; and

WHEREAS, the Commission, at its August 9, 2022 meeting, adopted Resolution No. 8-7-22, which recommends termination of the designation of Project 1 of the 22nd & Main TIF Plan; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the Council hereby acknowledges that the twenty-three year statutory period for the capture of tax increment allocation financing within the Project 1 of the 22nd & Main TIF has expired.

Section 2. That the designation of Project 1 of the 22nd & Main TIF Plan as a redevelopment project is hereby terminated.

Section 3. That the City Clerk is hereby directed to send copies of this ordinance to Jackson County.

..end

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Approved as to form and legality:

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Emalea K. Black  
Associate City Attorney





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**File #: 220746**

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ORDINANCE NO. 220746

Approving the Front Street Infill PIEA General Development Plan on approximately 88 acres (20 parcels), in an area generally bordered by the Missouri river on the north, railroad tracks on the south, I-435 on the east and Chouteau Trafficway on the west and declaring said area to be blighted and in need of redevelopment and rehabilitation. (CD-CPC-2022-00063)

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (“Authority”) did prepare or cause to be prepared the Front Street Infill PIEA General Development Plan and recommended that the Council approve the finding of blight and approve the General Development Plan for the area; and

WHEREAS, the City Plan Commission has reviewed and recommended approval of the finding of blight of the Front Street Infill PIEA General Development Plan on June 21, 2022, as evidenced by its disposition of the case and its written recommendations submitted to the City; and

WHEREAS, Section 100.400, RSMo, authorizes the Council to make a finding that an area is a blighted area and approve a general development plan for such area if the Council finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole; and

WHEREAS, on October 6, 2016, the City did pass Second Committee Substitute for Ordinance No. 160383, as amended, which Ordinance No. 160383, as amended, enacted guidelines on the City’s use of abated and exempted real property taxes in funding economic development projects; and

WHEREAS, Section 9 of Ordinance No. 160383, as amended, provides that notwithstanding the guidelines set forth therein, the Council retains its discretion to authorize the capture and redirection, or abatement or exemption, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the Council declares the area of approximately 88 acres generally located in an area generally bordered by the Missouri river on the north, railroad tracks on the south, I-435 on the east and Chouteau Trafficway on the west, and more specifically described by metes and bounds on Exhibit A attached hereto and incorporated herein by reference, to be a blighted area as defined in Section 100.310, RSMo, and more specifically finds that there is a

predominance of defective and inadequate street layout, insanitary and unsafe conditions, deterioration of site improvements, and the existence of conditions which endanger life and property by fire and other causes in such planning area and as a result of the predominance of those conditions the planning area in its present condition and use constitutes an economic and social liability and a serious menace to the public health, safety, morals, and welfare.

Section 2. That the Front Street Infill PIEA General Development Plan prepared by the Authority and recommended to the Council is intended to and shall affect and be applicable to only the real property specifically described in Section 1 above and is hereby approved. A copy of said General Development Plan is attached to this ordinance and is made a part hereof.

Section 3. That the Council has duly made the findings necessary for compliance with Section 100.300-100.620, RSMo.

Section 4. That the General Development Plan is hereby found to be feasible and in conformance with the general plan for the development of the community as a whole.

Section 5. That the ad valorem tax exemption benefits as authorized in Section 100.570, RSMo, are hereby extended to the plan area to the extent and in the manner as provided for in said General Development Plan, and subject to the execution of a development agreement with the Planned Industrial Expansion Authority of Kansas City, Missouri, and the developer.

Section 6. That pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended, the City Council hereby authorizes the abatement of ad valorem real property taxes to the full extent authorized by Section 100.570, RSMo with respect to any project qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s Economic Development and Incentive Policy, or located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

..end

\_\_\_\_\_

I hereby certify that as required by Chapter 100, RSMo, as amended, all public notices have been given and public hearings held, as required by law.

\_\_\_\_\_  
Secretary, City Plan Commission

Approved as to form and legality:

\_\_\_\_\_  
Emalea Black  
Associate City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220746**



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**File #: 220747**

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ORDINANCE NO. 220747

Approving the Historic Northeast Lofts PIEA General Development Plan on about 22 acres (3 parcels), generally located at the southeast corner of Independence Avenue and Hardesty Avenue. (CD-CPC-2022-00064)

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (“Authority”) did prepare or cause to be prepared the Historic Northeast Lofts PIEA General Development Plan and recommended that the Council approve the finding of blight and approve the General Development Plan for the area; and

WHEREAS, the City Plan Commission has reviewed and recommended approval of the finding of blight of the Historic Northeast Lofts PIEA General Development Plan on June 21, 2022, as evidenced by its disposition of the case and its written recommendations submitted to the City; and

WHEREAS, Section 100.400, RSMo, authorizes the Council to make a finding that an area is a blighted area and approve a general development plan for such area if the Council finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole; and

WHEREAS, on October 6, 2016, the City did pass Second Committee Substitute for Ordinance No. 160383, as amended, which Ordinance No. 160383, as amended, enacted guidelines on the City’s use of abated and exempted real property taxes in funding economic development projects; and

WHEREAS, Section 9 of Ordinance No. 160383, as amended, provides that notwithstanding the guidelines set forth therein, the Council retains its discretion to authorize the capture and redirection, or abatement or exemption, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the Council declares the area of approximately 22 acres (3 parcels) generally located in at the southeast corner of Independence Avenue and Hardesty Avenue, and more specifically described by metes and bounds on Exhibit A attached hereto and incorporated herein by reference, to be a blighted area as defined in Section 100.310, RSMo, and more specifically finds that there is a predominance of defective and inadequate street layout, insanitary and unsafe conditions, deterioration of site improvements, and the existence of

conditions which endanger life and property by fire and other causes in such planning area and as a result of the predominance of those conditions the planning area in its present condition and use constitutes an economic and social liability and a serious menace to the public health, safety, morals, and welfare.

Section 2. That the Historic Northeast Lofts PIEA General Development Plan prepared by the Authority and recommended to the Council is intended to and shall affect and be applicable to only the real property specifically described in Section 1 above and is hereby approved. A copy of said General Development Plan is attached to this ordinance and is made a part hereof.

Section 3. That the Council has duly made the findings necessary for compliance with Section 100.300-100.620, RSMo.

Section 4. That the General Development Plan is hereby found to be feasible and in conformance with the general plan for the development of the community as a whole.

Section 5. That the ad valorem tax exemption benefits as authorized in Section 100.570, RSMo, are hereby extended to the plan area to the extent and in the manner as provided for in said General Development Plan, and subject to the execution of a development agreement with the Planned Industrial Expansion Authority of Kansas City, Missouri, and the developer.

Section 6. That pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended, the City Council hereby authorizes the abatement of ad valorem real property taxes to the full extent authorized by Section 100.570, RSMo with respect to any project qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s Economic Development and Incentive Policy, or located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

..end

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I hereby certify that as required by Chapter 100, RSMo, as amended, all public notices have been given and public hearings held, as required by law.

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Secretary, City Plan Commission

Approved as to form and legality:

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Emalea Black  
Associate City Attorney



**No Fact Sheet  
Provided for  
Ordinance No.**

**220747**



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**File #: 220749**

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RESOLUTION NO. 220749

RESOLUTION - Amending the KCI Area Plan by amending the Proposed Land Use Plan and Map for an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue by changing the recommended land use designation from “Agricultural Residential / Residential Very Low Density” to “Residential Medium.” (CD-CPC-2022-00106)

WHEREAS, on June 18, 2009, the City Council by Resolution No. 090395 adopted the KCI Area Plan as a guide for the future development and redevelopment and public investment for that area generally bounded by the city limits of Kansas City, Missouri on the north, city limits to Amity and then along Highway 152 on the south, Platte/Clay County boundary on the east, and city limits of Kansas City, Missouri on the west; and

WHEREAS, said KCI Area Plan was previously amended by the City Council through adoption of Resolution No. 120267 on April 19, 2012; by Resolution No. 120393 on May 24, 2012; by Resolution No. 170544 on August 3, 2017; and by Resolution No. 180588 on August 30, 2018; and by Resolution 200590 on August 6, 2020; and

WHEREAS, an application was submitted by Marathon Holdings, LLC to amend the KCI Area Plan by amending the Proposed Land Use Plan and Map for an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue by changing the recommended land use designation from “Agricultural Residential / Residential Very Low Density” to “Residential Medium”; and

WHEREAS, the City Plan Commission considered such amendment to the Proposed Land Use Plan and Map on August 16, 2022; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on August 16, 2022, recommend approval of the proposed amendment to the KCI Area Plan; NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:**

Section A. That the KCI Area Plan is hereby amended by changing the Proposed Land Use Plan and Map for an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue by changing the recommended land use designation from “Agricultural Residential / Residential Very Low Density” to “Residential

Medium.” A copy of the amendment to the KCI Area Plan is attached hereto as Exhibit A and is incorporated herein by reference.

Section B. That the amendment to the KCI Area Plan is consistent and complies with the FOCUS Kansas City Plan adopted on October 30, 1997, by Committee Substitute for Resolution No. 971268, and is adopted as a supplement to the FOCUS Kansas City Plan.

Section C. That the Council finds and declares that before taking any action on the proposed area plan amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end

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**No Fact Sheet  
Provided for  
Resolution No.**

**220749**



**File #: 220750**

ORDINANCE NO. 220750

Rezoning an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue from AG-R (Agricultural Residential) to R-5 (Open Space) (Residential - 5 Open Space) and approving a Development Plan for the same which also serves as a preliminary plat to allow for the creation of 138 single-unit homes on individual lots and 9 tracts. CD-CPC-2022-00105 and CD-CPC-2022-00104.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A\_\_\_ rezoning an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue from AG-R (Agricultural Residential) to R-5 (Open Space) (Residential - 5 Open Space).

Section 88-20A1260. That an area legally described as:

ALL OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 51, RANGE 34, LYING PARTLY IN KANSAS CITY, MISSOURI, AND WHOLLY IN PLATTE COUNTY, MISSOURI, EXCEPT THAT PART IN STREETS, ROAD AND HIGHWAYS AND EXCEPT A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 51, RANGE 34, KANSAS CITY, PLATTE COUNTY, MISSOURI, BEING BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE SOUTH 89°49'11" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1306.48 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°08'41" EAST, ALONG THE EAST LINE OF SAID OF WEST ONE-HALF, 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW BARRY ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE CONTINUING SOUTH 00°08'41" EAST, ALONG SAID EAST LINE, 1458.92 FEET TO A POINT ON THE KANSAS CITY, CITY LIMITS LINE; THENCE NORTH 89°46'19" WEST, ALONG SAID CITY LIMITS LINE, 109.75 FEET; THENCE NORTH 00°13'41" EAST, 1458.81 FEET TO A POINT ON THE

AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF NW BARRY ROAD; THENCE SOUTH 89°49'11" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE 100.26 FEET TO THE TRUE POINT OF BEGINNING AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND LYING, BEING AND SITUATE IN THE COUNTY OF PLATTE, STATE OF MISSOURI TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 SECTION 10, TOWNSHIP 51, RANGE 34; THENCE; NORTH 0° 04' 28" EAST 1137.84 FEET TO THE KANSAS CITY, CITY LIMITS LINE; THENCE SOUTH 89°46'19" EAST TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10 TOWNSHIP 51 RANGE 34; THENCE SOUTH 0°09'09" EAST 1138.89 TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 51, RANGE 34; THENCE NORTH 89°44'21" WEST 1316.58 FEET TO THE POINT OF BEGINNING.

is hereby rezoned from District AG-R (Agricultural/Residential) to District R-5 (Open Space) (Residential – 5 Open Space) all as shown outlined on a map marked Section 88 -20A\_\_\_\_, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.
3. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
4. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure

permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.

5. The developer shall dedicate additional right-of-way for N. Childress Avenue as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 40 feet of right-of-way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
6. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
7. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
8. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
9. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
10. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
11. The developer must grant any BMP and/or Surface Drainage Easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
12. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

13. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
14. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site in accordance with the Section 88-415 requirements.
15. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
16. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
17. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
18. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
19. The developer shall submit a project plan to the City Plan Commission for all private open space tracts indicating plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero footcandles at the property lines prior to mylar approval or issuance of a building permit.
20. The developer shall submit a street naming plan to the Development Management Division prior to issuance of a building permit. The street naming plan shall be approved prior to mylar approval of the final plat.
21. The developer shall add a declaration on the face of the final plat indemnifying the City of Kansas City of any maintenance and replacement responsibilities and that each lot owner in conjunction with the homeowner's association is responsible for maintenance of the pump station.

22. The developer shall submit covenants, conditions and restrictions to the Development Management Division for approval by the Law Department of the following prior to mylar approval of the final plat:
  - a. Establish and maintain a Homeowners Association that if and when the individual properties are sold the continued maintenance/replacement of the pump stations is ensured.
  - b. Establish a Maintenance Fund to be turned over to the Homeowners Association so that contributions are made on an annual basis so that after about year 20 the cost of a new pump station is available to the Homeowners Association for replacement of the private pump stations.
23. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
24. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
25. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
26. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3) Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
27. Required Fire Department access roads shall designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3) The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
28. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
29. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2022 acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat.
30. The developer shall submit a final plan prior to final plat providing details of amenity tracts serving to satisfy the parkland dedication requirements of 88-408. Proposed tracts shall provide active recreational amenities to receive credit.

31. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
32. The developer shall ensure that water and fire service fines should meet current Water Services Department rules and regulations prior to certificate of occupancy.
33. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the water main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

..end

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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  
Senior Associate City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220750**



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**File #: 210348**

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ORDINANCE NO. 210348

Establishing the Economic Development Oversight Board, also known as the Super Board, to coordinate policies between various economic development entities; and establishing an effective date.

WHEREAS, Council believes providing economic development incentives allows the City to increase its industrial, commercial, housing and office space markets, resulting in ensuring regional and national competitiveness, a stronger economy, and improved livability for its residents; and

WHEREAS, the economic development incentives requested are often abatement redirection, or exemption of ad valorem property taxes or other financing mechanisms; and

WHEREAS, requests for abatement, redirection or exemption of ad valorem property taxes and other financing mechanisms are presented either directly to the City or through one or more of the economic development entities authorized by Missouri statute and created by an ordinance of the City Council; and

WHEREAS, pursuant to the Land Clearance for Redevelopment Authority Law, Sections 99.300 to 99.660 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 16120 passed on November 21, 1952, created the Land Clearance for Redevelopment Authority of Kansas City, Missouri (LCRA); and

WHEREAS, pursuant to the Planned Industrial Expansion Law, Sections 100.300 to 100.620 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 34677 passed on February 9, 1968, created the Planned Industrial Expansion Authority of Kansas City, Missouri (PIEA); and

WHEREAS, pursuant to the provisions of Chapter 68 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Resolution No. 47523 adopted on February 11, 1977, created the Kansas City, Missouri Port Authority (Port KC); and

WHEREAS, pursuant to the provisions of Sections 135.950 to 135.973 of the Revised Statutes of Missouri, as amended, and the provisions of Resolution No. 050844 adopted by the City Council on July 28, 2005, Enhanced Enterprise Zones (EEZ) were authorized and established in Kansas City; and

WHEREAS, pursuant to the provisions of Chapter 138 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Resolution No. 48492 adopted on December

9, 1977, created the Industrial Development Authority of the City of Kansas City, Missouri (IDA); and

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, as amended, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, as amended, passed on June 18, 2015, created the Tax Increment Financing Commission of Kansas City, Missouri (TIF Commission); and

WHEREAS, pursuant to Urban Redevelopment Corporations Law, Sections 353.010 to 353.190 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri is authorized to promote urban renewal through the abatement of real property taxes and has, by Committee Substitute for Ordinance No. 140306, passed on May 1, 2014, created the Kansas City Chapter 353 Advisory Board and vested it with certain powers in furtherance of urban renewal efforts; and

WHEREAS, in 1978, the City formed the Kansas City Corporation for Industrial Development, which changed its name to the Economic Development Corporation (EDC) in 1987, and in 1980, the City formed the KCCID- Capital Investment Fund, which changed its name in 1988 to the Economic Development Loan Corporation (EDCLC), all pursuant to general corporation incorporation statutes in Missouri; and

WHEREAS, each economic development entity created by ordinance of the City Council is governed by its own board or commission; and

WHEREAS, the Council wishes for each economic development entity to operate with an awareness of the policies of the other entities, striving for cohesiveness in the policies of the entities; and

WHEREAS, the Council desires to create an Economic Development Oversight Board, also known as the Super Board, to share information about the individual economic development entities created by Council and help develop cohesive policies among the entities; NOW THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the Economic Development Oversight Board, also known as the Super Board, is hereby created and established to coordinate policies between various economic development entities created by ordinance of the City Council and pursuant to the Revised Statutes of the State of Missouri.

Section 2. That the Economic Development Oversight Board shall consist of five members appointed by the Mayor. Each of the five members shall also serve on LCRA, PIEA, Port KC, EEZ, IDA, EDC, EDCLC, the TIF Commission and the 353 Advisory Board.

Section 3. That the Economic Development Oversight Board shall hold its first meeting no more than 30 days after the Board is appointed by the Mayor and shall meet monthly thereafter.

Section 4. That the Economic Development Oversight Board shall consult with all economic agencies, commissions and boards listed in Section 2 and shall bi-annually produce a report to Council summarizing their work and the work of the other agencies, commissions and boards listed in Section 2, with the first report due six months after the first Super Board meeting.

Section 5. This ordinance shall become effective on June 1, 2021.  
..end

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Approved as to form and legality:

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Katherine Chandler  
Assistant City Attorney

**No  
Fact  
Sheet  
Provided  
For  
Ordinance  
210348**





**File #: 220581**

ORDINANCE NO. 220581

Authorizing the Director of Public Works to execute 10 – year a Site License Agreement with Evergy Metro, Inc., to install, operate and maintain Level Two Electric Vehicle Supply Equipment stations (EVSE) attached to City streetlight poles in the public right of way.

WHEREAS, Evergy Metro, Inc., a utility power provider company, is making this proposal through cooperation with the City of Kansas City, Missouri, Metropolitan Energy Center (MEC) and a Department Energy (DOE) provided grant; and

WHEREAS, the City is willing to grant Evergy Metro, Inc. license under which the City will issue permits authorizing Evergy Metro, Inc. to enter upon City's right-of-way and install Level Two Electric Vehicle Supply Equipment Stations (EVSE) on forty-six City facilities (streetlights) located through all Council Districts; and

WHEREAS, Evergy Metro, Inc. has agreed to pay for all the required permit fees, and installation costs of all necessary vehicle charging stations and electrical service equipment and connections to serve the EVSE as well as all related signage equipment; and

WHEREAS, the agreement is anticipated to remain in effect through December 31, 2032;  
NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Director of Public Works is authorized to execute 10 – year a Site License Agreement with Evergy Metro, Inc., to install, operate and maintain Level Two Electric Vehicle Supply Equipment stations (EVSE) attached to streetlight poles in the public right of way. A copy of the Site License Agreement, in substantial form, is on file in the office of Director of Public Works.

..end

Approved as to form and legality:

\_\_\_\_\_  
Dustin E. Johnson  
Assistant City Attorney



# CONTRACT

220581

## Ordinance Fact Sheet

| Brief Title  | Approval Deadline | Reason  |
|--|-------------------|---|
| Site License Agreement with<br>Evergy Metro, Inc<br>a Missouri Corporation |                   | To authorize execution of a Site License Agreement with Evergy Metro, Inc. to install, own, operate and maintain Level 2 Electric Vehicle Supply Equipment (EVSE) attached to specific streetlight poles. |

### Details

**Reason for Contract**

The Director of Public Works is authorized to execute a Site License Agreement with Evergy Metro, Inc., a Missouri Corporation, to install, operate and maintain Level Two Electric Vehicle Supply Equipment stations (EVSE) attached to streetlight poles in the public right of way in the sites as shown on Exhibit B of this agreement. The term of the agreement shall commence on the effective day of this agreement and continue in effect through December 31, 2032. A copy of the Site License Agreement, in substantial form, is on file in the office of Director of Public Works.

Evergy Metro, Inc., a Missouri Corporation, is a utility power provider company through cooperation with the City of Kansas City, Missouri, Metropolitan Energy Center (MEC) and a Department Energy (DOE) provided grant has proposed to install, own, operate and maintain Level Two Electric Vehicle Supply Equipment stations (EVSE) with all related utilities and accessories on streetlight poles in the street right of way on the sites as shown on Exhibit B of this agreement. The City endeavors to develop a feasibility analysis for pairing Electric Vehicle Support Equipment (EVSE) charging infrastructure with street lighting to detail costs and other challenges.

The City is willing to grant Evergy Metro, Inc. license under which the City will issue permits authorizing Evergy Metro, Inc. to enter upon City's right-of-way and install Level Two Electric Vehicle Supply Equipment Stations (EVSE) on specified City facilities (streetlights). Furthermore, the City may in its sole discretion, for reasons relating to insufficient capacity, safety, reliability, generally applicable engineering purposes or other governmental needs, uses, obligations and reasons, refuse to issue permits for any particular City facility (streetlights) so long as Evergy Metro, Inc. is treated in a competitively neutral and non-discriminatory manner as compared with other similarly situated third parties.

In consideration of the City granting Evergy Metro, Inc. to utilize the City's right-of-way and install its Electric vehicle charging stations equipment on City facilities (streetlights), Evergy Metro, Inc. has agreed to pay for all the required permit fees, and installation costs of all necessary vehicle charging stations and electrical service equipment and connections to serve the EVSE as well as all related signage equipment. The City of Kansas City has provided expert and engineering staff time for this

### Roles and Responsibilities

|   |   |
|---|---|
| Sponsor                                     | Public Works Department   |
| Department or Programs Affected             | Street Lighting program   |
| Recommended Awardee                         | Evergy Metro, Inc.<br>a Missouri Corporation  |
| Contract Compliance Certification Obtained? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes   |
| Opponents                                   | Groups or Individuals<br><br>None<br><br>Reason for Opposition  |
| Responsibilities                            | Design Engineering:<br>Not Applicable<br><br>Inspections:<br>City Capital projects Division Staff<br><br>Construction or Project Management:<br>City Capital Projects Division Staff<br><br>Service Monitoring:<br>City Capital projects Division Staff |

### Policy/Program Impact

|                                   |   |
|-----------------------------------|---|
| Policy or Program Emphasis Change | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| Operational Impact assessment     |   |







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**File #: 220621**

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ORDINANCE NO. 220621

Authorizing the Director of Public Works to execute a Franchise Agreement with Spire Missouri, Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri.

WHEREAS, Ordinance No. 100833, enacted October 7, 2010, granted a franchise to Missouri Gas Energy to supply, sell and furnish natural gas to Kansas City and its inhabitants for a period of ten years; and

WHEREAS, Spire Missouri Inc., successor in interest to The Empire District Gas Company, has requested a new franchise authorizing it to continue to provide natural gas service to Kansas City, Missouri and its inhabitants; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director Public Works is authorized to execute the Franchise Agreement with Spire Missouri Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri. A copy of the Franchise Agreement in substantial form is on file in the office of the Director of Public Works.

..end

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Approved as to form and legality:

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Matthew W. Cooper  
Associate City Attorney

# GENERAL

## Ordinance Fact Sheet

220621

Ordinance Number

**Brief Title**

Authorizing the Director of Public Works to execute a Franchise Agreement with Spire Missouri Inc.

**Approval Deadline**

**Reason**

To grant a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri.

**Details**

**Reason for Legislation**

Authorizing the Director of Public Works to execute a Franchise Agreement with Spire Missouri Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri.

**Discussion**

Ordinance No. 100833, enacted October 7, 2010, granted a franchise to Missouri Gas Energy to supply, sell and furnish natural gas to Kansas City and its inhabitants for a period of ten years.

Spire Missouri Inc., successor in interest to The Empire District Gas Company, has requested a new franchise authorizing it to continue to provide natural gas service to Kansas City, Missouri and its inhabitants.

This ordinance will authorize the Director Public to execute the Franchise Agreement with Spire Missouri Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri. A copy of the Franchise Agreement in substantial form is on file in the office of the Director of Public Works.

**Positions/Recommendations**

|  |  |
|--|--|
| <b>Sponsor</b>                                   | City Engineer  |
| <b>Programs, Departments, or Groups Affected</b> | Public Works   |
| <b>Applicants / Proponents</b>                   | <b>Applicant</b><br><br>City Department<br>Public Works<br><br>Other   |
| <b>Opponents</b>                                 | <b>Groups or Individuals</b><br><br><br>Basis of opposition  |
| <b>Staff Recommendation</b>                      | <input checked="" type="checkbox"/> For<br><br><input type="checkbox"/> Against<br><br>Reason Against  |
| <b>Board or Commission Recommendation</b>        | <b>By</b><br><br><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken<br><br><input type="checkbox"/> For, with revisions or conditions<br>(see details column for conditions)   |
| <b>Council Committee Actions</b>                 | <input type="checkbox"/> Do pass<br><br><input type="checkbox"/> Do pass (as amended)<br><br><input type="checkbox"/> Committee Sub.<br><br><input type="checkbox"/> Without Recommendation<br><br><input type="checkbox"/> Hold<br><br><input type="checkbox"/> Do not pass |

**Discussion (continued)**

|  |
|--|
|  |
|--|

**Policy/Program Impact**

|                                      |  |
|--------------------------------------|--|
| <b>Policy or Program Change</b>      | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| <b>Operational Impact Assessment</b> |  |

**Finances**

|   |  |
|---|--|
| <b>Cost &amp; Revenue Projections -- Including Indirect Costs</b> |  |
| <b>Financial Impact</b>   |  |
| <b>Fund Source (s) and Appropriation Account Codes</b>            |  |

**Applicable Dates:**

**Fact Sheet Prepared by:**

Homer Janssens  
Right of Way Reviewer  
Department of Public Works

**Reference Numbers**

|                                |                        |        |
|--------------------------------|------------------------|--------|
| <b>LEGISLATIVE FISCAL NOTE</b> | LEGISLATION<br>NUMBER: | 220621 |
|--------------------------------|------------------------|--------|

LEGISLATION IN BRIEF:

Authorizing the Director of Public Works to execute a Franchise Agreement with Spire Missouri, Inc. granting a non-exclusive 10-year franchise to operate a natural gas distribution plant and system within territory of the City of Kansas City, Missouri.

**What is the purpose of this legislation?** OPERATIONAL

*For the purpose of authorizing expenditures new or planned to conduct municipal services*

|  |                                 |        |
|--|---------------------------------|--------|
| <b>Does this legislation spend money?</b><br><i>See Section 00: " Notes" Below</i>   | <input type="text" value="NO"/> | Yes/No |
| <b>Does this legislation estimate new Revenues?</b><br><i>See Section 00: " Notes" Below</i>                               | <input type="text" value="NO"/> | Yes/No |
| <b>Does this Legislation Increase Appropriations?</b><br><i>See Section 00: " Notes" Below</i>                             | <input type="text" value="NO"/> | Yes/No |
| <b>Are costs associated with this legislation ongoing (Yes)? Or one-time (No)</b><br><i>See Section 00: " Notes" Below</i> | <input type="text" value="NO"/> | Yes/No |

**Section 00: Notes:**

*There is no predictable fiscal impact related to this ordinance.*

Five years of operational costs for ongoing programs should be included in Section 04 below.

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

| FUND | DEPTID | ACCOUNT | PROJECT | FY 22-23 BUD | FY 23-24 EST |
|------|--------|---------|---------|--------------|--------------|
|      |        |         |         |              |              |

**Section 02: If applicable, where will new revenues be estimated?**

| FUND | DEPTID | ACCOUNT | PROJECT | FY 22-23 BUD | FY 23-24 EST |
|------|--------|---------|---------|--------------|--------------|
|      |        |         |         |              |              |

**Section 03: If applicable, where will appropriations be increased?**

| FUND | DEPTID | ACCOUNT | PROJECT | FY 22-23 BUD | FY 23-24 EST |
|------|--------|---------|---------|--------------|--------------|
|      |        |         |         |              |              |

|   |  |  |  |   |   |
|---|--|--|--|---|---|
| <b>NET IMPACT ON OPERATIONAL BUDGET</b> |  |  |  | - | - |
| <i>RESERVE STATUS:</i>                  |  |  |  |   |   |

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

| FUND             | FUND NAME | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | FY 27-28 | All Outyears |
|------------------|-----------|----------|----------|----------|----------|----------|----------|--------------|
|                  |           |          |          |          |          |          |          |              |
|                  |           |          |          |          |          |          |          |              |
|                  |           |          |          |          |          |          |          |              |
| <b>TOTAL REV</b> |           | -        | -        | -        | -        | -        | -        | -            |

| FUND             | FUND NAME | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | FY 27-28 | All Outyears |
|------------------|-----------|----------|----------|----------|----------|----------|----------|--------------|
|                  |           |          |          |          |          |          |          |              |
|                  |           |          |          |          |          |          |          |              |
|                  |           |          |          |          |          |          |          |              |
| <b>TOTAL EXP</b> |           | -        | -        | -        | -        | -        | -        | -            |

|                                |   |   |   |   |   |   |   |
|--------------------------------|---|---|---|---|---|---|---|
| <b>NET Per-YEAR IMPACT</b>     | - | - | - | - | - | - | - |
| <b>NET IMPACT ( SIX YEARS)</b> | - |   |   |   |   |   |   |

REVIEWED BY Nick Crafton DATE 8/3/2022



**File #: 220693**

ORDINANCE NO. 220693

Amending Chapter 62, Article II of the Code of Ordinances entitled Solid Waste, by repealing Section 62-41, “Residential refuse collection - Eligibility,” and enacting in lieu thereof a new section of like number and subject matter which amends residents eligible for residential refuse collection.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 62, Article II of the Code of Ordinances is hereby amended by repealing Section 62-41, entitled “Residential refuse collection-eligibility” and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

**Sec. 62-41. Residential refuse collection-eligibility.**

(a) Eligible buildings and dwelling units. The City will provide public curbside refuse collection and disposal services to each habitable dwelling unit in a residential building containing six or fewer units, which fronts on a public or private (subject to subsection b) street. Residential buildings containing more than six units may be eligible for service if each unit has separate sidewalk and driveway access which fronts a public or private (subject to subsection b) street.

(b) Residential buildings on private streets or drives may be provided refuse services upon entering into an agreement with the City whereby the owners of such residential buildings waive any claims against the City for damage to the private street or drive due to refuse collection.

(c) Every person not receiving city-provided refuse collection services shall provide for the collection and disposal of refuse in accordance with the provisions of article I of this chapter and the rules and regulations adopted thereunder.

..end

Approved as to form and legality:

\_\_\_\_\_  
Dustin E. Johnson

Assistant City Attorney

**No Fact Sheet  
for  
Ord.  
220693**





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**File #: 220702**

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RESOLUTION NO. 220702

Directing the City Manager to update the Trails KC Plan to include additional neighborhood connections and update the Five-Year Prioritization Plan that aligns with the City's business plan and equity goals to guide future capital improvement planning and federal grant applications.

WHEREAS, a walkable, bike-friendly, multi-modal and sustainable community, promoted in several City initiatives including the Green Solutions Policy, adopted under Resolution No. 070830 on August 9, 2007, and the Climate Protection Plan, adopted under Resolution No. 080754 on July 24, 2008; and

WHEREAS, in 2008 representatives of a Mayor-appointed steering committee and a technical committee of local, regional and statewide departments worked in partnership with community members to develop and refine the Plan; and

WHEREAS, the City Plan Commission unanimously voted to approve the Trails KC Plan on September 16, 2008; and

WHEREAS, the City Council with the passage of Ordinance No. 081052 on November 20, 2008, adopted the Trails KC Plan which included a 230 mile system connecting the 317 square miles with the City; and

WHEREAS, since the adoption of the Trails KC Plan the City has completed major sections along the Brush Creek, Line Creek, Route 152, Little Blue River, Blue River, Indian Creek, Shoal Creek, and Big Shoal Creek Trail corridors and now has over 100 miles of the Trails KC Plan implemented; and

WHEREAS, since the adoption of the Trails KC Plan the City has completed an update to the Bicycle Plan which included separated on-street bicycle system and a comprehensive overlay of both plans is lacking which results in areas of the City lacking access to the multi-modal transportation system; and

WHEREAS, the City Planning and Development Department has conducted a trails nexus study which included some components of a Trails KC Plan update but this has not been adopted by the City Council; and

WHEREAS, the City Council desires to update the Trails KC Plan for additional neighborhood connections and a new five year prioritization to guide City staff on expansion of the trail network to focus resources towards an equitable implementation; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to update the Trails KC Plan to include additional neighborhood connections and update the Five-Year Prioritization Plan that align with the City's business plan and equity goals to guide future capital improvement planning and federal grant applications.

Section 2. That the City Manager is hereby directed to report to the City Council status of the trails nexus study within the next 30 days.

Section 3. That the City Manager is directed to report back within 120 days the updated Trails KC Plan for City Council approval.

..end

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**No Fact Sheet  
for  
Res..  
220702**





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**File #: 220612**

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ORDINANCE NO. 220612

Amending Chapter 18, Code of Ordinances, by repealing Sections 18-10, Unsafe structures and equipment, 18-20, Fees, and 18-21, Inspections, and enacting in lieu thereof new sections of like number and subject matter to update the City's periodic building inspection protocols and conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950.

WHEREAS, the City Council passed Resolution No. 210581 directing the City Manager to review Kansas City's current policies related to inspection of building structures owned or leased by the City and engage with stakeholders who could provide recommendations on appropriate safety protocols to ensure the structures are safe for occupancy on a regular basis; and

*WHEREAS, the scope of this policy review was expanded to identify recommendations on current policies related to the inspections of privately owned structures in addition to City owned or leased structures; and*

*WHEREAS, City staff has engaged with stakeholders who provided recommendations on appropriate safety protocols to ensure the structures are safe for occupancy on a regular basis; and*

*WHEREAS, City staff also reviewed current City requirements for inspections of existing buildings, reviewed periodic building inspections requirements from other cities and identified time and cost factors associated with proposed revisions to current periodic inspection standards; NOW, THEREFORE,*

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18, Code of Ordinances, is hereby amended by repealing Sections 18-10, 18-20 and 18-21 and enacting, in lieu thereof, new sections of like number and subject matter to read as follows:

**CHAPTER 18**

**ARTICLE I.  
IN GENERAL**

**Sec. 18-10. Unsafe structures and equipment.**

(a) *General.* No person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the city shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, maintain or own any building, building use, structure, sign, appendage or building service equipment in an unsafe manner.

(b) *Conditions.* Structures or equipment which are or hereafter become unsafe, unsanitary or deficient because of, but not limited to, incapability to carry the loads for which it was designed, inadequate means of egress facilities, inadequate light and ventilation, or inadequate life-safety systems; or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare due to inadequate maintenance, dilapidation, obsolescence, fire, disaster, damage, failure or abandonment; or which involve illegal or improper use or occupancy; or are defined as a dangerous building or structure by Chapter 56 of the City Code; or are defined as unsafe by any other City codes and ordinances; shall be deemed unsafe. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry may be deemed unsafe by the building official.

(c) *Notice.* If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

(d) *Method of service.* Such notice shall be deemed properly served if a copy thereof is: (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(e) *Restoration.* The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of section 18-4(b) of this chapter and *International Existing Building Code*, as amended. The preparation of a plan to restore a structure or equipment to a safe condition must be prepared by a licensed design professional and include at minimum the identification of structural deficiencies, required structural

improvements and a timeline in which the required repairs are to take place. Once the required repairs or modifications have been completed, the licensed design professional that prepared the restoration plan shall certify all required repairs and alterations have been completed, and upon determination of the building official, the City shall then issue a letter of acceptance of repairs or modifications and the structure shall be allowed to be occupied.

(f) *Maintenance of signs.* All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Signs which no longer advertise a bona fide business, product or service shall be removed by the owner, agent or person having the beneficial use of the premises upon which such sign may be found within 30 days after vacating the premises.

(g) *Unsafe underground spaces, buildings, structures.* All unsafe underground spaces, buildings, structures or portions thereof are regulated as provided in subsections (a) and (b) of this section.

(h) *Emergency measures.* Where it reasonably appears there is an immediate danger to the health, safety or welfare of any person, the building official may take emergency measures to vacate and repair or demolish an unsafe building, building use, structure, sign or appendage. The structure or that part of the structure that is ordered vacated shall remain unused and unoccupied by either persons or vehicles until the building official has determined that the requirements of subsection (e) are met.

### **Sec. 18-20. Fees.**

(a) *Generally.* Fees relating to work regulated by this chapter shall be assessed in accordance with the provisions of this section and section 18-21. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(b) *Permit fees.*

(1) *Valuation of construction.* The determination of the value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued. Separate values or valuations shall be computed and separate permits shall be obtained and separate plan review fees shall be paid for each building or structure included in an application for permits. Fees

may be waived at the discretion of the building official during times of declared emergency.

- (2) *One- and two-family detached dwelling building, mechanical, plumbing, electrical, elevator and fire protection permit fees.* One- and two-family detached dwelling building, mechanical, plumbing, electrical, elevator and fire protection permit fees are as follows:

*Total Valuation Fee*

*\$0.00--\$1,000.00.....*

*\$52.00*

*\$1,001.00--\$2,000.00.....*

*\$58.00*

*\$2,001.00--\$100,000.00:*

*For the first \$2,000.00.....*

*\$58.00*

*Plus, for each additional \$1,000.00 or fraction thereof,  
to and including \$100,000.00 .....*

*\$4.33*

*\$100,001.00 and over:*

*For the first \$100,000.00.....*

*\$483.00*

*Plus, for each additional \$1,000.00 or fraction thereof.....*

*\$1.41*

*In addition to the above fees, during the period of time beginning on October 1, 2012, and ending on September 30, 2013, a surcharge of \$50.00 will be applied to each building permit issued for the construction of a new one- or two-family detached dwelling. Proceeds from this fee will be applied to a sample testing program for building envelope and duct system leakage testing in accordance with Article III of this chapter.*

- (3) *Building, mechanical, plumbing, electrical, elevator and fire protection permit fees for other than one- and two-family detached dwellings.* Building, mechanical, plumbing, electrical, elevator and fire protection permit fees for other than one- and two-family detached dwellings are as follows:

*Total Valuation Fee*

\$0.00--\$500.00..... \$  
52.00

\$501.00--\$2,000.00.....  
\$93.00

\$2,001.00--\$200,000.00:

*For the first \$2,000.00.....*  
\$93.00

*Plus, for each additional \$1,000.00 or fraction thereof,  
to and including \$200,000.00 .....*  
\$14.00

\$200,001.00--\$1,000,000.00:

*For the first \$200,000.....*  
\$2,774.00

*Plus, for each additional \$1,000.00 or fraction thereof,  
to and including \$1,000,000.00.....*  
\$9.00

\$1,000,001.00 and over:

*For the first \$1,000,000.00 .....*  
\$9,965.00

*Plus, for each additional \$1,000.00 or fraction thereof.....*  
\$3.90

(4) *Demolition permit fees. Demolition permit fees are as follows:*

a. *One- and two-family dwellings and detached accessory  
buildings per building .....*  
\$90.00

b. *All other structures.....*  
\$221.00

c. *Pre-demolition inspection fee. A pre-demolition inspection fee  
shall be paid to the building official prior to a pre-demolition*

*inspection being performed. The pre-demolition inspection fee shall not apply towards the demolition permit fee and shall be assessed as follows:*

*One and two family detached dwellings per building:.....  
\$38.00*

*All other buildings per building: .....  
\$106.00*

(5) **Sign permit fees.** Sign permit fees are as follows: Type of Sign Fee

a. **Combination and freestanding signs:**

1. *Up to and including 20 square feet.....  
\$142.00*

2. *And for each additional 20 square feet  
or fraction thereof.....  
\$24.00*

b. **Flat wall signs:**

1. *Up to and including 300 square feet.....  
\$141.00*

2. *And for each additional 300 square feet  
or fraction thereof.....  
\$24.00*

c. **Marquees: Each marquee.....  
\$467.00**

d. **Roof signs:**

1. *For surface area not to exceed 300 square feet.....  
\$467.00*

2. *And for each additional 300 square feet  
or fraction thereof.....  
\$118.00*

e. **Temporary signs (displayed not longer than 60 days):**

*Each sign.....  
\$54.00*

f. Outdoor Advertising Signs:

*Fees shall be calculated as required for freestanding signs. Each face of such signs shall be calculated separately for permit fee calculations.*

*Outdoor advertising sign pre-permit inspection fee. An outdoor advertising sign pre-permit inspection fee shall be paid to the building official prior to an outdoor advertising sign pre-permit inspection being performed. The outdoor advertising sign pre-permit inspection fee shall not apply as part of the sign permit fee.*

*Each sign.....  
\$337.00*

(6) *Supplementary permit fees.* The fee for a supplementary permit to cover any additional value not included in the original permit shall be the difference between the fee paid for the original permit and the fee which would have been required had the original permit included the entire value. The minimum supplemental permit fee assessed shall be \$54.00.

(7) *Partial permit fees.* When a permit for the construction of part of a building, structure, or building service equipment is requested by the applicant, fees shall be determined in accordance with section 18-20(b)(2) and (3), based on the valuation of work to be performed, as separate permit fees and not as supplementary fees. The minimum fee for a partial permit shall be \$83.00.

(8) *Fast Track Permit Fees.* The fee for a fast track permit issued prior to approval of plans review shall be \$ 80.00. The Fast Track Permit Fee shall be in addition to all other fees due.

(9) *Building moving permit fee.* The fee for a building moving permit shall be \$221.00.

(10) *Building moving pre-permit inspection fee.* A building moving pre-permit inspection fee shall be paid to the building official prior to a building moving pre-permit inspection being performed. The building moving pre-permit inspection fee shall be in addition to all other fees due.

*Each building  
.....\$106.00*

(c) *Construction document review fees.*

- (1) *Initial construction document review fee.* For other than one- and two-family dwellings, when a construction document is required to be submitted, a construction document review fee shall be paid to the building official at the time of submitting the construction documents for review. Such construction document review fee shall be one-half of the permit fee and shall be a credit toward the total fee when the permit is issued.
  
- (2) *Resubmittal construction document review fees.* When previously identified deficiencies remain uncorrected on subsequent submittals or when items certified on the Checklist for Building Permit Construction Document Submittal as being provided are omitted, a resubmittal construction document review fee shall be assessed at the time of resubmittal of the discipline. This fee shall be one eighth of the total permit fee for resubmittal deficiencies. The fee for certified checklist omissions shall be \$ 75.00. Such resubmittal construction document review fee shall not apply as a credit toward the total permit fee. Maximum resubmittal fee shall be as follows:
  - a. One- and two-family dwelling construction document.....  
\$30.00
  - b. Other than one- and two-family dwelling construction  
document. ....  
\$295.00
  
- (3) *Changes to previously reviewed plans.* Review of such changes shall be assessed a fee as follows:
  - a. *Minor reviews* .....  
\$54.00
  - b. Major reviews ..... 1/2 of initial construction document review  
fee paid.

*The director or designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.*
  
- (4) *Scheduled express review fees.* When scheduled express review is requested by the applicant, a fee of \$ 30.00 for one- and two-family dwellings and a fee of \$ 75.00 for all other structures shall be assessed. Such fees shall be in addition to required permit fees. Eligibility for scheduled express review service shall be determined by the building official based on the complexity of the review and availability of staff to perform the review.

- (5) *Priority Project review fee.* When priority status is requested by the applicant, a fee of 2 times the permit fee shall be assessed. Eligibility for priority status shall be determined by the building official based on the complexity of the project and availability of staff to perform the review.
- (6) *Master Plan Review without permit application.* When a Master Plan is submitted for review without a corresponding permit application, a fee of one-half the normal permit fee shall be assessed. This fee shall not be credited to future permit applications.
- (7) *Optional preliminary code review design meetings.* When requested by the applicant, preliminary code review meetings may be conducted and a fee shall be assessed for other than one- and two-family detached dwellings as follows:
  - a. *One- and two-family dwellings*  
..... *no fee*
  - b. *Proposed design less than 20,000 square feet*..... *\$ 75.00*
  - c. *Proposed design 20,000 square feet to 40,000 square feet*..... *\$147.00*
  - d. *Proposed design more than 40,000 square feet*.....  
*\$222.00*
- (8) *Re-review and stamping of lost construction documents to replace applicant's reviewed field set of construction documents.* Such review and stamping shall be assessed a fee of 25% of the initial construction document review fee paid with a minimum fee of \$ 50.00. The maximum fee paid shall be \$ 561.00. Such fees shall be in addition to other required permit fees.
- (9) *Stamping of additional sets of construction documents.* One set of reviewed construction documents shall be provided to the applicant upon permit issuance. Stamping of additional sets of construction documents at the applicant's request shall be assessed a fee of \$ 24.00 per set.
- (10) *Nighttime building permits.* The application fee for a nighttime building permit shall be \$ 68.00. Such fees shall be in addition to other required permit fees.
- (11) *Occupant load certificate fee.* When requested by the applicant, the occupant load of a building or portion of a building will be calculated and

a fee shall be assessed of ..... \$143.00.

(12) *Replacement of occupant load certificate or certificate of occupancy.* When requested by the applicant, a replacement copy of a previously issued occupant load certificate or certificate of occupancy, if located, will be generated. A fee shall be assessed of..... \$36.00 per request.

(13) *Floodplain certificate fee.* The application fee for a floodplain certificate shall be assessed as follows:

- a. One- and two-family dwelling floodplain certificate..... \$  
54.00
- b. Other than one- and two-family dwelling floodplain  
certificates ..... \$  
112.00

(14) *Code compliance verification letter fee.* When requested by the applicant, information related to the status of property with regard to building code and land use regulations will be retrieved and transmitted to the applicant and a fee shall be assessed of \$143.00.

(15) *Address change processing fee.* When requested by the property owner, address changes in compliance with addressing standards shall be processed and a fee shall be assessed as follows:

- a. One and two family detached dwellings per building: .....  
\$36.00
- b. All other buildings per building:  
..... \$143.00

(d) *Expiration of permit.* The fee to renew an expired permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that any suspension or abandonment of the work has not exceeded one year.

(e) *Commencement of work without permit.*

(1) Wherever any work for which a permit is required by this article has been commenced without first obtaining a permit, a special investigation may be made before a permit is issued for such work.

(2) Where work for which any permit is required by this article is started prior to obtaining the permit, the fee specified for such permit shall be tripled.

This provision shall not be construed as permission to begin work without the required permit except as follows:

- a. In case of an emergency as set forth in section 18-16(a)(1)b.; or
- b. In case the work is being done at a one-family dwelling by the person who owns and occupies such dwelling and the permit is applied for before the end of the workday following notification.

(f) *Fee refunds.* Where no portion of the plan review for an application has been commenced, or where no portion of the work covered by a permit issued by the building official has been commenced, the applicant may request in writing that the application or permit be canceled and the plan review or permit fee be refunded. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. Refunds will not be made for fees representing work having been done prior to the time the fee refund request is made. Under any circumstance, fee refund requests must be made within 180 days after the date of payment if no permit is obtained, or 30 days after the permit is canceled or expired.

(g) *Fee for certificate of occupancy.*

(1) *Fee for certificate of occupancy not related to work under a building permit.* Where a certificate of occupancy is required other than in connection with work under a building permit, the person applying for the certificate shall, at the time of filing application therefore, pay to the building official a fee as required for a team inspection in section 18-20 (h). If it is determined that work requiring a permit is necessary for issuance of the certificate, this fee shall be applied toward the permit fee.

(2) *Temporary certificate of occupancy fees.* When a temporary certificate of occupancy is requested by the applicant in connection with work under a building permit and conditions warrant issuance of a temporary certificate of occupancy pursuant to section 18-23(d) of this chapter, a fee shall be assessed according to the following schedule:

- a. Residential one- and two-family dwellings, townhouses and associated accessory structures:

1st temporary certificate..... \$  
0.00

2nd and subsequent certificates.....  
\$222.00 2nd and subsequent certificates when certificate is  
over

5 working days expired.....  
\$444.00

b. All other structures:

1st temporary certificate.....  
\$0.00

2nd and subsequent certificates.....  
\$444.00 2nd and subsequent certificates when certificate is  
over

5 working days expired.....  
\$888.00

*The Building Official is authorized to develop written procedures by which the renewal fee may be waived due to special circumstances.*

*(h) Inspection fees.*

- (1) *Certificate of inspection for underground spaces.* Inspection and certification of underground space pursuant to section 18-21(g)(2) of this chapter shall be performed by the building official upon payment of a fee of \$ 368.00 payable upon application for certificate of inspection.
  
- (2) *Certificate of inspection for elevators.* The fee for the administration of and or inspections and testing of elevator equipment pursuant to section 18-21(g)(1) of this chapter shall be of \$ 135.00 for the first three floors, or 30 feet of travel, plus \$11.00 for each additional three floors, or 30 feet of travel or fraction thereof. The elevator equipment owner or maintainer shall remit these fees within 60 days of billing. The elevator equipment inspection and tests shall not be scheduled or performed until these fees have been received. Failure to remit these fees within the 60 days will result in a \$ 17.00 additional administrative fee associated with the cost of the re-billing process for each piece of elevator equipment being billed. All called-for inspections or tests to be performed by Department of City Planning and Development inspectors shall be subject to a minimum fee of \$ 34.00 per each piece of elevator equipment scheduled for inspection and test, if the inspection test is not made or is not completed and the Department of City Planning and Development inspector has appeared at the inspection test site, ready to inspect or observe the test, or the scheduled inspection and test is either canceled or rescheduled less than three working days prior to the scheduled date. Payment of fees associated with the failure to perform an inspection and test scheduled with Department of City planning and development inspectors is the responsibility of the registered elevator contractor who scheduled the elevator equipment inspection and test. All fees outlined above are due and payable to the Department of City planning and development even when the inspection and testing is performed by a qualified person authorized by the enforcing authority.

- (3) *Fee for follow-up inspection per state requirements.* The fee for a follow-up inspection of elevator equipment by city personnel pursuant to the Elevator Safety Act and Rules of the State of Missouri shall be \$ 73.00. The fee shall be waived if the inspection is performed at the same time as a follow-up inspection pursuant to section 18-21(g)(1) of this code. The fee, when required, shall be paid before the follow-up inspection is performed.
  
- (4) *Certificate of inspection for communication towers.* Inspection and certification of communication towers pursuant to section 18-21(g)(3) of this chapter shall be completed by the building official upon payment of a fee of \$ 147.00 payable upon application for certificate of inspection.
  
- (5) *Certificate of inspection for parking station structures, privately owned pedestrian bridges, and structure supported pools.* Inspection and certification of parking station structures, pedestrian bridges, and structure supported pools pursuant to section 18-21(g) of this chapter, shall be completed by the building official upon payment of a fee of \$ 295.00 payable upon application for certification of inspection. *Reinspection fees.* When work for which an inspection is requested is not complete (not ready when inspector arrives) or when deficiencies identified on two previous inspection events have not been completed a fee of \$ 75.00 shall be assessed and no further inspections shall be completed until such fee is paid.
  
- (6) *Inspections outside of normal business hour fees.* When the permit holder requests inspections outside of normal business hours, a fee of \$ 60.00 per hour, to include travel time, with a minimum fee of \$ 238.00 shall be assessed for such service. Eligibility for inspections outside of normal business hours shall be determined by the building official based upon the nature of inspections requested and the availability of staff to perform the inspections.
  
- (7) *Team inspection fee.* When requested by the applicant, the building official may conduct a team inspection of a site/building for the purpose of providing the applicant a written assessment of code issues which may assist the applicant in planning a project or in problem solving. Eligibility for team inspections shall be determined by the building official based upon the nature of inspections requested and the availability of staff to perform the inspections. A fee, payable prior to the inspection being performed, shall be assessed as follows:
  - a. *Buildings/projects less than 20,000 square feet.....*  
\$299.00
  
  - b. *Buildings/projects 20,000 square feet to 40,000 square feet*

..... \$396.00

c. Buildings/projects more than 40,000 square feet.....  
\$495.00

(8) *Electrical service reconnect fee:* When a request is made by a property owner for an inspection of an existing electrical service for the purpose of approving the electric utility connection, a fee of \$ 54.00 shall be assessed. If it is found that work requiring an electrical permit is required, this fee may be credited toward the permit fee.

*Exception: Reconnection of a service due to a fire occurring within the 90 days prior to the request.*

(i) *Code modification request fees.* Code modification requests (CMR) submitted pursuant to section 18-6 of this chapter shall be assessed the following fees:

(1) *One- and two-family dwellings per dwelling unit.....*  
\$53.00

(2) All other structures per building or tenant space,  
*whichever is greater.....* \$  
112.00

(3) When multiple units of one and two-family dwellings are submitted for the same project in the same request, or when multiple buildings or tenant spaces for all other structures are submitted for the same project in the same request, the maximum fee will be...  
..... \$590.00

(4) Requirements contained in Article XII, contractors, division 3,  
licensing.....  
. \$53.00

(j) *Building and fire codes board of appeals fees.*

(1) *One- and two-family dwellings per dwelling unit.....*  
\$53.00

(2) All other structures per building or tenant space,  
*whichever is greater.....*  
\$112.00

(3) When multiple units for one- and two-family dwellings are submitted for the same the same project, in the same request, or when multiple buildings or tenant spaces for all other structures are submitted for the

same project in the same request, the maximum fee will be..... \$590.00

- (4) Requirements contained in Article XII, contractors, division 3, licensing.....  
    . \$53.00
- (5) Continuance requested by appellant..... one half of original filing fee
- (6) No filing fee will be charged for appeals of decisions on code modification requests.
- (7) Special exception to issuance of floodplain certificate.....  
    \$112.00

(k) *Contractor license application fee*..... \$60.00

(l) *Contractor license fees. The quadrennial fees for contractor licenses shall be*.....  
\$181.00

*See Sec. 18-327 for list of applicable license classes.*

*Contractor license fees shall not be refundable.*

(m) *Certificate of qualification application fee*..... \$60.00

(n) *Certificate of qualification renewal fee.* The quadrennial renewal fee for all certificates of qualification shall be \$ 181.00, except that the certificate fee shall be waived for employees of the city who work for the city as tradesmen or inspectors. Certificates of qualification shall be *issued at no charge for the first four years and shall be renewed quadrennial thereafter at the rate established by this chapter.*

(o) *Encroachment fees.*

- (1) *Encroachment permit application fee.* Applications submitted pursuant to section 18-40 (Chapter 32 of the *International Building Code*, as amended) of this chapter for approval of private use of public property shall be assessed an application fee of \$147.00. This fee is not intended to represent any rental or other payments that may also be required by the city.
- (2) *Encroachment license fee.* Encroachment into the right-of-way will be subject to the imposition of an annual license fee of \$ 63.00 plus \$0.63

per square foot of encroachment. Aerial (over seven feet above grade) or underground encroachments shall be charged \$ 63.00 plus \$0.31 per square foot. Encroachments granted to the State of Missouri and the United States will not require payment of an encroachment fee because it is in the public interest to permit such encroachments without additional costs to these public entities.

(p) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed above, except Sections 18-20(b)(2) and 18-20(b)(3), to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri/Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

### **Sec. 18-21. Inspections.**

(a) *Authority of building official; duties of permittee.*

- (1) All construction or work for which a permit is required under this chapter shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in section 18-22.
- (2) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of any other ordinances. Inspections presuming to give authority to violate or cancel the provisions of this chapter or any other ordinances shall not be valid.
- (3) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- (4) A survey of the lot may be required by the building official to verify that the structure is located in accordance with approved plans.
- (5) It shall be the duty of the permit applicant to install and maintain effective erosion and sediment control measures as specified in section 3307 of the *International Building Code*, as adopted by Article II of this chapter. Should it be found that required erosion and sedimentation control measures have not been installed, the building official may refuse any inspection requests for work requiring inspections until such time as the site complies with the requirements of this chapter. Should it be found that the installed erosion and sediment control measures are ineffective

or are not being maintained properly, the building official shall give notice to the permit holder. Subsequent inspections may be refused if the erosion and siltation control measures are ineffective, or not being maintained.

- (6) Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(b) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

(c) *Approval of successive portions of work, final inspection.*

- (1) Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that the portion of the construction or demolition is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the construction or demolition fails to comply with this chapter. Any portions which do not comply shall not be covered or concealed until authorized by the building official.
- (2) There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(d) *Required inspections.*

- (1) Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.
- (2) The building official, upon notification from the permit holder or permit holder's agent, shall make the following inspections and shall either approve that portion of the construction or demolition as completed or shall notify the permit holder or his agent wherein the construction fails to comply with this chapter:
  - a *Footing or foundation inspection.* A footing and foundation inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job;

except, where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

- b. *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the subfloor.
- c. *Prebackfill.* A prebackfill inspection shall be made after the foundation drainage and damproofing systems are complete and prior to backfilling.
- d. *Rough-in inspection.* A rough-in inspection shall be made after such work as framing, fireblocking, roof, piping, vents, ductwork, chimneys, wiring, etc., are in place and prior to concealment.
- e. *Fire resistive rated assembly.* A fire resistive rated assembly inspection shall be made at such time so as to verify that the construction of each fire resistive rated assembly is in accordance with its listing.
- f. *Fire-resistant penetrations.* An inspection shall be made of the firestopping or fireblocking of all penetrations, joints, etc., prior to concealment.
- g. *Masonry throat inspection.* For masonry fireplaces only, a masonry throat inspection shall be made after the firebox is built and the 1<sup>st</sup> flue liner is in place. Construction of chimney may not continue until this inspection is approved.
- h. *Utility connection inspections.* Gas or electric service inspections shall be made prior to connection to the utility source. See Section 18-11 of this article.
- i. *Performance tests.* Performance tests shall be conducted by the permit holder as required by this chapter, or as otherwise required by the building official.
- j. *Demolition (basement and sewer) inspection.* A basement and sewer inspection shall be made prior to the filling of the excavation and/or final grading of the property.

- k. *Final inspection.* A final inspection shall be made after all work under permit has been completed for the building, tenant space or demolition.

(e) *Other inspections.* In addition to the inspections specified in subsection (d) of this section, the building official may make or require other inspections of any construction or demolition work to ascertain compliance with the provisions of this chapter or any other ordinances.

(f) *Building service equipment inspections.* The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building if a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.

(g) *Periodic inspections.*

(1) *Elevators.*

- a. *Generally.* All elevator equipment, vertical and inclined, shall be inspected as required by Article IX of this chapter.
- b. *Issuance of certificate of inspection.* Where the inspections and tests indicate that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this article, and the plans and specifications are filed, the building official shall issue a certificate of inspection to the owner of the elevator or the owner's agent. Such certificate shall be kept posted on the elevator. In the case of escalators and manlifts, such certificate shall be posted in a conspicuous place adjacent to the entrance of each escalator or manlift. No elevator, dumbwaiter, escalator, moving walk, workmen's hoist, manlift, chairlift or wheelchair lift which is covered by this chapter shall be used without such certificate. The owner, tenant, occupant or maintainer of property on which elevator equipment is being operated shall be responsible for the following use of such elevators: Freight elevators shall be ridden by the operator and freight handler persons only, and no-rider elevators shall not be ridden by persons.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the equipment is not in compliance with this chapter or that the fee for any required inspection or test has not been paid.

- d. *Fees for tests and inspections.* Fees for tests and inspections shall be as provided in section 18-20 of this chapter.
  - e. *Limited certificates.* The building official may permit the temporary use of any equipment regulated by this chapter during the installation, alteration or repair, under the authority of a limited certificate issued for each class of service. Such limited certificate shall not be issued until the equipment has been tested under contract load and the car or counterweight safeties, terminal-stopping devices and other safety equipment has been tested and found to be safe for the class of service. Equipment operating under the authority of a limited certificate may be shut down or be subject to a double inspection fee if repairs or other requirements have not been completed in a timely manner.
- (2) *Underground space.*
- a. *Generally.* All new and existing underground spaces shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the underground space is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
  - b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
  - c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
  - d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.
- (3) *Communication towers for television and radio transmission or reception.*

- a. *Generally.* All new and existing structures shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(4) *Parking station structures.*

- a. *Generally.* Each owner of a structure that contains a parking station with occupiable spaces above them, including multilevel parking station structures and single level parking station structures with occupiable space above, in its 15th year of age and every five years thereafter shall cause it to be inspected for structural adequacy by a registered professional engineer licensed in the State of Missouri. A form known as the Parking Structure Periodic Inspection Report shall be completed, sealed by the professional engineer who performed the inspection, and submitted to the city planning and development director to verify the conditions found. The Parking Structure Periodic Inspection Report shall be submitted by June 1st of the sixteenth year and every five years thereafter.
- b. *Issuance of certificate of inspection.* If the Parking Structure Periodic Inspection Report certifies that all applicable structural elements are satisfactory or if the Parking Structure Periodic Inspection Report certifies that there are some limited concerns and

the professional engineer certifies that the structure has sound structural integrity, and should be considered safe for occupancy, then the city planning and development director shall issue a letter of acceptance. Such letters of acceptance shall expire five years from the date they are issued. Letters of acceptance may be revoked before expiration by the city planning and development director if the condition of the structure becomes unsafe.

- c. *Revocation of certificate of inspection.* If the Parking Structure Periodic Inspection Report indicates that the parking structure or part of the structure is unsafe or incapable of carrying the loads for which it was designed without repairs or modifications, the city planning and development director may require the owner to immediately vacate the entire structure or that part of the structure which is deemed unsafe. The structure or that part of the structure that is ordered vacated shall remain unused and unoccupied by either persons or vehicles until proper repairs or modifications render the structure safe and the opinion as required in (b) by the professional engineer is given. Once the required repairs or modifications have been completed and the professional engineer certifies that it has sound structural integrity and should be considered safe for occupancy, the city planning and development director shall issue a letter of acceptance as required in (b) and the structure shall be allowed to be occupied.
- d. *Fee for certificate of inspection.* Fees for the letter of acceptance shall be as provided in section 18-20 of this chapter.

(5) *Privately owned pedestrian bridges*

- a. *Generally.* All new and existing pedestrian bridges shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or

the owner's agent. Such certificate shall be maintained in an appropriate location.

- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(6) Non-ground supported swimming pools on or in a structure

- a. *Generally.* All new and existing non-ground supported swimming pools that are on or in a structure shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in [section 18-20](#) of this chapter.

(7) One-time structural adequacy inspection of certain existing structures

The City shall conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950, based upon its type of construction. The criteria to identify the structures requiring such an

inspection, and the manner and method of structural assessment to be performed, will be determined by the building official no later than 45 days after the effective date of this ordinance. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair or modification before such certification can be given. The report and a \$500.00 report certification fee must be submitted within six months of the effective date of this ordinance; failure to do so is a violation per section 18-13.

..end

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Approved as to form and legality:

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Eluard Alegre  
Associate City Attorney

# GENERAL

## Ordinance Fact Sheet

220612

Ordinance Number

| Brief Title  | Approval Deadline |
|--|-------------------|
| Amending Chapter 18 Code of Ordinances to update the City's periodic building inspection protocols and require a one-time structural adequacy inspection of certain buildings. |                   |

**Reason**  
 Amending Chapter 18, Code of Ordinances, by repealing Section 18-10 . – Unsafe structures and equipment, Section 18-20. – Fees and Section 18-21. – Inspections, and enacting in lieu thereof new sections of like number and subject matter to update the City's periodic building inspection protocols and conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950.

**Details**  
 Amending Sections 18-10, 18-20 and 18-21 of the Code to include periodic inspections of additional structure and building types including certain parking station structures, privately owned pedestrian bridges and non-ground supported swimming pools, and to require the one-time inspection of the structural adequacy of buildings within the City greater than four stories in height as defined by the current building code and built prior to 1950, based upon their type of construction.

**Positions/Recommendations**

|  |  |
|--|--|
| <b>Sponsor</b>                                   | City Manager Brian Platt   |
| <b>Programs, Departments, or Groups Affected</b> | City Planning and Development<br>General Services  |
| <b>Applicants / Proponents</b>                   | <b>Applicant</b><br><br>City Department<br><br>Other   |
| <b>Opponents</b>                                 | <b>Groups or Individuals</b><br><br>Basis of opposition  |
| <b>Staff Recommendation</b>                      | <input checked="" type="checkbox"/> For<br><input type="checkbox"/> Against<br><br>Reason Against  |
| <b>Board or Commission Recommendation</b>        | <b>By</b><br><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken<br><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)                                    |
| <b>Council Committee Actions</b>                 | <input type="checkbox"/> Do pass<br><input type="checkbox"/> Do pass (as amended)<br><input type="checkbox"/> Committee Sub.<br><input type="checkbox"/> Without Recommendation<br><input type="checkbox"/> Hold<br><input type="checkbox"/> Do not pass |

**Details:**  
 The City Council passed Resolution No. 210581 to review Kansas City's current policies related to inspection of building structures owned or leased by the City and engage with stakeholders who can provide recommendations on appropriate safety protocols to ensure the structures are safe for occupancy on a regular basis.  
 The scope of this policy review was expanded to identify recommendations on current policies related to the inspections of building structures privately owned structures in addition to City owned or leased structures  
 City staff has engaging with stakeholders who provided recommendations on appropriate safety protocols to ensure the structures are safe for occupancy on a regular basis.  
 City Staff in developing additional periodic building inspection protocols reviewed current KCMO Requirements for inspections of existing buildings, reviewed periodic building inspections requirements from other cities, and identify time and cost factors associated with proposed revisions to current periodic inspection standards.





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**File #: 220638**

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ORDINANCE NO. 220638

Amending the Main Corridor Overlay District, which was created by Committee Substitute for Ordinance No. 171037 and includes design and use regulations for property generally located along Main Street from 27<sup>th</sup> Street on the north to Emanuel Cleaver II on the south, to permit a drive-through restaurant to be redeveloped with dual drive-through lanes. (CD-CPC-2022-00048).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by amending a Special Character Overlay District for the Main Corridor, which was created by Committee Substitute for Ordinance No. 171037, for an area generally along Main bounded by 27th street on the north and Emmanuel Cleaver II on the south, said section legally described as:

2727 Main / Vac Lot 2720 Grand Blvd / vac lot Union Terminal Add Lots 125 thru 169 exc prt in Grand Blvd & all vac alleys within sd tract & prt vac Grand Blvd ly e & adj sd Lots 132 thru 146

Sec 17-49-33 NE 1/4 NW 1/4 Union Terminal Add Lots 105-122 & s 10' of Lot 123 (ex pt sd lot in row) & vac 28th St ly no of & adj sd Lot 122

2805-07 Grand Blvd Union Terminal Add all Lots 170 thru 175 exc prt in Grand

2813-15 Main / Lots 176 177 & 178 Union Terminal

2819 Main / Lots 179 180 & 181 Union Terminal

2825 Main / Lots 182 thru 185 & n 18 1/2 ft Lot 186 Union Terminal Add

2837 Main / S 6 1/2 ft Lot 186 and all Lots 187 & 188 Union Terminal Add

2841 Main / All Lots 189 & 190 Union Terminal

2836-38 Warwick Tfwy Union Terminal Lots 103 & 104

All lots within Union Hill 5th Plat

All lots within 2900 Walnut Townhomes All lots within Litchfield Place

All lots within Walter Place

All lots within Union Hill Inn Plaza

Sec 17-49-33 SE 1/4 NW 1/4 Dunveigh Heights Lots 25-30 & Lot 32 & n 15' of Lot 42 & all of Lot 43 & vac alleys

Sec 17-49-33 SE 1/4 NW 1/4 Dunveigh Heights Lot 33 & W 1/5 vac alley ly e of & adj

3013 Main / Dunveigh Heights / Lot 34 & W 1/2 vac alley e of & adj 3015

Main / Dunveigh Heights / Lot 35 & W 1/2 vac alley e of & adj

3017-19 Main / Dunveigh Heights / Lots 36 & 37 ( exc s .50 ft ) & W 1/2 vac alley e of & adj

3012 Walnut / Dunveigh Heights / Lot 41 & s 10.00 ft of Lot 42 & E 1/2 vac alley w of & adj

3014 Walnut / Dunveigh Heights / Lot 40 & E 1/2 vac alley w of & adj

Dunveigh Heights Lots 38 & 39 & E 1/2 vac alley w of & adj

3021 Main / n 24 1/4 ft Lot 35 also s 6 inches of Lot 37 Dunveigh Heights Warwick Ridge

Warwick Ridge – Lots 9, 10, 25-46,

Withers Addition – 11-13, 24-26

312 E 31st St / Lots 3020 & 3022 DeGroff Way DeGroff Place – Block 2, Lots 1-11, Block 1, Lots 1-20 Lynns Addition, Tract A, Lots 1-30

Zahls Addition, Tract B, Lots 1-20

South View Subdivision, Lots 1-4 Southview Subdivision Lots 53, 54 Midtown

Marketplace Lots 3-5 Halsey & Dudley's Addition 5-6 Longmedow

Condominium Lot 1

Chadwick's 2nd Add---th e 120' of Lots 5 & 6 & th pt Lots 7 & 9 thru 12 all daf: beg at a pt of intersec of e row li of Main St & s row li 34th Ter. th e alg s row li sd 34th Ter 266.63' th s 00 deg 07 min 01 sec e 87.40' th n 89 deg 45 min 07 sec w 159.04' th n 13.51' th n 89 deg 34 min 55 sec w 107.62' to e row li Main St th n alg sd e row li 74' to pob (known as parcel 1 cert sur T41 pg-68)

Sec 17-49-33 SE 1/4 SW 1/4 Hyde Park Lots 1 & 2 Blk 11 & S 1/2 vac alley n & adj to sd lots & Chadwick's 2nd Add Lots 7, 8 & N 1/2 vac alley ly s & adj (ex e 12.3' thereof)

3 E Armour Blvd Hyde Park s 154.3 ft Lots 1-3 & s 154.28 ft Lots 4 & 5 all Lot 6 & E 1/2 Lot A

Hyde Park Lot 21 w 134.6 ft Lot A Blk 18 3517 Main / Lots 19 & 20 Blk 18 Hyde Park

3527-31 Main Hyde Park w 110 ft Lots 17 & 18 Blk 18

3537-43 Main Hyde Park Lots 14 thru 16 Blk 18

Hyde Park, Blocks 19, Lots 13-24

Hyde Park, Block 34, Lots 13-24

Hyde Park, Block 35, Lots 7-12

Hyde Park, Blocks 52, Lots 2-12

3901-11 Main Subd of John Harris Estate prt Lot 4 beg se cor 39th & Main th s a dist 210 ft th e 209.47 ft th n 210 ft to n li 39th St th w to pob

17-19 E 39th St/Vac lot Hyde Park s 105 ft Lot 1 Blk 28

3912 Walnut/Vac lot Hyde Park Lot 2 Blk 28

Hyde Park---All Lot 3 & pt Lots 4 & 5 & all Lots 6 & 7 Nlk 28 & pt Lot 4 John Harris Est daf: beg nw cor Lot 3 Hyde Park th e 115.5' th s 327' mol th w 66.66' th n 50' th w 53.88' th n 100' th e 5' th n 50' th e 45' th n 15' th e 12.99' th n 35' th w 12.99' th n 9.47' th w 45' th n 65' to pob

3917-21 Main Prt John Harris Estate Sub of Lot 4 daf: beg at pt on e li Main St 210 ft s of s li 39th St th e 121.5 ft th s 19.75 ft th w 121.5 ft to e li Main St th n 19.75 ft to pob also n 32.5 ft Lot 3 Blk 28 Hyde Park exc e 91.00 ft of n 32.5 ft sd Lot 3 esc s 11.5 ft of n 32.5 ft of w 17 ft of e 108 ft sd Lot 3

3923-25 Main / 45.25 ft frt one li Main St bet pts 229.75 & 275 ft s of present s li 39th St & rng e 121.5 ft prt of Lot 4 Sub of John Harris Est

3927 Main / 60 ft frt on e li of Main St bet pts 275 & 335 ft s of present s li 39th St & rng e 121.5 ft part Lot 4 Sub of John Harris Est

Hyde Park prt of Lots 4 & 5 Blk 28 beg on w li sd Lot 4 at a pt 10 ft n of sw cor th e to a pt 70.05 ft w of e li sd Lot 4 th s 9.47 ft th e 12.99 ft th s 35.53 ft th w 12.97 ft th s 15.07 ft to s li sd Lot 5 th w to sw cor sd Lot 5 th n alg w li sd Lots 60 ft to beg

3931 Main / 25 ft frt on e li of Main St bet pts 335 & 360 ft s of present s li 39th St & rung e 121.5 ft part Lot 4 Sub of John Harris Est

3933 Main Sub of John Harris Est prt Lot 25 ft frt on e li Main St bet pts 360 & 385 ft s of s li 39th St & rung e 121.5 ft

3935-41 Main Sub of John Harris Estate prt of Lot 4 beg on e li Main St 415 ft s of n li SW 1/4 Sec 20 49 33 th e 116.5 ft th s 100 ft th w to ely li Main St th nwly alg sd ely li 12.09 ft th n alg e li Main St 89.06 ft to beg

3943-45 Main Sub of John Harris Estates prt of Lot 4 beg 485 ft s of s li 39th St & 66.66 ft w of w li Walnut St th w to ely li Main St th sely alg sd ely li to n li Klein Place th e alg sd n li to a pt 66.66 ft w of w li Walnut St th n 50 ft to beg

3947 Main / All Lots 1 & 2 Klein Place 3951-57 Main St / Lots 3 4 & 5 Klein Place

3967 Main Klein Place all of Lots 6 & 12 & all of Lot 14 ly n of li drn at r/a with e li of sd Lot & 90.8 ft n of se cor

10 E 40th St Klein Place all Lot 14 ly s of li drn at r/a with e li of sd lot & 90.8 ft n of se cor

11 E 40th St & 4005-41 Main /Church & Parish House & School Grand Avenue Highlands Lots 1 & 2 exc prt in st & e 123.8 ft Lots 3 thru 5 & e 114.22 ft of w 123.72 ft of s 25 ft Lot 5 & all Lots 6 thru 8 exc prt in st also Weaver Place Lots 1 thru 5

Sec 20-49-33 SE 1/4 SW 1/4 Grand Avenue Highlands w 133.63' of Lot 49 & e 28.67' of w 162.3' of n 100' of Lot 49 also Lots 13 & 14, D S Longs Sub of Lots 50-59 incl (ex pt in Main)

4201 Main St Office Depot Center Lot 1

4231 Main D S Longs Sub of Lots 50 to 59 incl of Grand Ave Highlands Lots 1 thru 5 exc prts in st

D S Longs Sub of Lots 50 to 59 of Grand Ave Highlands n 33.33 ft of Lot 23

4210 Walnut D S Longs Sub of Lots 50 to 59 of Grand Ave Highlands s 6.67 ft of Lot 23 & n 16.67 ft of Lot 24

D S Longs Sub of Lots 50 to 59 of Grand Ave Highlands s 33.33 ft of Lot 24

Long's D S Sub Lots 25, 26, 27 & 28 both incl of Lots 50 & 59 Grand Ave Highlands---all of Lots 25 & 26 & pt of Lot 27 D S Longs Subd of Lots 50 to 59 both incl Grand Ave Highlands daf: beg at th ne cor of sd Lot 25 th s 00 deg 03 min 22 sec w 116.36' th s 89 deg 44 min 47 sec w 133.17' th n 00 deg 03 min 22 sec e 116.36' th n 89 deg 44 min 47 sec e 133.17' to pob (known as Tr-1 cert sur T-37 pg-38)

Long's D S Sub Lots 25, 26, 27 & 28 both incl of Lots 50 & 59 Grand Ave Highlands all of Lots 25 & 26 & pt of Lot 27 D S Longs Subd of Lots 50 to 59 both incl Grand Ave Highlands daf: beg at th ne cor of sd Lot 25 th s 00 deg 03 min 22 sec w 116.36' to tru pob th s 00 deg 03 min 22 sec w 83.46' th s 89 deg 44 min 47 sec w 133.17' th n 00 deg 03 min 22 sec e th s 89 deg 44 min 47 sec w 133.17' to tru pob (known as Tr-2 cert sur T-37 pg-38)

100-110 E 43rd St 4241-49 Walnut D S Longs Sub of Lots 50 to 59 incl of Grand Ave Highlands Lots 29 & 30 & s 16 2/3 ft Lot 31

4303 Walnut West Estate Lot 43 & prt NE 1/4 NW 1/4 Sec 29 49 33 beg at ne cor sd Lot 43 th s to se cor th e to w li of vac alley th n alg sd w li to s li 43rd St th w to beg

4301-07 Main West Estate all of Lots 15 & 16 & 26 & W 1/2 vac alley ly e of & adj sd Lots 15 & 16 & E 1/2 vac alley w of & adj sd Lot 26

4309 Main West Estate all Lots 17 thru 19 & w 1/2 vac alley ly e & adj sd lots also Lots 27 thru 29 & e 1/2 vac alley ly w & adj sd lots

Sec 29-49-33 NE 1/4 NW 1/4 Quik Trip #184 First Plat Lot 1 4401 Main/Vac lot West Estate Lot 24

4400 Walnut/Vac lot West Estate Lot 35 4405 Main/Vac lot West Estate Lot 25

4404 Walnut/Vac lot West Estate Lot 36

4409 Main/Vac lot West Estate Main Street Add Lot 1 Lot 2 exc s 5.23 ft Blk 1 Main St Add also w 90.67 ft of n 42.83 ft Lot 37

4406 Walnut/Vac lot West Estate e 128.56 ft of n 35 ft Lot 37

4408 Walnut/Vac lot West Estate e 128.56 ft of s 10.99 ft Lot 37 e 128.56 ft of n 20 ft Lot 38

4411 Main Main Street Add s 5.23 ft of Lot 2 all Lot 3 & n 16.98 ft of Lot 4 Blk 1 & s 2.83 ft of w 90.67 ft of Lot 37 & w 90.67 ft of Lot 38 of West Estate

4410 Walnut/Vac lot West Estate e 128.56 ft of s 30 ft Lot 38

4419-21 Main/Vac lot West Estate Main St Add s 14.02 ft Lot 4 all Lots 5 & 6 n 23.98 ft Lot 7 Blk 1 & w 80.12 ft Lots 39 & 40 4414 Walnut/Vac lot West Estate e 139.11 ft Lot 39 4418 Walnut/Vac lot West Estate e 139.11 ft Lot 40

4425-27 Main/Vac lot West Estate Main Street Add s 7.02 ft Lot 7 all Lots 8-9 & 10 Blk 1 w 72.12 ft Lots 41 & 42

4435 Main Main Plaza 1st Plat Lot 1 exc beg se cor sd lot th n alg e li 174.29 ft th n 87 deg 24 min 18 sec w 250 ft to w li of sd lot th s alg sd w li 196.93 ft th sely on cur to lt alg swly li sd lot 23.98 ft th ely alg sly li sd lot 238.26 ft to beg

4445 Main Main Plaza 1st Plat prt of Lot 1 beg se cor sd lot th n alg e li 174.29 ft th n 87 deg 24 min 18 sec w 250 ft to w li sd lot th s alg sd w li 196.93 ft th sely on cur to lt alg swly li sd lot a dist of 23.98 ft th ely alg sly li sd lot 238.26 ft to beg

4501 Main Plaza Inn Tr 1

4535 Walnut Plaza Inn Tract 2

4545-47 Main / Southmoreland Amend Plat Sub Lot 6 beg at pt 4.5 ft s of nw cor Lot 10 th s 60 ft to pt 14.5 ft s of nw cor Lot 9 th e 175 ft th n 60 ft th w 175 ft to beg part of Lots 3-4-9 & 10 Southmoreland Amend Plat Sub Lot 6

32 E 46th St / Youth Activity Complex South Moreland Amend Plat Sub Lot 6 all exc w 25 ft Lots 2 thru 6

Sec 29-49-33 SE 1/4 NW 1/4 Ponce de Leon Condominiums Tr A common area

Sec 29-49-33 SE 1/4 NW 1/4 Ponce de Leon Condominiums Lot 1 common area

4601 Main / Church Southmoreland Amend Plat beg at se cor 46th & Main St th s alg e li Main St 84.74 ft th sely alg a li which defl to left 24 deg 38 min 50 sec from e li sd Main St 65 ft th sely alg a li which defl to left 23 deg 25 min 30 sec from last desc course 72.43 ft to apt which is 222.5 ft n of n li Brush Creek Blvd & 81 ft e of e li Main St th e at r/a to e li Main St 86 ft th n & parl to e li Main St 23 ft th nely alg a li which deflects to right 5 deg 18 min 40 sec from last desc course 133.88 ft to pt in s li sd 46th St th wly alg s li sd 46th St 183.33 ft to pt of beg part Lot 12

Prt SE 1/4 NW 1/4 Sec 29 49 33 beg 40 ft e & 85 ft n of sw cor th n 250 ft th se 280 ft th w 120 ft to beg

2 Brush Creek Blvd Southmoreland Amend Plat beg on n li Brush Creek Blvd 943.72 ft w of e li of NW 1/4 Sec 29 49 33 th w on sd n li to inter with e ly li of r/w of kc w pt belt ry co th nwly algsd e li of r/w to inter of e li of Main St th n on e li Main St to pt 84.74 ft s of s li 46th St th sely alg a li deflect to left 24 deg 38 min 55 sec from e li Main St 65 ft th sely alg a li deflect to left 23 deg 25 min 30 sec from last des course 72.43 ft to pt 222.25 ft n of n li Brush Creek Blvd & 81 ft e of e li Main St th e at r/a to e li Main St 86 ft th n & parl e li Main St 23 ft th alg a li deflect to right 5 deg 18 min 40 sec fmm last course to pt 70 ft sly of s li 46th St th s 69 deg 9 min 45 sec e 94.8 ft th s 59 deg 26 min 30 sec e 105.56 ft th s 54 deg e 125.92 ft th sly 36.92 ft to a pt 831.72 ft w of e li sd 1/4 sec & 110.18 ft n of n li Brush Creek Blvd th nwly 65 ft m/l to pt 125 ft n of Brush Creek Blvd th w parl n li Brush Creek Blvd

4400 Main Sec 29 Twp 49 Rng 33 pt of W 1/2 NW 1/4 & pt of Lots 11-20 Main St add daf beg nw cor Lot 1 West Estate th swly alg curv to ri 850 ft mol th sely alg a curv to lf 42 ft mol th w 30.11 ft th sly alg curv to lf 824.61 ft th sely 309.09 ft th s alg w row li Main St 167.99 ft th nw 461.81 ft th nwly alg curv to ri 1168.15 ft mol th cont nly alg curv to lf 810 ft mol th e 112 ft mol to pob

Fountainview 2nd Plat Tr A Fountainview 2nd Plat Lots 1-3

4408 Main St Main Street Add Lots 1-20 Blk 2 & all vac alley within sd lots exc prt of Lots 11-20 in rr r/w & Southmoreland Plat No 2 prt of Lot 13 ly e of rr r/w & n 40 ft of lot 14 ly e of ffr/w

Sec 29-49-33 Main Street Add pt of Lots 11-20, Blk 2 & pt of W 1/2 of NW 1/4 all daf: beg sw cor of n 40' of Lot 14, Southmoreland Plat No 2, th w 10.04', th nly alg curv to ri 279.81', th ne 11.45', th nely alg curv to lf 321.38', th e 10.02', th swly alg curv to ri 323.96', th sw 11.45', th sly alg curv to lf 277.21' to pob & vac alley ly e & adj & vac alley ly s of Lot 14, West Est

4406 Main / Lot 14 West Estate

1-15 W 44th St West Estate s 39 ft Lot 13

4326 Main/Vac lot West Estate Lots 10-11 & n 31 ft of Lot 12 4322-24 Main West Estate Lot 9

4318 Main / Lot 8 West Estate

4314 Main West Estate all Lot 6 & E 1/2 vac alley ly w & adj also all Lot 7 & S 1/2 vac alley ly n & adj

4300-04 Main West Estate e 95 ft Lots 4 & 5

15 W 43rd St West Estate w 25 ft of Lots 4 & 5 & e 1/2 vac aly w of & adj

21 W 43rd St West Estates Lots 1-3 & w 1/2 vac aly e of & adj & n 1/2 vac aly s of & adj

Stephens & Smith's Sub Amended Plat---Lots 12-15 (ex pt in rd)

4212 Main/Parking Stephens & Smiths Sub Amend Plat w 130.5 ft Lot 11 4210

Main / W 130.5 ft Lot 10 Stephens & Smiths Sub Amend Plat

4200 Main / Lots 8 & 9 Stephens & Smiths Sub Amend Plat

16-18 W 43rd St / E 41.5 ft Lot 16 & e 34.61 ft Lot 17 also 35 sq ft at sw of e 34.61 ft Lot 17 Stephen & Smiths Sub Amend Plat

20 W 43rd / W 88.5 ft of s 60 ft Lot 16 Stephens & Smiths Sub Amend Plat

4225 Baltimore / W 88.5 ft of n 2.87 ft Lot 16 w 95.39 ft Lot 17 except 35 sq ft in se cor sd tract Stephens & Smiths Sub Amend Plat

4221 Baltimore Stephens & Smith Sub Lot 18 Amend Plat

4219 Baltimore/Vac lot Stephens & Smiths Sub Amended Plat s 33 1/3 ft of Lot 19

4209-15 Baltimore / N 16 2/3 ft Lot 19 all Lot 20 & s 37.5 ft of Lot 21 Stephens & Smiths Sub Amend Plat

4205-07 Baltimore / N 12 1/2 ft Lot 21 s 40 ft Lot 22 Stephens & Smiths Sub Amend Plat

4201-03 Baltimore Stephens & Smiths Sub Amend Plat n 10 ft Lot 22 all Lot 23

12 W Vietnam Vet Mem Dr Amended Plat of Stephens & Smiths Sub Lots 24 & 25 exc n 10 ft of sd Lot 25

4120 Main / Lots 6 & 7 Stephens & Smith Sub Amend Plat 4116 Main Stephens & Smiths Sub Amend Plat w 130.5 ft Lot 5

4104-4114 Main Amended Plat of Stephens & Smiths Sub s 14.66 ft Lot 1 & all Lots 2 thru 4 exc prt in Main

4102 Main / N 32.34 ft of s 47 ft meas on e li of Lot 1 exc part in Main St Stephens & Smiths Sub Amend Plat also sly 1/2 vac alley ly nly & adj

4100 Main & 4103-05 Central Boggs Add to Westport ely 30 ft of sly 20 ft Lot 9 & ely 30 ft of nly 10 ft Lot 10 & sly 60 ft Lot 10 & Amended Plat of Stephens & Smiths Sub n 60.8 ft meas on e li Lot 1 & Bonhams Add Lot a exc prt in st also all vac n & s alley & nly 1/2 vac e & w alley ly within sd tract

4101 Central Boggs Add to Westport wly 120 ft of sly 20 ft Lot 9 wly 120 ft of nly 10 ft Lot 10

4050 Main Bonhams Add to Westport Prt Lots 3 thru 8 daf: beg at a pnt on th s li sd Lot 3 9.5 ft w of original se cor sd lot 3 sd pnt being th inter n li 41st st & w li Main St as now established th n alg w li Main St 126.11 ft th w 56.80 ft to a pnt 126.02 ft n of n li 41st St th s parl to w li Main St 24.81 ft th e parl to n li 41st St 3.80 ft th s parl t w li Main St 101.21 ft to n li 41st St th e alg n li 41st St 53 ft to pob (exc prt in sts)

4040 Main Sub of Lots 2 3 4 5 10 11 12 & 13 Hunters Heights Lots 8 thru 12 & Hunters Heights Lots 8 & 9 th prt ly e of Baltimore Ave & Lots 6 & 7 (exc prt in Main St) & Bonhams Add to Westport Lots 8 thru 10 & prt Lots 3 thru 7 daf: beg n li 41st St 53 ft w of Main St row li th n parl to w li Main St 101.21 ft th w parl to n li 41st St 3.80 ft th n parl to w li Main St to n li Lot 7 th w to w li Bonhams Add to Westport th s to n li 41st St th e to pob & all vac aly ly within desc Tr 3 w 40th Way Sub of Lots 2 3 4 5 10 11 12 & 13 Hunters Heights Lot 7

4000-22 Main Dickinson Place s 20 ft of w 140.5 ft of lot 1 & w 140.5 ft of Lots 2 thru 5 & w 140.5 ft Lot 6 & 8.5 ft strip ly s & adj sd Lot 6 & n 45 ft of e 140 ft of Lot 8 & e 40 ft of Lots 10 & 11 & e 40 ft of s 20 ft of Lot 12 also Hunters Heights Lots 1 & 14 & Sub of Lots 2 3 4 5 10 11 12 & 13 Hunters Heights Lots 1 thru 6 exc prt in st

4017 Baltimore Dickinson Place e 140 ft Lot 7 & s 5 ft of e 140 ft Lot 8 & a strip 8.5 ft wide ly s of & adj e 140 ft of Lot 7

4001 Baltimore & 35 W 40th St Dickinson Place e 140 ft Lot 9 & e 100 ft of w 110 ft Lots 10 & 11 & e 100 ft of w 110 ft of s 20 ft Lot 12

2 W 40th St / Kearney Heights beg at inters of new w li of Main St with s li of Kearney Hgts th w 130 ft & th n 109.6 ft th nely at r/a to the tangent in w li of old Main St to new w li of Main St th sly along wly li Main St to beg except pt in 40th St

Kearney Heights / Beg on n li 40th St 131.95 ft w of w li Main St th n 99.6 ft th nwly 150.6 ft to s li Westport Ave th swly 64.93 ft to e li Baltimore th s 189.83 ft to n li 40th St th e 146.49 ft to pob part of Lots 7 8 9 10 & A Kearney Heights

Kearney Heights beg on sly li Westport Ave 26.5 ft wly from ne cor Lot 6 Kearney Hgts th swly along sly li of old Westport Ave 64.57 ft th sly at r/a to Westport Ave 160 ft th nely parl to sly li Westport Ave 66.18 ft th nwly to beg exc pt condemned & taken to widen Westport Ave

3948 Main Kearney Heights beg on s li of Old Westport Ave 26.5 ft swly of ne cor of lot 6 th nely alg sly of Old Westport Ave 137.53 ft th on curve to right rad 50 ft to an inters li with li drn 9 1/2 ft w of w li of Main St in Dickinson Pl prod n th s on sd li prod n to n li of land formerly owned by Neekoosa Paper Co th sw on li drn at r/a to ely of Kearney Heights 76 ft m/l th nwly on li drn atr/a to sly li of Westport Ave to pt of beg exc prt condemned & taken to widen Westport Ave

18 Westport Rd/Church Whittier Place all Lot 3 (exc prt in Baltimore Ave)

20 Westport Rd / Lot 2 Whittier Place 16 Westport Rd Whittier Place Lot 1

8 Westport Rd/Church & Parking Whittier Place Lot 5 & Mendelsmurray Hill Add Lots 4 & 8 Blk 1 & Hyde Park Lots 6 & 7

3921 Baltimore/Church Whittier Place all Lot 4 (exc prt in Baltimore Ave)

14 Westport Rd Cor Plat of the Amend Plat of Mendels Murray Hill Lot 3 Blk 1

3934-36-38-40 Main / Beg 64.25 ft s of ne cor Lot 1 th nwly to sw cor Lot 1 th sely to se cor Lot 1 thence n 16.98 ft to beg part of Lot 1 & all Lot 2 Blk 1 Cor Plat of the Amended Plat of Mendels Murray Hill

3902 Main Hyde Park Lots 1-5 Blk 45 & pt Lot 1 Blk 1 Mendel's Murray Hill  
Sub daf: beg ne cor sd lot th s 64.23 ft th nwly to pt on w li of Lot 1 sd pt  
being 36.5 ft s of nw cor th of th n to nw cor lot 1 th e 150 ft to pob

19-21-25 W 39th St all exc prt in st of Lots 8 9 and 10 Blk 45 Hyde Park

3914-24 Baltimore / Parking lot Hyde Park s 31 ft of e 80 ft lot 4 s 28 ft of w  
50 ft Lot 4 all Lot 5 Blk 46 & Corr Plat of Amend Plat of Mendels Murray  
Hill all Lot 1 Blk 2 & Whittier Place all Lot 6

3906 Baltimore Hyde Park e 54 ft of Lots 1 thru 3 & e 54 ft of n 19 ft of Lot  
4 Blk 46

Hyde Park w 76 ft of n 19 ft Lot 4 Blk 46 & w 50 ft of 3 s ft of n 22 ft of sd  
lot & blk

105-07 W 39th St Hyde Park w 76 ft of Lots 1 thru 3 & e 32.5 ft of Lots 8 thru  
10 Blk 46

115-17 W 39th St Hyde Park e 50 ft of w 100 ft Lots 8 9 10 Blk 46

119 W 39th St Hyde Park w 50 ft of Lots 8 9 & 10 Blk 46

3915 Wyandotte/Parking lot Hyde Park Lot 7 Blk 46

3900 Wyandotte Sub of John Harris Est s 70 ft of n 100 ft of e 120 ft Lot 7 & s  
50 ft of n 150 ft of e 140 ft Lot 7

3909 Central / S 50 ft of n 150 ft of w 100 ft of e 240 ft Lot 7 Sub of John  
Harris Est

3903 Central / S 37.5 ft of n 100 ft of w 120 ft of e 240 ft Lot 7 Sub of John  
Harris Est

3901 Central / S 32.5 ft of n 62.5 ft of w 120 ft of e 240 ft Lot 7 Sub of John  
Harris Est

3906 Central John Harris Add to Westport e 96.75 ft of n 5 1/3 ft Lot 15 & e  
96.75 ft Lot 18 & e 96.75 ft of s 57 ft Lot 19

John Harris Add to Westport w 60 ft of n 5 1/3 ft Lot 15 & w 60 ft of s  
61.75 ft Lot 18

309 W 39th St / E 30 ft of w 60 ft of n 10 2/3 ft Lot 18 e 30 ft of w 60 ft of s 57  
ft Lot 19 John Harris Add to Westport

311 W 39th St / W 30 ft of n 10 2/3 ft Lot 18 w 30 ft of s 57 ft Lot 19 John Harris Add to Westport

220-226 W 39th St Arnolds Resurvey of T G Cross-S Add to Westport n 50 ft of w 105.167 ft of Lot 7 & all of Lots 8 & 9

3836 Wyandotte Arnolds Resurvey of T G Cross-S Add to Westport Lot 4

3840-42 Wyandotte Arnolds Resurvey of T G Cross-S Add to Westport Lot 5

212 W 39th St Arnolds Resurvey of T G Cross-S Add to Westport n 50 ft of w 39 ft Lot 6 e 24 ft of n 50 ft Lot 7

204 W 39th St Arnolds Resurvey of T G Cross-S Add to Westport all n 50 ft of e 90.02 ft of Lot 6

3841 Wyandotte / Lot 8 Blk 43 Hyde Park

3845-47 Wyandotte / Hyde Park Lot 7 Blk 43

100-08 W 39th St / Lots 5 & 6 Blk 43 Hyde Park

14-16 W 39th St / W 100 ft Lot 7 & w 100 ft of s 11.41 ft & n 38.59 ft Lot 8 & s 11 ft Lot 9 Blk 44 Hyde Park

10 W 39th St Hyde Park w 50 ft of s 11.58 ft Lot 5 & w 50 ft Lot 6 e 20 ft Lot 7 s 11.58 ft of e 20 ft Lot 8 Blk 44

2-8 W 39th St & 3850 Main Hyde Park s 11.58 ft of e 110 ft Lot 5 e 110 ft Lot 6 Blk 44

Hyde Park all Lot 1 & n 48.42 ft Lot 2

3838 Main / S 11.58 ft Lot 4 n 38.42 ft Lot 5 Blk 44 Hyde Park

3834 Main / S 11.58 ft Lot 3 n 38.42 ft Lot 4 Blk 44 Hyde Park

3820 Main / Lot 4 Blk 39 Hyde Park

3816 Main / Lot 3 Blk 39 Hyde Park

3814 Main / S 10 ft Lot 1 & all Lot 2 Blk 39 Hyde Park

Sec 20-49-33 SW 1/4 NW 1/4 Hyde Park n 50' Lot 1 Blk 39 & s 15' of Lot 1 Blk 50 & e 100' n 83.42' of Lot 1 Blk 50

11-15 W 38th St Hyde [ark n 83.42 ft of e 45 ft of w 60 ft Lot 1 Blk 50 Hyde

Park, Block 47, Lots 1-12

Valentine Addition, Block 1, Lots 1-6

Hyde Park, Block 30, Lots 1-6

Hyde Park, Block 10, Lots 1-11

Hyde Park, Block 3, Lots 1-15

Hyde Park, Block 2, Lots 1-18

3200 Main St / McGees Summit Amended Plat all Lots 1 & 2 & prt of Lots 3 thru 5 Blk 2 daf beg 90 ft ne of sw cor sd Lot 3 th n 128 ft th w 110.53 ft th n 102 ft th w 32 ft m/l th n 288 ft th e 287.50 ft th s 475.30 ft th sw 152.53 ft to pob

20 W Linwood Blvd Amended Plat of McGees Summit prt Lots 3 & 4 Blk 2 beg nw cor Lot 4 th e alg n li sd lot 225 ft th s 102 ft th e 110.53 ft th s 133.21 ft to Linwood Blvd th swly alg n r/w li to sw cor Lot 4 th n 345.6 ft to beg

114 W Linwood Blvd Ross Sub of Lots 6 & 7 Blk 2 of McGees Summit all Lots 1 thru 5 & s 1/2 vac alley ly n & adj

124 W Linwood Blvd Ross Sub of Lots 6 & 7 Blk 2 of McGees Summit all Lots 6 & 7 exc n 65 ft also exc prt in sts

Ross Sub of Lots 6 & 7 Blk 2 of McGees Summit all n 65 ft Lots 6 & 7 & s 1/2 vac alley ly n & adj

3161 Wyandotte Ross Sub of Lots 6 & 7 Blk 2 of McGees Summit all Lots 8 thru 13 & n 1/2 vac alley ly s & adj

3141 Wyandotte/Vehicle Maintenance Facility Amended Plat of McGees Summit all Lots 8 & 9 & all Lot 5 exc e 57 ft Blk 2

100 W 31st Ter Amend Plat of McGees Summit prt of Lots 3 thru 7 Blk 1 daf beg 203 ft m/l e of nw cor sd Lot 7 th e 293 ft th s 200 ft th e 305.51 ft th s 84 ft th w 597.50 ft th n 289 ft to pob

3125 Wyandotte Amended Plat of McGees Summit Lots 6 & 7 Blk 1 exc e 117 ft sd lots also exc beg pt n li sd Lot 7 a dist of 117 ft wly of ne cor sd Lot 7 th

sly parle li sd Lot 7 a dist of 87.54 ft th n 87 deg 22 min 49 sec w 162.05 ft pt w li sd Lot 7 th nly alg sd w li 95.87 ft th ely alg n li sd lot to pob

3118 Main Amended Plat of McGees Summit Tract B on cert of survey of Lot 2 3 & 5 Blk 1 filed as Docmt K1140849 in Bk S4 at pg 75 on 5-20-94

3100 Main St /McGees Summit Amended Plat pt of Lots 1 2 & 5 Blk 1 daf: beg 40 ft s & 19.50 ft w of ne cor of sd Lot 1 sd pt also being sw cor of 31st St & Main St th s 183.95 ft th w 145 ft th n 2 ft mol th w 89.74 ft

ths 122.50 ft th w 70.50 ft th n 200 ft th w 25 ft th n 106.94 ft th e 330.50 ft to pob

3111 Wyandotte Amended Plat of McGees Summit prt Lot 7 Blk 1 daf beg ne cor sd lot th wly alg n li sd lot a dist of 117 ft th s 02 deg 27 min 15 sec w parl e li sd lot a dist of 17.39 ft to pob th sly parl sd e li 70.15 ft th n 87 deg 22 min 49 sec w 162.05 ft pt w li sd lot th nly alg sd w li 95.87 ft to nw cor sd lot th ely alg n li sd lot a dist of 111.06 ft th sly parl e li sd lot a dist of 17.38 ft th ely 88 ft to pob

211 W 31st St McGees Summit Amended Plat prt Lot 8 Blk 1 daf beg nw cor sd Lot 8 th e 168 ft m/l th s 112 ft th w 115 ft th nw 125 ft to pob

111 W 31st St Amended Plat of McGees Summit w 155 ft of e 205 ft of s 112 ft of Lot 8 Blk 1 also prt of Lot 7 Blk 1 beg on n li sd Lot 7 at a pt 117 ft w of ne cor th s 2 deg 27 min 15 sec w 17.39 ft th n 87 deg 08 min 57 sec w 88 ft th n 2 deg 27 min 15 sec e 17.38 ft to n li sd lot 7 th e alg sd n li 88 ft to beg

101 W 31st St / S 112 ft of n 142 ft of w 75 ft Lot 4 e 50 ft of s 112 ft Lot 8 Blk 1 Amended Plat of McGees Summit

31 W 31st St McGees Summit Amended Plat e 50 ft of s 114 ft of n 144 ft Lot 4 Blk 1

McGees Summit Amended Plat w 25 ft of s 114 ft of n 144 ft Lot 5 Blk 1

Mount Auburn, Block 2, Lots 1-46

Mounty Auburn, Block 3, Lots 4-44

2940 Main / Lots 19 to 24 incl also n 5 ft vac 30th St s of & adj Lot 24 Blk 1 Mount Auburn

Park Reserve Condominiums Units 2101-2308 Park Reserve Yosemite

Condominiums---Lot 1

Park Reserve Condominiums Units 1001-1504 common element.

This amendment to the Main Corridor Overlay District, is shown outlined on a map marked Section 88-20A1134, which is attached hereto and made a part hereof, is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

## **MAIN CORRIDOR OVERLAY DISTRICT (MCO)**

### **1. Introduction**

#### **a. Purpose**

The Main Corridor Overlay (MCO) aims to provide for a cohesive development pattern along Main Street and major intersecting corridors. The following regulations create design standards that promote the use of transit, context sensitive density, pedestrian friendly spaces, and overall design excellence. Uses are regulated by this overlay to ensure compatibility between transit and adjacent uses. This overlay generally extends along Main from Pershing Road to Emanuel Cleaver II Boulevard.

#### **b. Applicability**

- i. The standards of this article apply to all development in the Main Corridor Overlay District, provided that the provisions of this ordinance shall not apply to pending applications submitted under the current provisions of the Main Street Special Review District that were filed prior to December 21, 2017. Any pending applications filed prior to December 21, 2017 shall be required to comply with the existing provisions of Committee Substitute for Ordinance No. 110040. This document establishes the development standards that vary from the underlying base zoning for the properties in the Main Corridor Overlay District. All provisions described below as regulatory in nature have the same force and effect as, but are variations from, the standards set forth in Chapter 88 - Zoning and Development Code.
- ii. If provisions of this overlay district are inconsistent with Chapter 88, the provisions of this overlay district shall apply.
- iii. If provisions of this overlay district are inconsistent with a Historic Overlay District, the provisions of the Historic Overlay District shall apply.
- iv. Existing MPD and UR districts are exempt from the standards of this document. However, when new MPD or UR plans are adopted or amendments are made to existing MPD or UR plans the standards of this document shall be met. Restaurants, as defined in Chapter 88, zoning and development code, with a single lane drive-through which existed in MPD or UR districts prior to January 18, 2017 that are rebuilt in substantially the same footprint may construct dual drive-through lanes when the existing restaurant is demolished and rebuilt, the requirements of Section 1.b.vii and Section 3 notwithstanding. The City Council may authorize a rebuilt restaurant meeting the foregoing

criteria to deviate from the lot and building standards contained in Section 4 of this Main Corridor Overlay as part of a development plan approval process pursuant to Section 88-517-09 of the zoning and development code.

- v. Buildings listed on the National Register of Historic Places and following the Secretary of the Interior's Standards through the National Parks Service shall be exempt from the Lot & Building Standards, Architectural Materials, Façade Articulation and Composition and Transparency standards of this overlay.
- vi. Permits may be issued for previously approved site-specific development plans that were approved prior to the effective date of the Main Corridor Overlay in accordance with the previously approved plan without compliance with the Main Corridor Overlay. Compliance with use regulations, architectural materials and signage shall be required. For purposes of this section, "site-specific development plans" are plans or plats submitted by a landowner or an authorized representative describing with reasonable certainty the type and intensity of development for a specific parcel of property and that have been approved by the city plan commission, board of zoning adjustment and/or city council. Such plans may be in the form of preliminary subdivision plats or plans, final subdivision plats or plans, development plans, plans approved by the Main Street Special Review District, or other similar plans, as determined by the city planning and development director.
- vii. Other than as set forth below, the underlying zoning and the regulations and standards included in the Zoning and Development Code, Chapter 88, prescribed for the areas rezoned to this overlay district shall remain unchanged and shall continue to apply.
  - 1. **New Development**  
Full compliance with this article applies to all new buildings constructed within this district.
  - 2. **Enlargements and Expansions**  
Full compliance with this article applies only to the enlargement or expansion area.
  - 3. **Façade Changes**  
Compliance with this article applies to façade changes to existing buildings.
  - 4. **Change of Use or Occupancy**  
Compliance with use standards apply whenever the use or occupancy of a property changes.
  - 5. **Signage**

Compliance with signage standards apply when a sign permit is required.

**2. Zone Descriptions (see map)**

a. **Neighborhood Main Street**

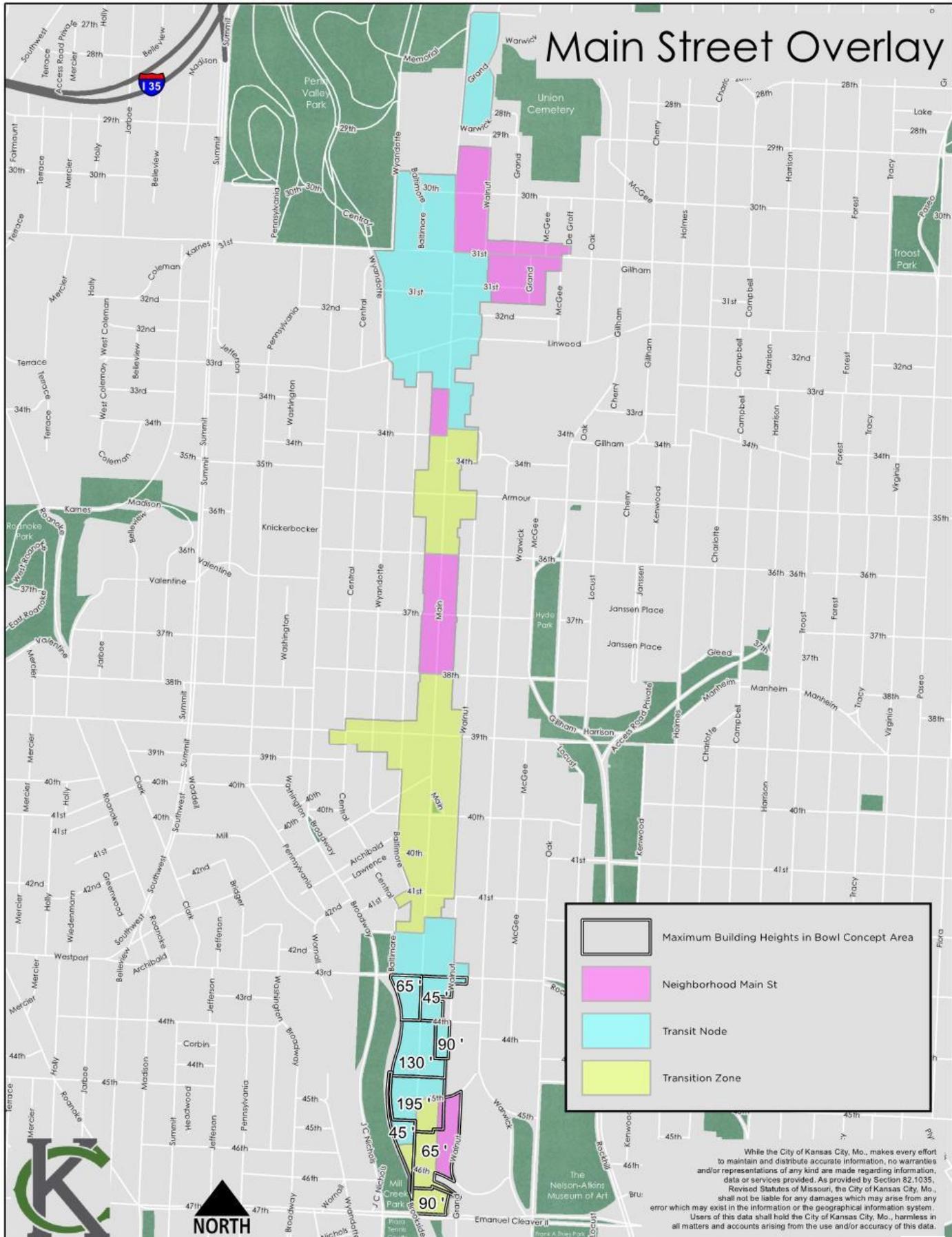
Neighborhood Main Streets provide a diverse critical mass of walkable services for adjacent neighborhoods. These areas anchor residential neighborhood reinvestment and revitalization and restore the vibrant walkable character of the corridor and adjacent neighborhoods.

b. **Transit Nodes**

Transit nodes are centered around a rapid transit stop. Transit nodes encourage an appropriate mixture of density and uses around rapid transit stops to increase ridership and support transit investments. These nodes are characterized by compact development that facilitates access between rapid transit stops and nearby residential, commercial, civic, recreational, and institutional uses.

c. **Transitional Zones**

Transitional zones provide a balanced transition from Transit Nodes to Neighborhood Main Streets.



**3. USES**

a. **Use Specific Standards**

i. **Drive-Through Facilities**

In addition to 88-340 Drive-Through Facilities and in order to apply for a Special Use Permit for a Drive-Through the following standards must be met, except where a single lane drive-through restaurant which existed in a MPD or UR district prior to January 18, 2017 creates dual drive-through lanes as part of a restaurant rebuild as allowed pursuant to Section 1.b.iv of this Main Corridor Overlay:

1. Drive-through facilities are only permitted within Neighborhood Main Street Districts.
2. Drive-through facilities shall be limited as accessory uses to financial services uses. Drive-through facilities serving other uses are prohibited.
3. Drive-through uses shall only be permitted on a corner lot.
4. Street access to drive-through lanes shall be offset by at least 15 feet to prevent vehicles from stacking onto Main Street or any cross street.
5. No more than one curb cut shall be granted per street frontage for any use with a drive-through.

ii. **Tavern or Nightclub**

1. Approval of a Special Use Permit is required for any Tavern or Nightclub with a gross floor area equal to or greater than 3,000 square feet.

iii. **Shelter or Boarding**

1. Shelters or Boarding facilities shall not have any outdoor kennels. Outdoor play areas are allowed but shall not exceed 1,000 square feet.
2. Outdoor play areas shall be located in the rear yard and shall be secured with a solid six (6) foot fence.

iv. **Non-Accessory Parking**

1. Non-accessory parking is only permitted within a parking garage. Surface parking lots shall not be allowed as non-accessory parking.

v. **Gasoline and Fuel Sales**

- No such establishment shall be located within 2,000 feet of another gasoline or fuel sales establishment within the overlay district.

| MAIN CORRIDOR OVERLAY USE TABLE                   |   |    |    |    |    |    |    |    |    |                                    |  |  |  |
|---|---|----|----|----|----|----|----|----|----|------------------------------------|--|--|--|
| Use Category<br><i>specific use type</i>          | O | B1 | B2 | B3 | B4 | M1 | M2 | M3 | M4 | Use-Specific Standards             |  |  |  |
| <b>RESIDENTIAL</b>                                | O | B1 | B2 | B3 | B4 | M1 | M2 | M3 | M4 | Use-Specific Standards             |  |  |  |
| <b>Household Living</b>                           |   |    |    |    |    |    |    |    |    | 88-110-04<br>88-110-06-C<br>88-323 |  |  |  |
| <i>Single family home</i>                         | P | P  | P  | P  | P  | S  | S  | S  | S  | 88-323                             |  |  |  |
| <i>In single-purpose residential building</i>     | – | P  | P  | P  | P  | P  | P  | P  | P  | 88-323                             |  |  |  |
| <i>Above ground floor (in mixed-use building)</i> | P | P  | P  | P  | P  | P  | P  | P  | P  | 88-323                             |  |  |  |
| <b>Group Living</b>                               |   |    |    |    |    |    |    |    |    | 88-350                             |  |  |  |
| <i>Group home</i>                                 | S | S  | S  | S  | S  | S  | S  | S  | S  | 88-350                             |  |  |  |
| <i>Domestic violence residence</i>                | P | P  | P  | P  | P  | S  | S  | S  | S  | 88-350                             |  |  |  |
| <i>Domestic violence shelter</i>                  | P | P  | P  | P  | P  | S  | S  | S  | S  | 88-350                             |  |  |  |
| <i>Nursing home</i>                               | P | P  | P  | P  | P  | S  | S  | S  | S  | 88-350                             |  |  |  |
| <i>Fraternity, sorority, dormitory</i>            | P | P  | P  | P  | P  | S  | S  | S  | S  | 88-350                             |  |  |  |
| <i>Convent/Monastery</i>                          | P | P  | P  | P  | P  | S  | S  | S  | S  | 88-350                             |  |  |  |
| <b>PUBLIC/CIVIC</b>                               | O | B1 | B2 | B3 | B4 | M1 | M2 | M3 | M4 | Use-Specific Standards             |  |  |  |
| <b>Bicycle Sharing Facilities</b>                 | P | P  | P  | P  | P  | P  | P  | P  | P  | 88-322                             |  |  |  |
| <b>Club, Lodge, or Fraternal Organization</b>     | P | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <b>College/University</b>                         | P | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <b>Day Care</b>                                   |   |    |    |    |    |    |    |    |    |                                    |  |  |  |
| <i>Home-based (1–5)</i>                           | P | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <i>Family (up to 10)</i>                          | P | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <i>Group (up to 20)</i>                           | P | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <i>Center (21+)</i>                               | P | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <b>Detention and Correctional Facilities</b>      | – | –  | –  | –  | –  | –  | –  | –  | –  | 88-335                             |  |  |  |
| <b>Halfway House</b>                              | – | –  | –  | –  | –  | –  | –  | –  | –  | 88-352                             |  |  |  |
| <b>Hospital</b>                                   | S | P  | P  | P  | P  | P  | P  | P  | P  |                                    |  |  |  |
| <b>Library/Museum/Cultural Exhibit</b>            | P | P  | P  | P  | P  | –  | –  | –  | –  |                                    |  |  |  |

|   |          |           |           |           |           |           |           |           |           |   |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---|
| <b>Park/Recreation</b> (except as noted below)          | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <i>Community center</i>                                 | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <i>Homes association amenities</i>                      | P        | P         | P         | P         | P         | P         | P         | P         | P         | 88-805-03-H                               |
| <b>Religious Assembly</b>                               | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <b>Safety Services</b>                                  |          |           |           |           |           |           |           |           |           |   |
| <i>Fire station</i>                                     | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <i>Police station</i>                                   | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <i>Ambulance service</i>                                | S        | S         | S         | S         | S         | P         | P         | P         | P         |   |
| <b>School</b>   | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <b>Utilities and Services</b> (except as noted below)   | S        | S         | S         | S         | S         | S         | S         | S         | S         |   |
| <i>Basic, minor</i>                                     | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
|   |          |           |           |           |           |           |           |           |           |   |
| <b>COMMERCIAL</b>                                       | <b>O</b> | <b>B1</b> | <b>B2</b> | <b>B3</b> | <b>B4</b> | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>M4</b> | <b>Use-Specific Standards</b>             |
| <b>Adult Business</b>                                   |          |           |           |           |           |           |           |           |           | 88-310                                    |
| <i>Adult media store</i>                                | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-310                                    |
| <i>Adult motion picture theater</i>                     | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-310                                    |
| <i>Sex shop</i>   | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-310                                    |
| <b>Animal Services</b>                                  |          |           |           |           |           |           |           |           |           | 88-315                                    |
| <i>Sales and grooming</i>                               | -        | P         | P         | P         | P         | P         | P         | P         | P         | 88-315                                    |
| <i>Shelter or boarding</i>                              | -        | -         | P         | P         | P         | P         | P         | P         | P         | 88-315<br>MCO Us<br>Specific<br>Standards |
| <i>Stable</i>   | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-315                                    |
| <i>Veterinary office</i>                                | -        | -         | P         | P         | P         | P         | P         | P         | P         | 88-315                                    |
| <b>Artist Work or Sales Space</b>                       | P        | P         | P         | P         | P         | P         | P         | P         | P         |   |
| <b>Building Maintenance Service</b>                     | -        | -         | -         | P         | P         | P         | P         | P         | P         |   |
| <b>Business Equipment Sales and Service</b>             | -        | -         | P         | P         | P         | P         | P         | P         | P         |   |
| <b>Business Support Service</b> (except as noted below) | -        | -         | -         | P         | P         | P         | P         | P         | P         |   |
| <i>Day labor employment agency</i>                      | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-331                                    |
| <b>Communications Service Establishments</b>            | -        | -         | -         | P         | P         | P         | P         | P         | P         |   |
| <b>Drive-Through Facility</b>                           | -        | -         | -         | S         | S         | S         | S         | S         | S         | 88-340<br>MCO Us<br>Specific<br>Standards |
| <b>Eating and Drinking Establishments</b>               |          |           |           |           |           |           |           |           |           |   |

|  |   |   |   |     |     |     |     |     |     |
|--|---|---|---|-----|-----|-----|-----|-----|-----|
| <i>Restaurant</i>                                      | P | P | P | P   | P   | P   | P   | P   | P   |
| <i>Tavern or nightclub</i>                             | - | - | - | P/S | P/S | P/S | P/S | P/S | P/S |
| <i>Smoking lounge</i>                                  | - | - | - | -   | -   | -   | -   | -   | -   |
| <b>Entertainment and Spectator Sports</b>              |   |   |   |     |     |     |     |     |     |
| <i>Indoor small venue (1-149 capacity)</i>             | - | - | S | P   | P   | P   | P   | P   | P   |
| <i>Indoor medium venue (150-499 capacity)</i>          | - | - | S | S   | S   | S   | S   | S   | S   |
| <i>Indoor large venue (500+ capacity)</i>              | - | - | - | S   | S   | S   | S   | S   | S   |
| <i>Outdoor (all sizes)</i>                             | - | - | - | S   | S   | S   | S   | S   | S   |
| <b>Financial Services</b>                              |   |   |   |     |     |     |     |     |     |
| <i>Bank</i>  | P | P | P | P   | P   | P   | P   | P   | P   |
| <i>Pawn shop</i>                                       | - | - | - | -   | -   | -   | -   | -   | -   |
| <i>Savings and loan association</i>                    | P | P | P | P   | P   | P   | P   | P   | P   |
| <i>Short-term loan establishment</i>                   | - | - | - | -   | -   | -   | -   | -   | -   |
| <b>Food and Beverage Retail Sales</b>                  | - | - | S | P   | P   | P   | P   | P   | P   |
| <b>Funeral and Interment Service</b>                   |   |   |   |     |     |     |     |     |     |
| <i>Cemetery/columbarium/mausoleum</i>                  | - | - | - | -   | -   | -   | -   | -   | -   |
| <i>Crematory</i>                                       | - | S | S | -   | -   | -   | -   | -   | -   |
| <i>Undertaking</i>                                     | - | S | P | S   | S   | S   | S   | S   | S   |
| <b>Gasoline and Fuel Sales</b>                         | - | - | - | -   | -   | -   | -   | -   | -   |
| <b>Lodging</b>   |   |   |   |     |     |     |     |     |     |
| <i>Bed and breakfast</i>                               | - | P | P | P   | P   | -   | -   | -   | -   |
| <i>Hotel/motel</i>                                     | - | - | - | P   | P   | P   | P   | P   | P   |
| <i>Recreational vehicle park</i>                       | - | - | - | -   | -   | -   | -   | -   | -   |
| <b>Mobile Vendor Park</b>                              | - | - | P | P   | P   | P   | P   | P   | P   |
| <b>Office, Administrative, Professional or General</b> | P | P | P | P   | P   | P   | P   | P   | P   |
| <b>Office, Medical</b> (except as noted below)         | P | P | P | P   | P   | P   | P   | P   | P   |
| <i>Blood/plasma center</i>                             | - | - | - | -   | -   | -   | -   | -   | -   |
| <b>Parking, Accessory</b>                              | P | P | P | P   | P   | P   | P   | P   | P   |
| <b>Parking, Non-accessory</b>                          | - | - | - | P   | P   | P   | P   | P   | P   |
| <b>Personal Improvement Service</b>                    | P | P | P | P   | P   | P   | P   | P   | P   |
| <b>Repair or Laundry Service, Consumer</b>             | - | P | P | P   | P   | P   | P   | P   | P   |
| <b>Research Service</b>                                | P | P | P | P   | P   | P   | P   | P   | P   |

MCO Us  
Specific  
Standards

88-325

88-345

88-345

88-345

88-345

88-323

88-320

88-323 & 8  
378

88-358

88-323

3biv

|   |          |           |           |           |           |           |           |           |           |                               |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------------------|
| <b>Retail Sales</b>   | –        | P         | P         | P         | P         | P         | P         | P         | P         |                               |
| <i>Outdoor Retail Sales – Class A</i>   | –        | –         | –         | P         | P         | P         | P         | P         | P         | 88-366-01                     |
| <i>Outdoor Retail Sales – Class B</i>   | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-366-02                     |
| <b>Reuse of designated historic landmark (local or national) if proposed use is not permitted</b> | P/S      | P/S       | P/S       | S         | S         | S         | S         | S         | S         | 88-367                        |
| <b>Sports and Recreation, Participant</b>   |          |           |           |           |           |           |           |           |           |                               |
| <i>Indoor</i>   | –        | P         | P         | S         | S         | S         | S         | S         | S         |                               |
| <i>Outdoor</i>  | –        | –         | –         | S         | S         | S         | S         | S         | S         |                               |
| <b>Vehicle Sales and Service</b>  |          |           |           |           |           |           |           |           |           |                               |
| <i>Car wash/cleaning service</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         |                               |
| <i>Heavy equipment sales/rental</i>   | –        | –         | –         | –         | –         | –         | –         | –         | –         |                               |
| <i>Light equipment sales/rental (indoor)</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-323                        |
| <i>Light equipment sales/rental (outdoor)</i>   | –        | –         | –         | –         | –         | –         | –         | –         | –         |                               |
| <i>Motor vehicle repair, limited</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-323                        |
| <i>Motor vehicle repair, general</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-323                        |
| <i>Vehicle storage/towing</i>   | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-375                        |
|   |          |           |           |           |           |           |           |           |           |                               |
| <b>INDUSTRIAL</b>   | <b>O</b> | <b>B1</b> | <b>B2</b> | <b>B3</b> | <b>B4</b> | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>M4</b> | <b>Use-Specific Standards</b> |
| <b>Junk/Salvage Yard</b>  | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-425-09                     |
| <b>Manufacturing, Production and Industrial Service</b>   |          |           |           |           |           |           |           |           |           |                               |
| <i>Artisan (except as noted below)</i>  | –        | P         | P         | P         | P         | P         | P         | P         | P         |                               |
| <i>Artisanal Food and Beverage Manufacturing</i>  | –        | P         | P         | P         | P         | P         | P         | P         | P         | 88-318                        |
| <i>Catering Establishments</i>  | –        | S         | S         | S         | P         | P         | P         | P         | P         | 88-318                        |
| <i>Limited</i>  | –        | –         | –         | –         | –         | S         | S         | S         | S         |                               |
| <i>General</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-323                        |
| <i>Intensive</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         |                               |
| <b>Mining and Quarrying</b>   | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-355                        |
| <b>Recycling Service</b>  |          |           |           |           |           |           |           |           |           |                               |
| <i>Limited</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         |                               |
| <i>General</i>  | –        | –         | –         | –         | –         | –         | –         | –         | –         |                               |
| <b>Self-Storage Warehouse</b>   | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-323 & 88-369               |
| <b>Warehousing, Wholesaling, Storage, and Freight Movement</b>                                    |          |           |           |           |           |           |           |           |           |                               |
| <i>Indoor</i>   | –        | –         | –         | –         | –         | –         | –         | –         | –         | 88-323                        |

|   |          |           |           |           |           |           |           |           |           |                               |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------------------|
| <i>Outdoor</i>                                    | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-323 & 88-378               |
| <b>Waste-Related Use</b>                          |          |           |           |           |           |           |           |           |           |                               |
| <i>Composting Facility</i>                        | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-328                        |
| <i>Demolition debris landfill</i>                 | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-380                        |
| <i>Solid waste separation facility</i>            | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-380                        |
| <i>Transfer station</i>                           | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-380                        |
|   |          |           |           |           |           |           |           |           |           |                               |
| <b>AGRICULTURE</b>                                | <b>O</b> | <b>B1</b> | <b>B2</b> | <b>B3</b> | <b>B4</b> | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>M4</b> | <b>Use-Specific Standards</b> |
| <b>Agriculture, Animal</b>                        | -        | -         | -         | -         | -         | -         | -         | -         | -         | *Chapter 14                   |
| <b>Agriculture, Crop</b>                          | -        | -         | -         | -         | -         | -         | -         | -         | -         | 88-312-01                     |
| <b>Agriculture, Urban</b>                         |          |           |           |           |           |           |           |           |           |                               |
| <i>Home garden</i>                                | P        | P         | P         | P         | P         | P         | P         | P         | P         | 88-312-02-A                   |
| <i>Community garden</i>                           | P        | P         | P         | P         | P         | P         | P         | P         | P         | 88-312-02-B                   |
| <i>Community-supported agriculture (CSA) farm</i> | P        | P         | P         | P         | P         | P         | P         | P         | P         | 88-312-02-C                   |
|   |          |           |           |           |           |           |           |           |           |                               |
| <b>ACCESSORY SERVICES</b>                         | <b>O</b> | <b>B1</b> | <b>B2</b> | <b>B3</b> | <b>B4</b> | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>M4</b> | <b>Use-Specific Standards</b> |
| <b>Wireless Communication Facility</b>            |          |           |           |           |           |           |           |           |           |                               |
| <i>Freestanding</i>                               | -        | -         | P         | P         | P         | P         | P         | P         | P         | 88-385                        |
| <i>Co-located antenna</i>                         | P        | P         | P         | P         | P         | P         | P         | P         | P         | 88-385                        |

**4. LOT AND BUILDING STANDARDS**

- a. The following Lot and Building Standards apply to all new construction within the overlay district:

| <b>LOT AND BUILDING STANDARDS</b> |  |
|-----------------------------------|--|
| <b>Lot Size</b>                   | None   |
| <b>Floor Area Ratio</b>           | <u>Neighborhood Main Street:</u><br>Refer to underlying zoning<br><u>Transitional Zones:</u> <ul style="list-style-type: none"> <li>• Minimum: 0.5</li> </ul> <u>Transit Nodes:</u> <ul style="list-style-type: none"> <li>• Minimum: 1.0</li> </ul> |
| <b>Minimum Frontage</b>           | 70 percent   |
| <b>Max. Front Yard Setback</b>    | <u>Neighborhood Main Street:</u> 10 feet<br><u>Transitional Zones:</u> 5 feet<br><u>Transit Nodes:</u> 0 feet  |
| <b>Max. Street-side Setback</b>   | <u>Neighborhood Main Street:</u> 10 feet<br><u>Transitional Zones:</u> 5 feet<br><u>Transit Nodes:</u> 0 feet  |
| <b>Min. Rear Yard Setback</b>     |  |

|   |   |
|---|---|
| Abutting a non-residential district     | 0 feet  |
| Abutting residential district           | <p><u>Neighborhood Main Street:</u> refer to underlying zoning district.</p> <p><u>Transitional Zones:</u> 15 feet for first 3 stories. The fourth story and above shall be setback an additional 10 feet. Any story greater than 8 stories shall be setback an additional 10 feet.</p> <p><u>Transit Nodes:</u> 15 feet for first 3 Stories. The fourth story and above shall be setback an additional 10 feet. Any story greater than 8 stories shall be setback an additional 10 feet.</p>   |
| Abutting an alley (any zoning district) | 0 feet  |
| <b>Height on Main Street</b>            | <p><u>Neighborhood Main Street:</u></p> <ul style="list-style-type: none"> <li>• Minimum 2 stories</li> <li>• Maximum 5 stories</li> </ul> <p><u>Transitional Zones:</u></p> <ul style="list-style-type: none"> <li>• Minimum 2 stories</li> <li>• Maximum 10 stories</li> </ul> <p><u>Transit Nodes:</u></p> <ul style="list-style-type: none"> <li>• Minimum 3 stories</li> <li>• Maximum 15 stories</li> </ul> <p><u>BOWL CONCEPT AREA:</u></p> <ul style="list-style-type: none"> <li>•Maximum building heights shall not exceed heights specified in areas labeled “Maximum Building Heights in Bowl Concept Area.”</li> </ul> |

**b. Exceptions to Lot & Building Standards**

- i. Features allowed to be setback greater than the maximum allowed setback include:

| <b>EXCEPTIONS TO THE LOT AND BUILDING STANDARDS</b>               |   |                        |
|---|---|------------------------|
| <b>Feature</b>  | <b>Maximum percent of façade</b>                              | <b>Maximum setback</b> |
| <b>Changes in façade setback from the maximum allowed setback</b> | Fronting street: 50 percent<br>Fronting side yard: 75 percent | 5 ft.                  |
| <b>Recessed primary entrance</b>                                  | 25 percent  | 5 ft.                  |
| <b>Patio (see patio standards below)</b>                          | 60 percent  | 15 ft.                 |

- ii. No more than 75 percent of the front façade shall be set back more than the maximum allowed setback.

**5. ARCHITECTURAL MATERIALS**

- a. **Permitted Material**  
Materials identified with a “PM” are Primary Materials and allowed on all stories and facades of a structure.
- b. **Permitted Secondary Material**  
Materials identified with a “SM” are Secondary Materials and allowed on the second story and above of a structure or for the required building elements. Permitted secondary materials may be used as an accent material on the first story and shall not encompass more than 20 percent of the first story façade.
- c. **Prohibited Materials**  
Materials identified with an “-“ are expressly prohibited.
- d. **Material Transition**  
Primary and secondary front façade materials shall wrap at the corners a minimum of 10 feet on the side facades.
- e. **Material Preservation**  
Preservation or restoration of original facade materials is desired in existing structures. Applied ‘faux’ facades or other not permitted non-original materials shall not be used and should be removed when renovations occur.
- f. **Determination of Most Similar Material**  
When a specific material cannot be readily classified, the city planning and development director is authorized to determine the most similar, thus most appropriate, material based on the following considerations:
  - i. the appearance of the material;
  - ii. the durability of the material;
  - iii. the method of installing the material;
  - iv. the location of the material; and
  - v. information provided by the International Building Code.

| <b>ALLOWED ARCHITECTURAL MATERIALS</b> |                                   |                           |
|--|-----------------------------------|---------------------------|
| <b>Material</b>                        | <b>Façade Fronting:</b>           |                           |
|  | <b>Front and Street-side Yard</b> | <b>Side and Rear Yard</b> |
| <b>Brick</b>                           | PM                                | PM                        |
| <b>Stone</b>                           | PM                                | PM                        |
| <b>Cast stone</b>                      | PM                                | PM                        |
| <b>Glass</b>                           | PM                                | PM                        |

|  |    |    |
|--|----|----|
| <b>Terra cotta</b>                                       | PM | PM |
| <b>Tile</b>  | SM | PM |
| <b>Concrete</b>  |    |    |
| >> <b>Cast-in-place concrete – smooth/no texture</b>     | -  | PM |
| >> <b>Cast-in-place concrete – textured or patterned</b> | SM | PM |
| >> <b>Pre-cast concrete</b>                              | PM | PM |
| <b>Stucco</b>  | SM | PM |
| <b>Metal</b>   | SM | PM |
| <b>Wood</b><br>(rough sawn wood is not permitted)        | SM | PM |
| <b>Fiber cement</b>                                      |    |    |
| >> <b>Fiber cement panels</b>                            | PM | PM |
| >> <b>Fiber cement clapboard siding</b>                  | SM | PM |
| <b>Fiberglass replication</b>                            | SM | PM |
| <b>Concrete masonry unit</b>                             | -  | -  |
| <b>Split faced block</b>                                 | -  | SM |
| <b>Glass block</b>                                       | -  | SM |
| <b>EIFS</b>  | -  | SM |

**6. FAÇADE ARTICULATION AND COMPOSITION**

**a. Building Elements**

Building element standards apply to front and street-side facades.

- i. All buildings shall include at least two of the following elements:
  - 1. Two or more exterior finishes (i.e. materials)
  - 2. Two or more changes in roof lines
  - 3. Changes in façade setbacks no greater than 5 feet
  - 4. Bay windows
  - 5. Canopies and/or awnings
  - 6. Pilasters or columns

7. Water Tables
  8. Balconies
  9. Patio
- ii. Single-purpose residential buildings with three or more units shall provide outdoor spaces for residents. Residential buildings and uses shall include one or more of the following features on the front façade:
1. **Porches**- Porches are generally slightly above grade with an ornamental rail separating the porch from adjoining grade. Porches must have a minimum depth of 6 feet and shall span at least 50 percent of the front façade width.
  2. **Balconies** - Balconies are outdoor spaces above the ground floor. Balconies must have a guard rail enclosing the usable area. Juliet balconies shall not count toward this requirement.
  3. **Stoops** - Stoops are unenclosed steps and landings providing access to a primary entrance. Stoops must have an ornamental metal rails and masonry cheek walls not exceeding 1 foot in height above the corresponding step. One stoop is required per front façade ground level unit. A minimum of 3 stoops is required to meet this requirement.
- b. **Doors and Entrances**
- i. Primary entrances shall provide direct public access from Main Street to individual shops or businesses, lobby entrances, or to individual dwelling units. Primary entrances shall also be required for the following intersecting streets within the overlay boundaries: 31<sup>st</sup> Street, Linwood Boulevard, Armour Boulevard, 39<sup>th</sup> Street, Westport Road, 43<sup>rd</sup> Street and Emanuel Cleaver II Boulevard. On corner lots, entrances at building corners may be used to satisfy this requirement.
  - ii. Primary entrances must be accentuated with two or more of the following architectural features:
    1. Change in building material
    2. Tile flooring
    3. Recessed entrance (setback no greater than 5 feet) with sidelight windows
    4. Transom windows and/or sidelight windows
    5. Porticos

6. Canopies and/or awnings
  7. Projecting signage
  8. Decorative lighting
- iii. Residential primary entrances shall not exceed 36 inches above grade. Non-residential primary entrances shall not exceed 12 inches above grade.

c. **Patios**

- i. Up to 60 percent of a façade may be setback a maximum of 15 feet to allow for a patio.
- ii. Patios may be used for Outdoor Retail - Class A, dining or gathering space. Patios may not be used for outdoor storage.
- iii. Patios may be roofed with a permanent structure attached to the principal structure. No tents or other temporary structures shall be erected within the patio.
- iv. Patios must be enclosed with a permanent rail or wall constructed of metal, masonry, or wood and shall be no taller than 3 feet in height.

**7. TRANSPARENCY**

- a. At least 60 percent of the façade fronting Main, between 3 feet and 10 feet above the sidewalk must be comprised of windows that allow clear views of indoor space or product display areas. On corner lots, this 60 percent transparency requirement applies only along Main. The minimum transparency standard for facades fronting streets other than those listed above is 40 percent, between 3 feet and 10 feet. Facades fronting parkways and boulevards shall comply with the standards set forth in 88-323 “Boulevard and Parkway Standards.”
- b. Buildings used solely for residential purposes may reduce their transparency to 40 percent on the first story, measured between 3 ½ feet above the finished floor and the interior ceiling.
- c. The minimum transparency for the second story and above must be 40 percent on any façade fronting a street.
- d. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50 percent of the minimum ground-level transparency requirements, provided that they are internally illuminated and are at least 3 feet in depth.
- e. For non-residential structures, the bottom of any window or product display window used to satisfy the ground-level transparency requirements shall not be more than 3.5 feet above the adjacent sidewalk.

- f. The bottom of any window used to satisfy transparency requirements for stories above the ground-level shall not be more than 3.5 feet above the interior floor.
- g. No existing building shall be altered in such a way that reduces transparency below the required or existing amount.
- h. Illumination of windows, display windows and primary entrances shall not have any effects of movement, flashing, scintillation, rolling, dissolving, fading or similar effects.
- i. No obstructions shall be placed on the outside of the window or door, including but not limited to bars, solid screens, signage, and shutters. Boards may be utilized in compliance with Chapter 48 (Nuisances). Required transparency shall not be obstructed by interior signage.

**8. PARKING AND LOADING**

In addition to the standards of 88-420 Parking and Loading, the following standards apply in the Main Overlay District:

- a. Any off-street parking provided must be located behind the building, in the side yard, within or under the building. Parking is not allowed in the street-side yard or front yard. Off-street parking shall be located no closer to an adjacent street than the front building line nearest the parking. On a boulevard, parking located on the side of a building shall be set back a minimum of 10 feet behind the front building line or 30 feet from the right-of-way, whichever is greater.
- b. Tenant spaces shall be included on the ground level of parking garage facades fronting Main. Spaces accommodating these uses shall have a minimum depth of 20 ft. and span a minimum of 50 percent of the total garage frontage.
- c. When available, access shall be taken from side streets or alleys.
- d. Vehicular egress shall only allow right-out traffic.
- e. Vehicular Access Points on the same property shall be spaced at least 100 feet apart. The number of allowed vehicular access points shall not exceed the following table:

| <b>ALLOWED VEHICULAR ACCESS POINTS</b> |  |
|--|--|
| <b>Frontage</b>                        | <b>Allowed Curb Cuts</b>                         |
| <150 ft.                               | 1  |
| 151-500 ft.                            | 2  |
| 501 ft. – 1,000 ft.                    | 3  |
| 1,001 ft. <                            | One additional curb cut per 500 feet of frontage |

**9. SCREENING, FENCING AND WALLS**

- a. In addition to 88-425-08 Screening of Containers and Mechanical/Utility Equipment the following standards must be met:
  - i. Dumpsters and ground level mechanical/utility equipment must be located in the rear yard or can be located in the side yard if setback 20 feet from Main. Dumpsters and ground level mechanical/utility equipment shall not be located in the front or street-side setback.
  - ii. Dumpsters shall be no closer to the street than the front building line.
  - iii. Screening materials must be the same as the primary building materials.
  - iv. Access for dumpsters and mechanical/utility equipment must be shared with any access for required parking.
- b. Fencing and walls within the overlay district shall comply with the following standards:
  - i. No fence over 6 feet shall be erected on any lot.
  - ii. On a boulevard fencing must be of steel, iron, concrete, stone, or brick. Wood picket, stockade or chain link fencing is not permitted, per the Boulevard and Parkway Standards in Section 88-323.
  - iii. Within 20 feet of the Main Street right-of-way lines:
    - 1. Fencing must meet or exceed 80 percent transparency.
    - 2. Freestanding walls shall not exceed 36 inches in height. Fencing or a combination of fencing and a freestanding wall shall not exceed 48 inches in height.
    - 3. Retaining walls adjacent to Main Street shall not exceed 48 inches in height.
    - 4. Freestanding and retaining walls shall be constructed of brick, pre-cast concrete, cast-in-place concrete-textured, stone or cast stone.
    - 5. Chain link, vinyl, plastic, wood, and similar materials are prohibited.
  - iv. Barbed-wire, razor wire, metal sheeting and similar materials are prohibited fencing materials.
  - v. The finished side of the fence or wall must face the adjacent property or the street.
  - vi. Patios shall be enclosed in accordance with 5(c) of this overlay.

- vii. At a minimum, a 36 inch tall decorative fence made of wrought iron or other metal picket shall be provided to enclose vehicular use areas from public right-of-ways. Said fence shall be located within the required perimeter landscape buffer strip.
  
- c. When a vehicular use area is adjacent to a public right-of-way or a residential district, perimeter landscaping in accordance with 88-425-05 must be provided to provide physical and visual separation. Landscape buffer strips shall have a minimum depth of 5 feet. This requirement applies only when there are no intervening buildings between the right-of-way and the vehicular use area.

**10. SIGNAGE**

- a. One wall sign; one awning, canopy or marquee sign; and one projecting sign per tenant with customer entrance are permitted, covering a maximum of 10 percent per tenant elevation.
  
- b. Monument signs are prohibited, unless on a lot with a minimum of 100 feet of frontage and applies with at least one of the following criteria:
  - i. The lot is developed with an existing principal structure is setback at least 30 feet from the property line adjacent to Main Street.
  
  - ii. The lot has an existing pole sign. The pole sign may be replaced with a monument sign.
  
  - iii. The sign is attached to or incorporated into freestanding wall or retaining wall.
  
  - iv. The site is a contributing official local or national historic landmark or a contributing building within an official local or national historic district.
  
- c. When allowed, one monument sign is permitted per street frontage. Monument signs shall not exceed 20 square feet in area and 4 feet in height. Monument signs shall be constructed of primary materials matching the principal building. Content shall consist of pin-mounted channel letters, die cut graphics, and/or engraved text. The area surrounding the monument sign shall be landscaped. Monument signs shall be setback in accordance with one of the following standards:
  - i. On interior lots, monument signs shall be setback a minimum of five feet.
  
  - ii. On corner lots, monument signs shall be setback a minimum of 10 feet. Signs have a lesser setback if the proposed sign will not block any site distance triangles.
  
  - iii. When attached to wall or fence, signs may not extend above the top of the wall or fence. Monument signs may not project more than 3 inches from the face of the wall or fence.
  
- d. A projecting sign mounted perpendicular to a building wall shall not exceed 12 square feet in area; if mounted radially on a building corner, it shall not exceed 24

square feet in area. The sign shall not exceed 50 percent of its projecting distance in thickness. Projecting signs shall not project more than 4 feet from the building face, with a minimum clearance of 8 feet. On building corners, the sign shall not project more than 5 feet. No more than 50 percent of a projecting sign shall project above the parapet of the building.

- e. Wall signs shall be die cut and/or channel letter signs. Signs located on the ground level of the building shall be pin-mounted. Raceway-mounted channel letter signs are allowed on the second story and above. Raceways shall be painted or designed to match the material on which the sign is affixed.
- f. Incidental signs are permitted in the district, according to the standards of 88-445-08-G.
- g. Hand-painted wall signs are allowed subject to administrative approval by the director of city planning and development. On the front or street-side façade of a building, hand-painted signs may not exceed 10 percent of the wall area and count as one wall sign per 10a. Hand-painted signage located on a non-street side façade shall not exceed 50 percent of the façade area and shall be the only sign on that facade.
- h. Historical wall signs, hand-painted signs, neon signs, and projecting signs that advertise closed or off-site businesses may remain and shall not count toward any signage requirements if established more than 50 years from the date of application. Historical signs may be removed and reinstalled for restoration. Retention of historical signs must receive approval by the director of city planning and development. In no case shall a pylon sign be considered a historical sign.
- i. Roof signs are allowed within transit nodes. Roof signs shall be die cut and/or channel letter signs. Supporting structures must consist of the fewest number of supporting members without embellishments. Roof signs are permitted on buildings if the top of the highest portion of the roof is at least 30 feet above grade. The maximum horizontal dimension of a roof sign may not exceed 50 percent of the width of the wall it most closely parallels or 20 feet, whichever is less. The maximum height of a roof sign and its supporting structure may not exceed 6 feet, measured from the elevation of top of the highest parapet to the top of the sign. Roof signs shall not be constructed of wood.
- j. Signs on the ground level shall be indirectly or halo lit. Signs on the second story and above may be internally lit, indirectly or halo lit. Sign lighting shall not exceed 1 foot candle measured from the property line.
- k. Animated neon signs may be permitted with administrative approval of the director of city planning and development.

1. Electronic, digital, and/or motorized signs, and outdoor advertising signs are prohibited within the district.

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 the Zoning and Development Code have been given and had.

..end

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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  
Senior Associate City Attorney

# COMMUNITY PROJECT/REZONING

**220638**

Ordinance Number

## Ordinance Fact Sheet

Case No. CD-CPC-2022-00048

### Brief Title

A Zoning and Development Code Text Amendment to amend the Main Street Overlay District to permit a drive-through restaurant to be redeveloped with dual lanes.

### Details

|  |
|--|
| <p><b>Location:</b> Generally located along Main Street, 27<sup>th</sup> Street on the north to Emanuel Cleaver II on the south.</p>   |
| <p><b>Reason for Legislation:</b> Zoning and Development Code Amendments are approved by City Council.</p>   |
| <p><b>See attached City Plan Commission Staff Report for a detailed description and analysis of the proposal.</b></p> <p><b>See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).</b></p> <p><b>SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:</b></p> <p>Conditions #1 and #2, listed in the CPC Disposition Letter, have been resolved.</p> |

### Positions/Recommendations

|  |  |
|--|--|
| <b>Sponsors</b>                                  | Jeffrey Williams, AICP, Director Department of City Planning & Development   |
| <b>Programs, Departments, or Groups Affected</b> | Council District, 4 <sup>th</sup> Shields, Bunch   |
| <b>Applicants / Proponents</b>                   | <p><b>Applicant</b> Mark Bryant<br/>Rouse Frets White Goss</p> <p><b>City Department</b><br/>City Planning &amp; Development</p> <p><b>Other</b></p>   |
| <b>Opponents</b>                                 | <p><b>Groups or Individuals</b><br/>One individual appeared during City Plan Commission public hearing. Written public testimony is attached to the City Plan Commission (CPC) staff report, and communications received after CPC are attached to the Council packet.</p> <p><b>Basis of Opposition</b><br/>Conflicts between vehicular-oriented uses and mass transportation/pedestrian standards of the Main Street Corridor.</p> |
| <b>Staff Recommendation</b>                      | <p><input type="checkbox"/> For</p> <p><input checked="" type="checkbox"/> Against</p> <p><b>Reason Against</b></p>  |
| <b>Board or Commission Recommendation</b>        | <p>City Plan Commission 4-1<br/>6/21/2022<br/>By Beasley, Baker, Crowl, Enders, Sadowski</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For, with revisions or conditions<br/>(see details column for conditions)</p>  |
| <b>Council Committee Actions</b>                 | <p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p>   |

|  |                          |                        |
|--|--------------------------|------------------------|
|  |                          |                        |
|  | <input type="checkbox"/> | Committee Sub.         |
|  | <input type="checkbox"/> | Without Recommendation |
|  | <input type="checkbox"/> | Hold                   |
|  | <input type="checkbox"/> | Do not pass            |

Continued from Page 2

**Fact Sheet Prepared By:**

Ahna Nanoski, AICP  
Lead Planner

**Date:** 6/30/2022

**Reviewed By:**

Joe Rexwinkle, AICP  
Manager, Development  
Management Division

**Date:**

**Initial Application Filed:** 2/28/2022

**City Plan Commission Action:** 6/21/2022

**Revised Plans Filed:** N/A

**On Schedule:** No

**Off Schedule Reason:** The language of the proposed amendment was revised multiple times between City Staff and the applicant.

**Reference Numbers:**

Case No. CD-CPC-2022-00048



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**File #: 220698**

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ORDINANCE NO. 220698

Amending Chapter 88, Zoning and Development Code, by enacting new sections to be known as Sections 88-305-15, Accessory Dwelling Units, and 88-810-005, Accessory Dwelling Unit, for the purpose of establishing regulations for accessory dwelling units to provide housing choice while preserving the character of neighborhoods.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting new sections to be known as Section 88-305-15, Accessory Dwelling Units; and Section 88-810-005, Accessory Dwelling Unit; with said new sections to read as follows:

**88-305-15 – ACCESSORY DWELLING UNITS**

**88-305-15-A. PURPOSE**

Accessory dwelling units are a household living use that is accessory to and located on the same lot as the permitted principal use. The purpose of this section is to:

1. Meet the changing needs of the community;
2. Provide housing choice while preserving the character of the neighborhood in which it is located;
3. Respond to the changing economy and the necessity for many households to secure additional income; and
4. Reduce the cost of housing by increasing housing density and doing so in a manner:
  - a. that may be more compatible with neighborhoods where detached dwellings predominate; and
  - b. where the benefits of additional income are distributed throughout the community to the individual landowners and renters.

**88-305-15-B. WHERE PERMITTED**

Accessory dwelling units are permitted on any lot with a detached dwelling where the dwelling is the principal building, subject to certain standards.

**88-305-15-C. GENERAL STANDARDS**

1. Accessory dwelling units may be attached or detached from the principal dwelling unit. If attached they shall be located in the rear or side yard. If detached they shall be located in the rear yard.
2. The owner of the lot shall reside in either the principal dwelling or accessory dwelling. The owner shall record against the property a deed restriction limiting occupancy of either the principal dwelling unit or the accessory dwelling unit to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Director of City Planning and Development prior to issuance of the Certificate of Occupancy for the accessory dwelling unit.
3. No additional off-street parking is required. Any proposed parking shall conform to 88-420.
4. Detached accessory dwelling units may be located in the same building as a garage.
5. When attached, the accessory dwelling unit may have its own exterior entrance or shared entrance with a common vestibule.
6. If attached to the principal dwelling, the lot and building standards for the principal building shall apply.
7. If detached from the principal dwelling, it shall be located in the rear yard, the lot and building standards shall be as follows:
  - a. Setbacks shall be five feet from all property lines including projections; except on street side yards where it shall be five feet including projections or the same as the principal building, whichever is greater.
  - b. Maximum building footprint: 60% of the footprint of the principal dwelling or 25% of the rear yard, whichever is smaller. In no case shall the footprint exceed 800 square feet.
  - c. Maximum floor area: 800 square feet or 90% of the floor area of the principal dwelling, whichever is smaller.
  - d. All other setbacks shall be those that apply to all accessory structures.
8. Exterior stairs to provide access to an upper level accessory dwelling unit are allowed only on sides of the building facing the interior of the lot.
9. If an accessory dwelling unit was legally permitted prior to the passage date of this ordinance and the owner can provide documentary evidence to the satisfaction of the director of city planning and development of such use, the use may continue upon obtaining a new certificate of occupancy.

**88-810-005 – ACCESSORY DWELLING UNIT**

A secondary dwelling unit on the same lot as a principal dwelling unit. The accessory dwelling unit may be occupied by an independent household from that occupying the principal dwelling unit.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearing required by law have been given and had.

..end

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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.

---

Joseph Rexwinkle  
Secretary, City Plan Commission

Approved as to for and legality:

---

Sarah Baxter  
Senior Associate City Attorney

# COMMUNITY PROJECT/REZONING

## Ordinance Fact Sheet

Case No. CD-CPC-2022-00131

### Brief Title

An ordinance to allow Accessory Dwelling Units

Ordinance Number

### Details

**Location:** Citywide

**Reason for Legislation:** Amendments to Chapter 88 of the Kansas City Code of Ordinances require approval from City Council.

See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.

### Positions/Recommendations

|   |   |
|---|---|
| <b>Sponsors</b>                                 | Mayor Lucas<br>Councilmember Bough<br>Councilmember Bunch<br>Councilmember Parks-Shaw<br>Councilmember Robinson   |
| <b>Programs, Departments or Groups Affected</b> | N/A   |
| <b>Applicants / Proponents</b>                  | <b>Applicant</b> Sponsors<br><br><b>City Department</b><br>City Planning & Development<br><b>Other</b><br>LivableKC   |
| <b>Opponents</b>                                | <b>Groups or Individuals</b><br>See letters attached to CPC Staff Report<br><b>Basis of Opposition</b><br>See letters attached to CPC Staff Report  |
| <b>Staff Recommendation</b>                     | <input checked="" type="checkbox"/> For<br><input type="checkbox"/> Against<br><b>Reason Against</b>  |
| <b>Board or Commission Recommendation</b>       | City Plan Commission 5-0<br>By Allender, Beasley, Crowl, Enders, Rojas<br><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken<br><input type="checkbox"/> For, with revisions or conditions |
| <b>Council Committee Actions</b>                | <input type="checkbox"/> Do Pass<br><input type="checkbox"/> Do Pass (as amended)<br><input type="checkbox"/> Committee Sub.<br><input type="checkbox"/> Without Recommendation<br><input type="checkbox"/> Hold<br><input type="checkbox"/> Do not pass  |

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|--|----------------------|--|--|
| <b>Fact Sheet Prepared By:</b><br>Joseph Rexwinkle<br>Senior Planner | <b>Date:</b> 9-13-22 |  |  |
| <b>Reviewed By:</b><br>NA  | <b>Date:</b>         | <b>Initial Application Filed:</b> 8-11-22 (Ordinance Introduced) |  |
|  |                      | <b>City Plan Commission Action:</b> 9-6-22                       |  |
|  |                      | <b>Revised Plans Filed:</b> N/A                                  |  |
|  |                      | <b>On Schedule:</b> Yes  |  |
|  |                      | <b>Off Schedule Reason:</b> N/A                                  |  |
| <b>Reference Numbers:</b><br>Case No. CD-CPC-2022-00131              |                      |  |  |



# CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

September 6, 2022

**Project Name**  
Accessory Dwelling Units

**Docket #** 1

**Request**  
CD-CPC-2022-00131  
Text Amendment

**Applicant**  
Mayor Lucas, Sponsor  
Councilmember Bunch, Sponsor  
Councilmember Bough, Sponsor  
Councilmember Parks-Shaw, Sponsor  
Councilmember Robinson, Sponsor

## APPROVAL PROCESS



## PROJECT TIMELINE

Ordinance No. 220698 was introduced by the sponsors on August 11, 2022 and referred to the Neighborhood, Planning and Development Committee. On August 17, 2022 the Committee held the ordinance to September 14, 2022 in order to allow City Plan Commission consideration of the amendment.

## NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Because text amendments apply citywide individual neighborhood and civic organizations are not notified.

## REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to text amendments since they apply citywide; however the Mayor's Office staff consulted with LivableKC in developing the proposed ordinance and a citywide survey was conducted (see attached).

## EXISTING CONDITIONS

The zoning and development code does not permit accessory dwelling units. It does allow residential occupancy in carriage houses, but carriage houses are a specific type of accessory building that is extremely rare and new carriage houses are not permitted.

## SUMMARY OF REQUEST + KEY POINTS

The sponsors seek to amend the zoning and development code to both define accessory dwelling units and allow them by-right subject to certain use standards.

## CONTROLLING + RELATED CASES

None.

## PROFESSIONAL STAFF RECOMMENDATION

Docket #1 - Approval

**PROPOSED AMENDMENT**

The proposed amendment defines Accessory Dwelling Units (ADUs) as “a secondary dwelling on the same lot as a principal dwelling unit...which may be occupied by an independent household from that occupying the principal dwelling unit.” Like any building, residential building types are either principal or accessory. A principal building houses the principal use of the property, whereas an accessory building houses any use which is considered customarily associated to the principal use. For example, a detached garage is a common accessory building type associated to a principal residential unit. While the current ordinance allows accessory *buildings* in association with a principal residential unit, it does not permit them to be used for a residence. Furthermore, the current ordinance allows one principal residential unit per lot in Districts R-6, R-7.5, R-10, and R-80. Two units, in an attached form, (i.e. a duplex) are allowed in the remainder of the residential districts; however only 33% of the residentially-zoned area of the city allows duplexes. Finally, even where two or more principal residential units are allowed on a lot, they are limited by the density maximums and frequently cannot be built due to these regulations.

The proposed amendment is summarized as follows:

1. ADUs would be permitted, by-right, on any lot in the city with a detached house, also referred to in the ordinance as the principal dwelling unit.
2. One of the two units must be owner occupied.
3. The two units may be attached or detached.

**OTHER CONSIDERATIONS**

Staff has evaluated the proposed ordinance against the following ordinances to identify any conflicts between the two.

**Short Term Rentals**

The short term rental ordinance prohibits use of accessory buildings for short term rentals (except carriage houses), therefore ADUs would not be permitted to be used as short term rentals unless and until the short term rental ordinance is amended.

**Lodgers/Lodging**

The zoning and development code permits, as an accessory use, a lodger in any principal residential dwelling. The code requires the lodger to dwell in common with the household occupying the principal residential dwelling, therefore ADUs could not be used for lodgers. They are intended to be used for separate households, though there is no restriction on whether household members are related (or not) to members of the household in the principal residential dwelling.

**Infill Residential Development Standards**

These standards are currently under development; however, they will apply only to principal residential buildings, not accessory ones, such as those housing ADUs. As currently proposed the standards may impose a maximum impervious surface coverage; however, staff has evaluated the ADU ordinance against that provision and sees no conflict given the limitations on floor area imposed by the proposed ADU ordinance.

**Building Code**

Nothing in the zoning and development code, including this ordinance, releases or waives any requirement of building code. Building code requires fire-rated construction when buildings are within 10 feet of another building, or five feet of a property line. This provision would apply, as it does with any building, to ADUs. An ADU attached to the principal residential dwelling would be considered a duplex under the building code.

### **Existing ADUs**

There are many accessory buildings constructed as ADUs and used for that purpose historically, or constructed more recently and used only to house family members in a noncommercial arrangement (i.e. without rent). Most of these do not meet the qualifications of a carriage house, and as a result have been rendered unusable for residential occupancy. The proposed ordinance would permit the reuse of these structures so long as the owner demonstrated their compliance with building code and a new certificate of occupancy is obtained. This will ensure the building is brought up to current building code and life/safety standards.

### **STAFF ANALYSIS**

#### **Zoning and Development Code Text Amendments (88-510-07)**

In reviewing and making decisions on zoning and development code text amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

**A. Whether the proposed zoning and development Code text amendment corrects an error or inconsistency in the Zoning and Development Code or meets the challenge of a changing condition;**

*The proposed amendment meets the challenge of several changing conditions, as noted below.*

- *The composition of households has changed considerably over the past several decades. (See Attachment 1, Figure 1)*
- *The number of single-person households has increased considerably over the same time period. (See Attachment 1, Figure 2)*
- *Households have gotten smaller over a similar time period. (See Attachment 1, Figure 3)*

*The combination of these trends creates a continuous need for the creation of new housing stock, even if the population of a community **is not** increasing. In the case of communities with increasing population, that demand is even higher. While Kansas City has responded by providing more new housing over the same time period, the majority has been single-family dwellings and this particular type of housing is unattainable for many households, and arguably, unsuitable for many new households as these tend to be smaller (one or two people instead of a large family). Stimulating the creation of accessory dwelling units does two things: 1) creates new housing stock of a size and type that responds to the actual need of many households, and 2) creates a revenue stream for the property owner which may allow them to continue to afford the principal residential unit, reinvest in it, build wealth, and stay in their home as its value increases. Furthermore, it does these things with minimum impact on neighborhoods relative to the impact of large apartment buildings, which is the current method of providing new housing stock for smaller households, and in the case of projects such as these, the wealth generated goes to that property owner who is not a homeowner or necessarily a citizen of Kansas City. It is important for Kansas City to continuously seek ways to accommodate creation of new housing stock and maintenance of existing stock (in all dimensions: type (apartment, house, ADU, etc.), size, relative affordability, etc.) so that we do not find ourselves in the same situation as other major cities do today.*

**B. Whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this Zoning and Development Code; and**

*The City's comprehensive plans encourage housing choice, reinvestment, and infill development. The proposed ordinance is a step in the direction of all three. The plans also encourage compatible development. Relative to large scale projects – the current method of providing new housing stock – accessory dwelling units are quite compatible with existing neighborhoods.*

**C. Whether the proposed zoning and development code text amendment is in the best interests of the City as a whole.**

*The proposed amendment applies citywide and would permit anyone with a principal residential unit to invest in their property by creating an accessory dwelling unit. It does not take away the ability to create other types of housing and likely will not substantially reduce the demand for other types, therefore it is not expected to significantly alter development patterns across the city. It simply creates another option where the value added is allocated to the property owner. It is for this reason that staff recommends owner occupancy of one of the two units on a property. It is in the best interests of the city as a whole.*

**ATTACHMENTS**

1. Figures representing changing composition and size of households.
2. Citizen Survey
3. Proposed Ordinance as Introduced
4. Written Testimony provided prior to 9/1/22

**PROFESSIONAL STAFF RECOMMENDATION**

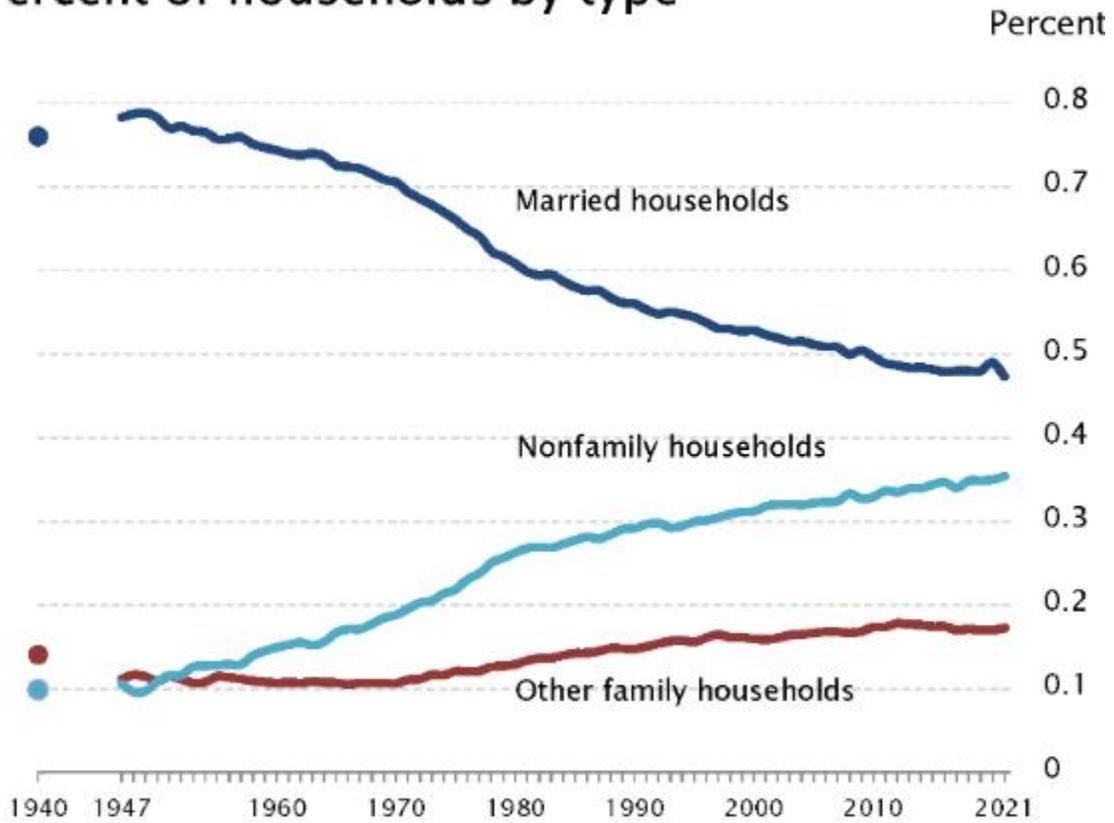
City staff **RECOMMENDS APPROVAL**

Respectfully Submitted,

Joseph Rexwinkle  
Planning Manager

### Attachment 1 – Figures and Data

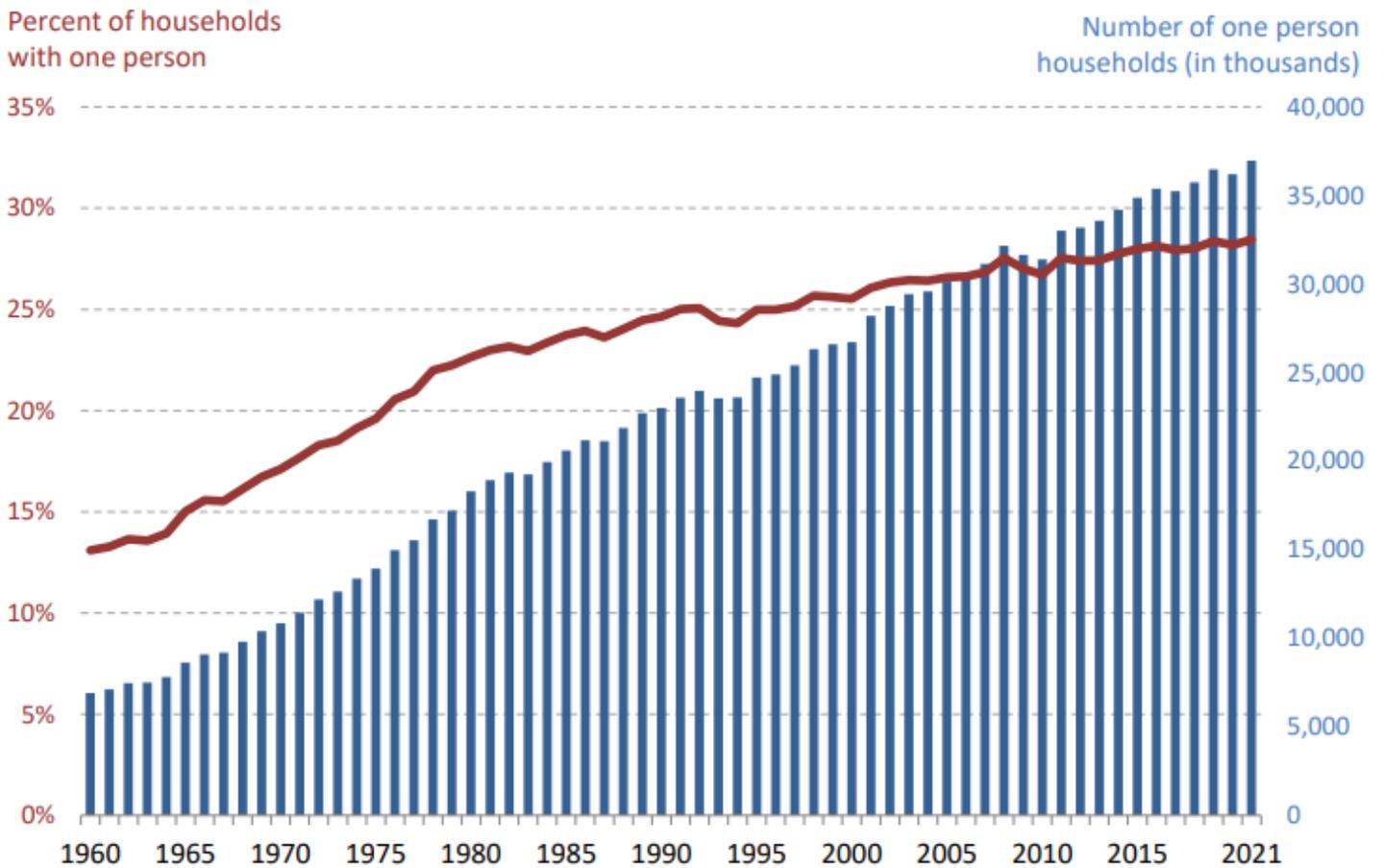
## Percent of households by type



Source: U.S. Census Bureau, Decennial Census, 1940, and Current Population Survey, Annual Social and Economic Supplements, 1947 to 2021.

Figure 1

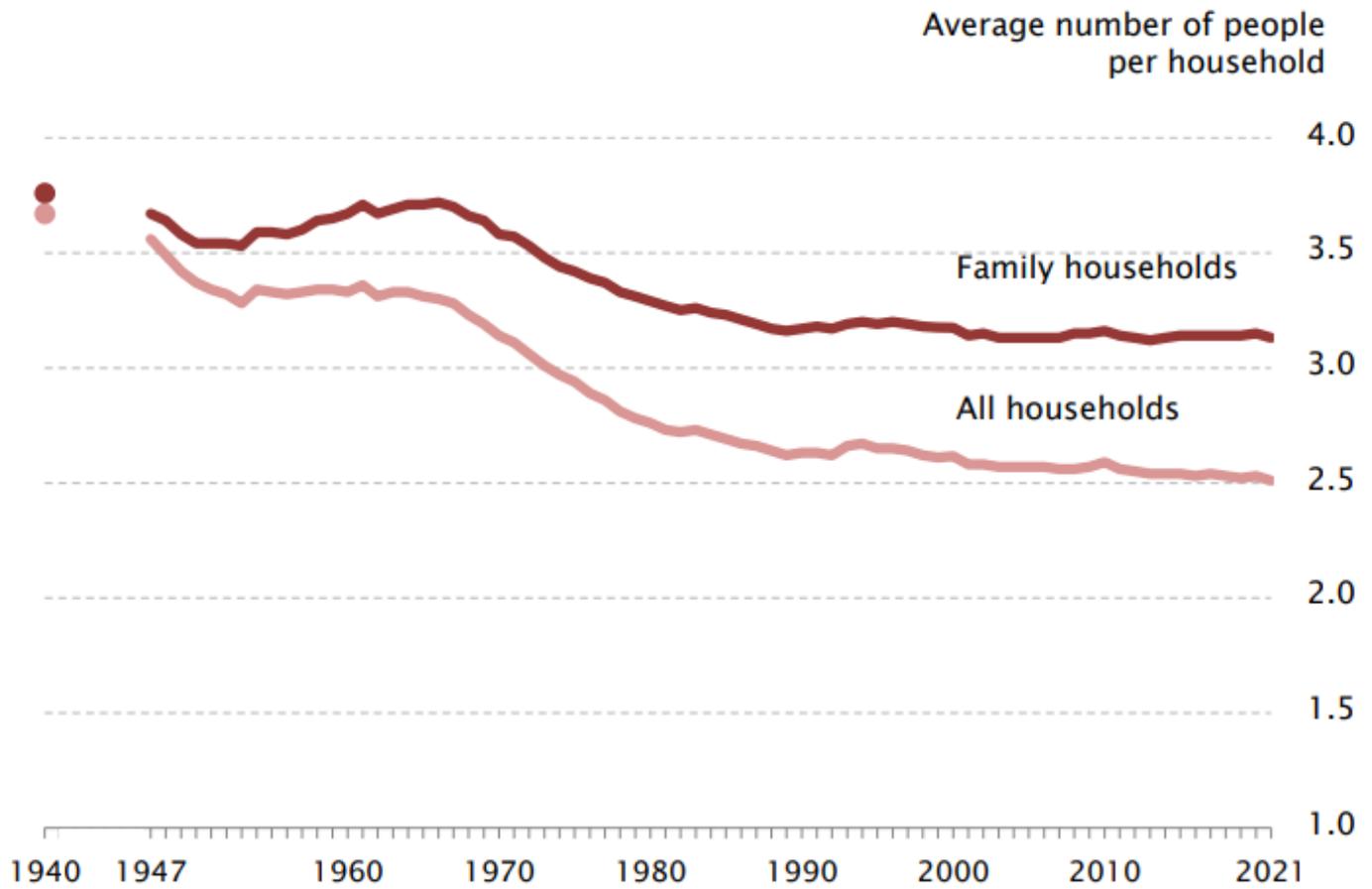
# The rise of living alone



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplements, 1960 to 2021.

Figure 2

# Changes in household size



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplements, 1940 and 1947 to 2021.

Figure 3

## Attachment 2

# Community Pulse Survey: Accessory Dwelling Units (ADUs)

Administered via SurveyMonkey

April 11 – May 15, 2022

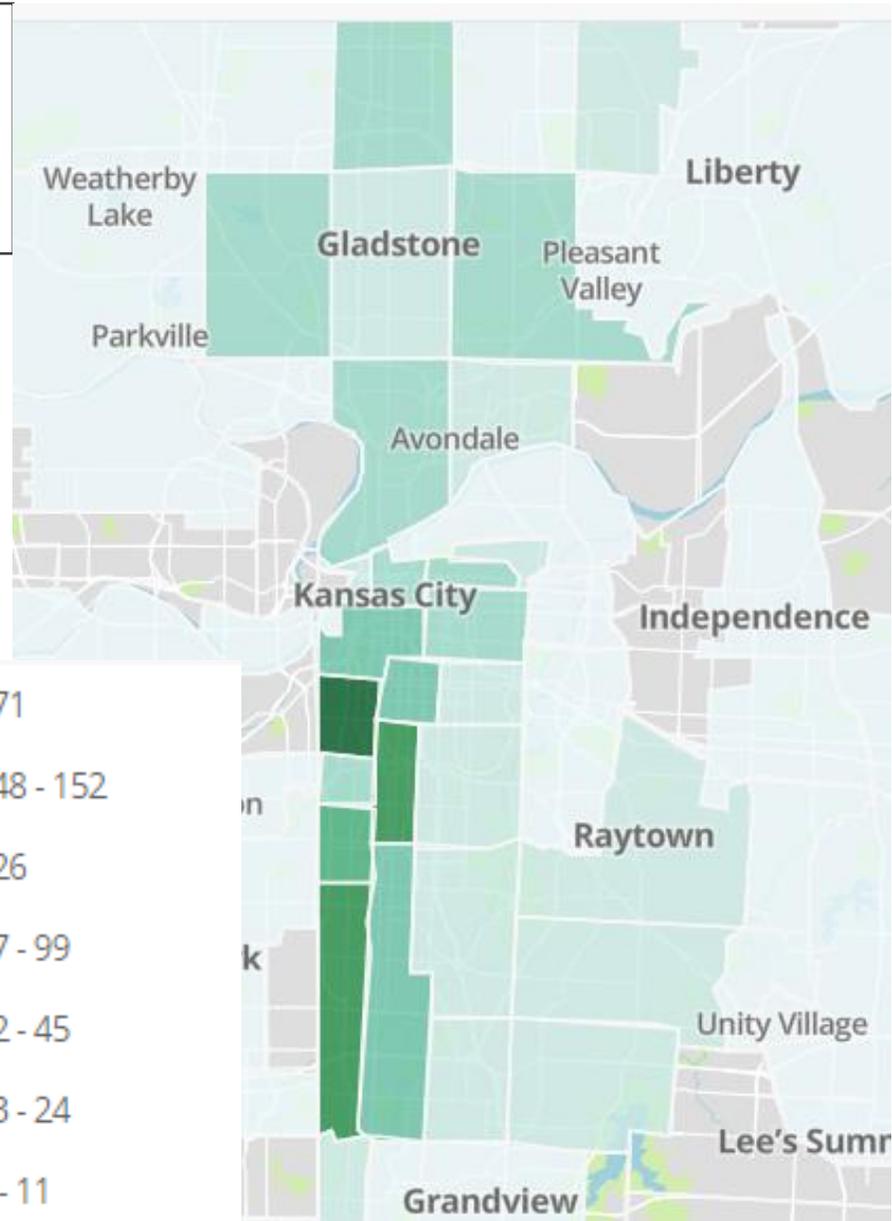
# ADU Pulse Survey Overview



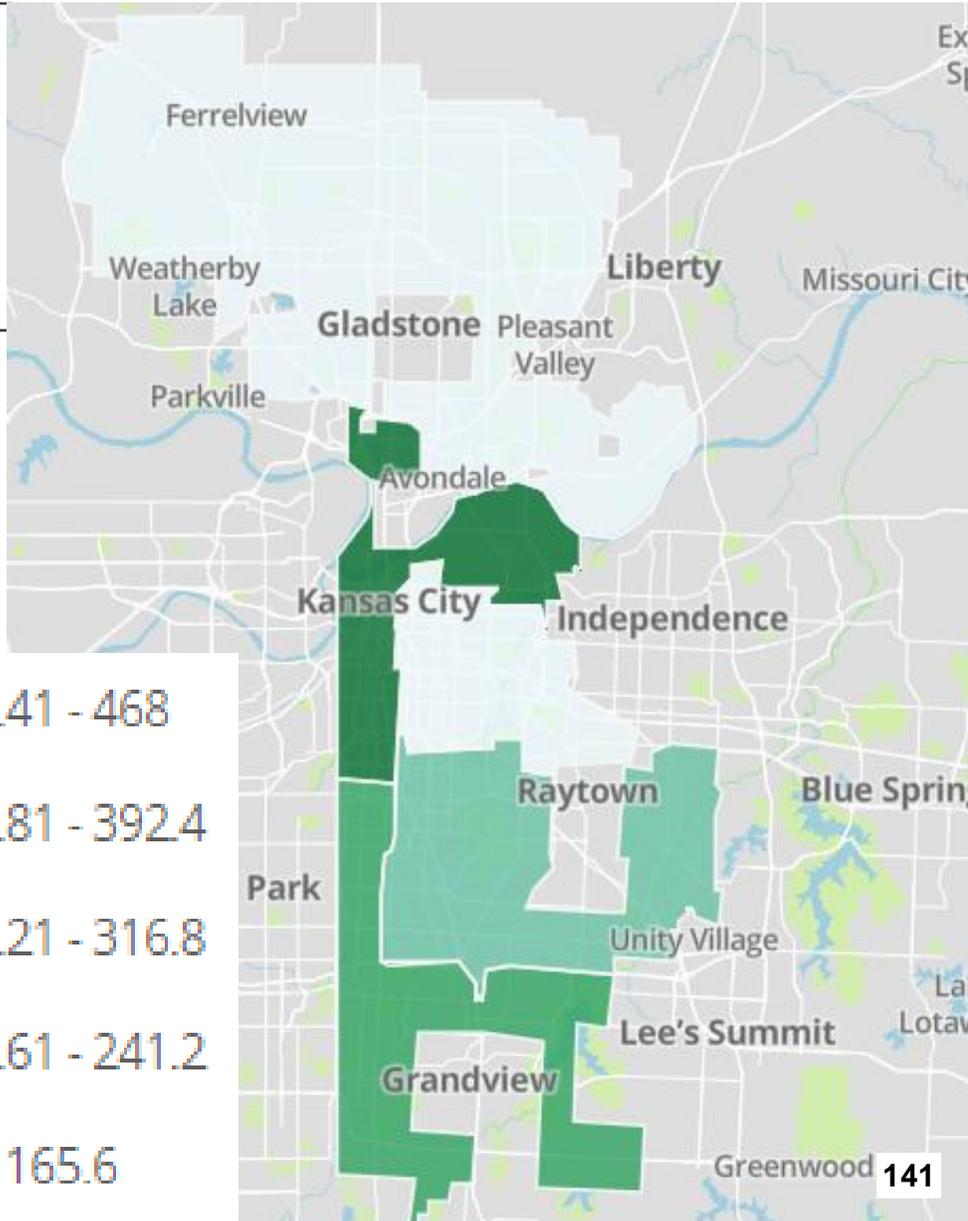
- Feedback Areas:
  - Overall support of ADUs in KCMO
  - Interest in creating own ADU and/or residing in ADU
  - Means of easing access to creating ADU
- Timeframe: April – May 2022
- Responses: 1,752

# Geography of Survey Participants

Survey Responses by ZIP

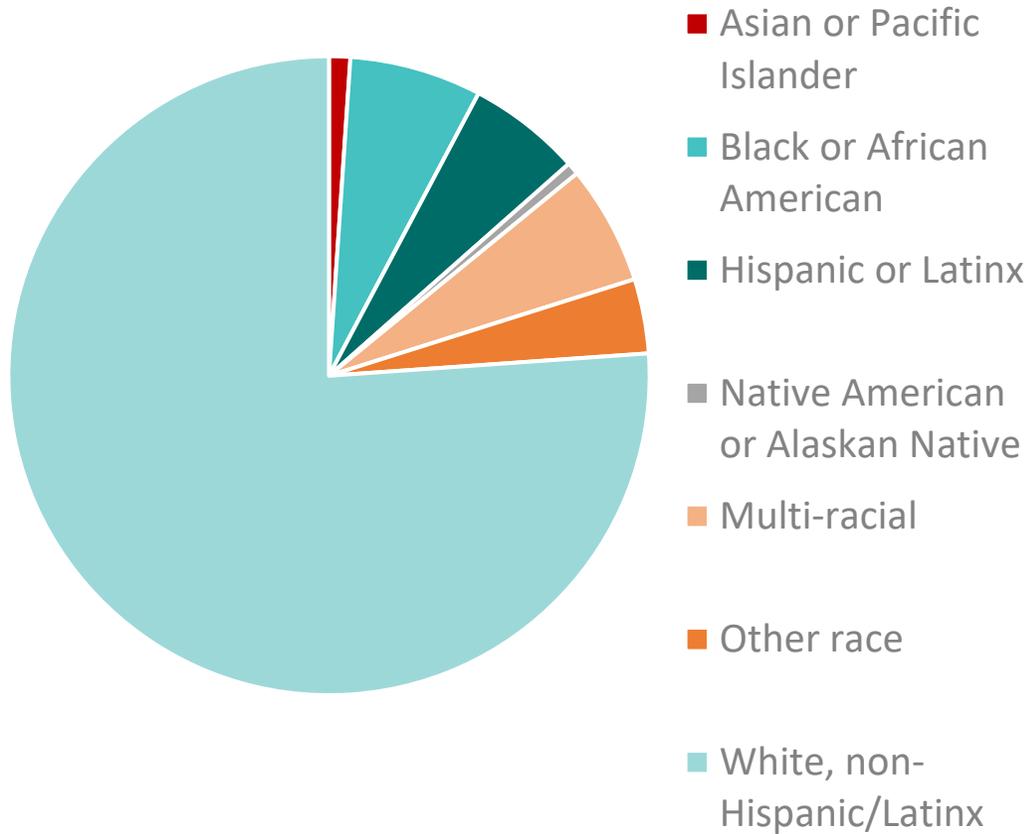


Survey Responses by Council District



# Demographics of Survey Participants

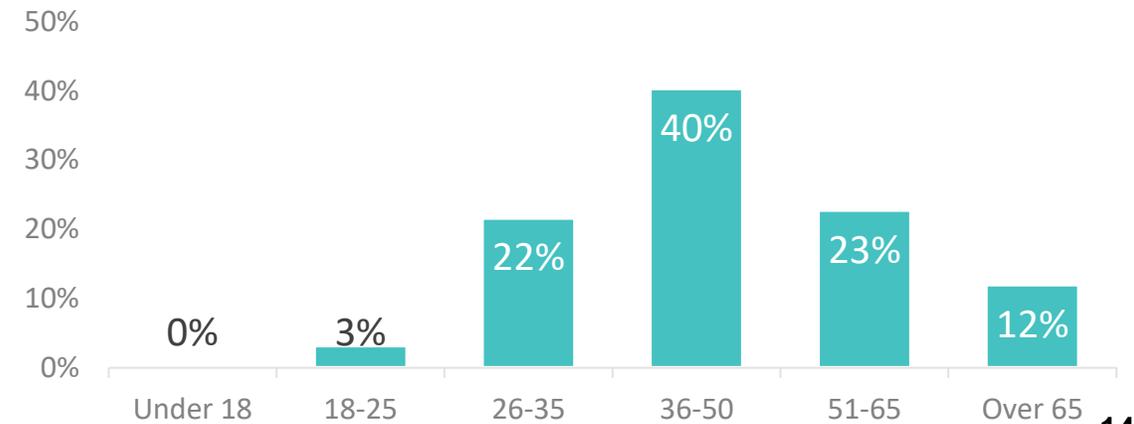
White, non-Hispanic residents were overrepresented in the survey responses



Respondents were largely homeowners, with some other housing statuses present

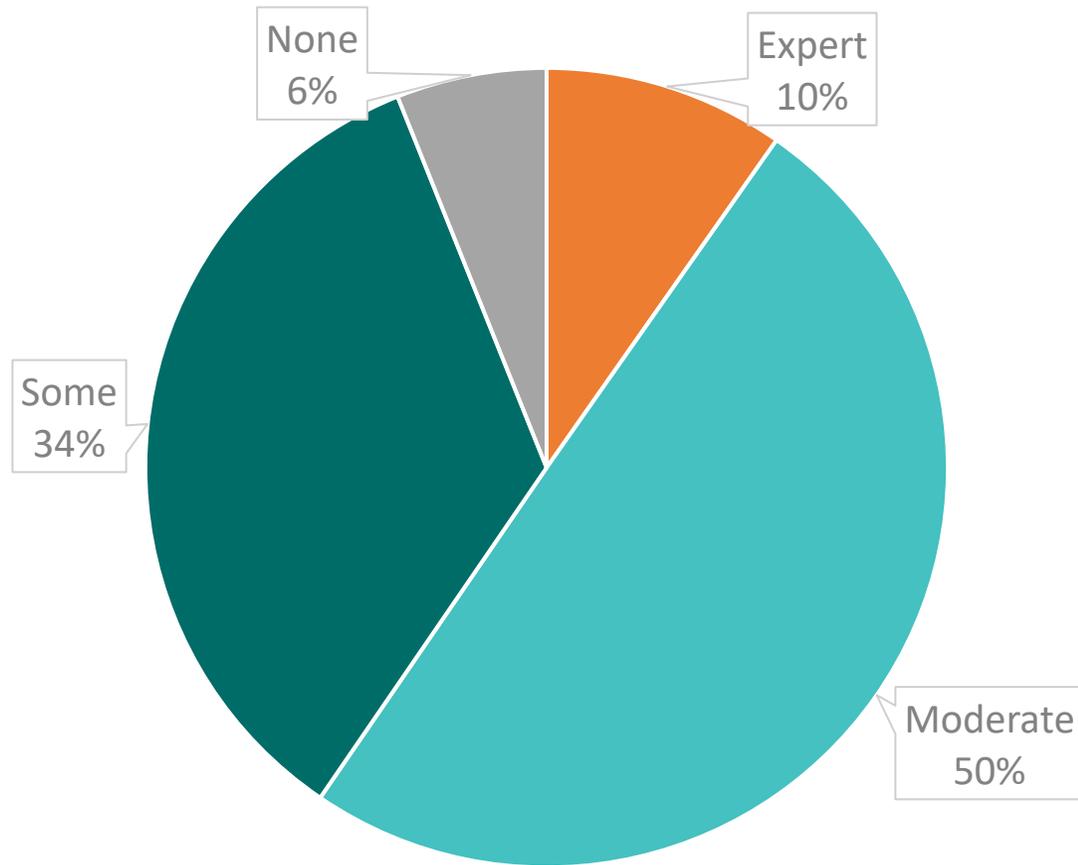


Age distribution was closest to city demographics

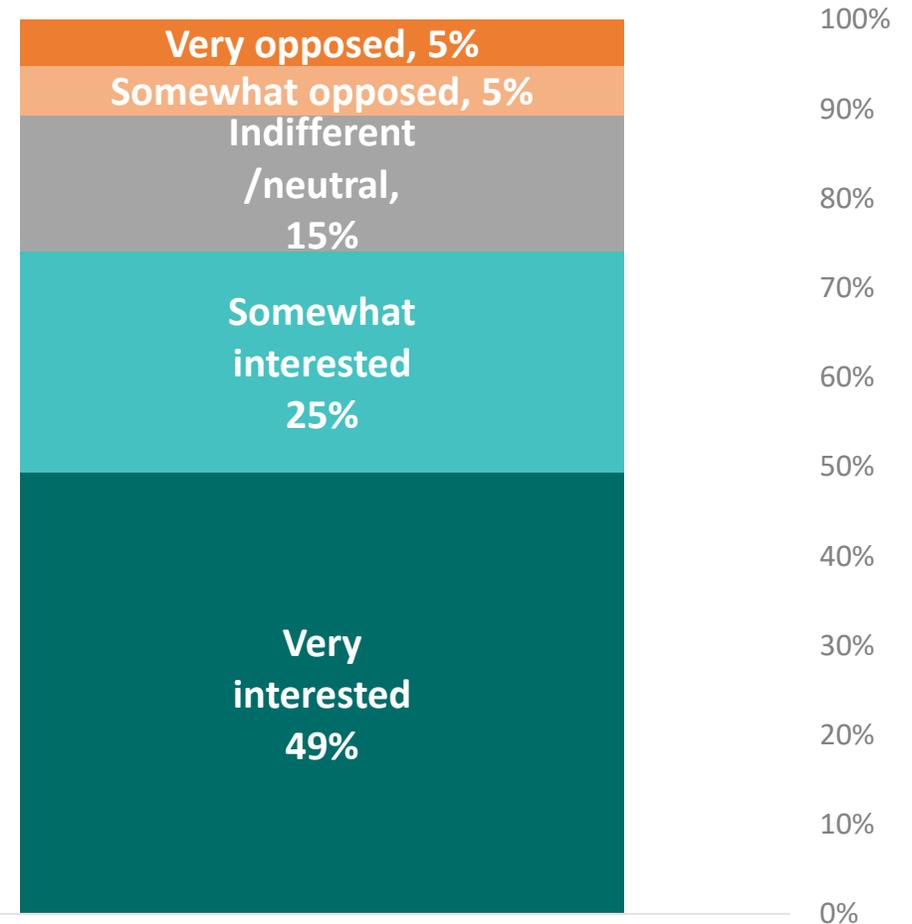


# General understanding and support of ADUs was high in survey responses

Level of Understanding of ADUs

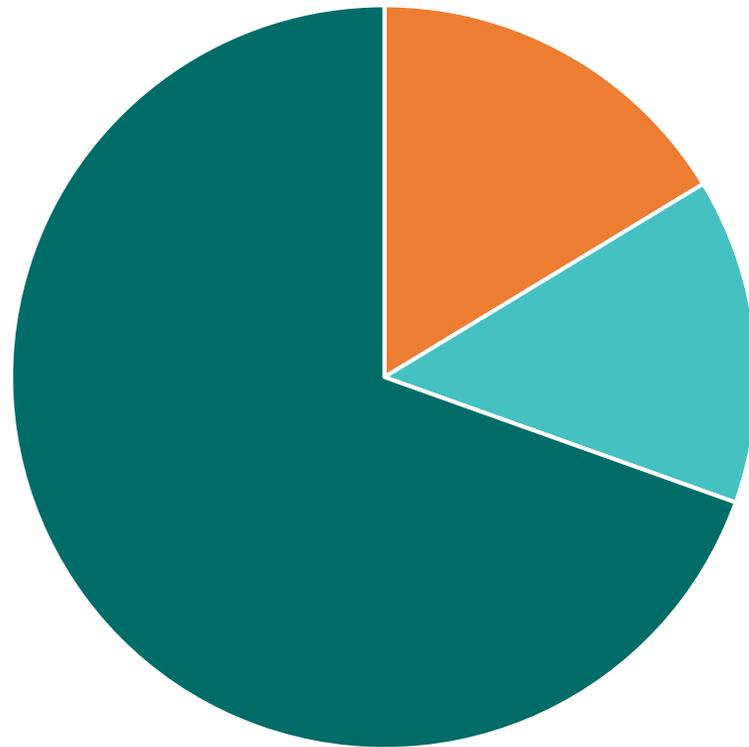


Most people are interested in seeing more ADUs in KCMO



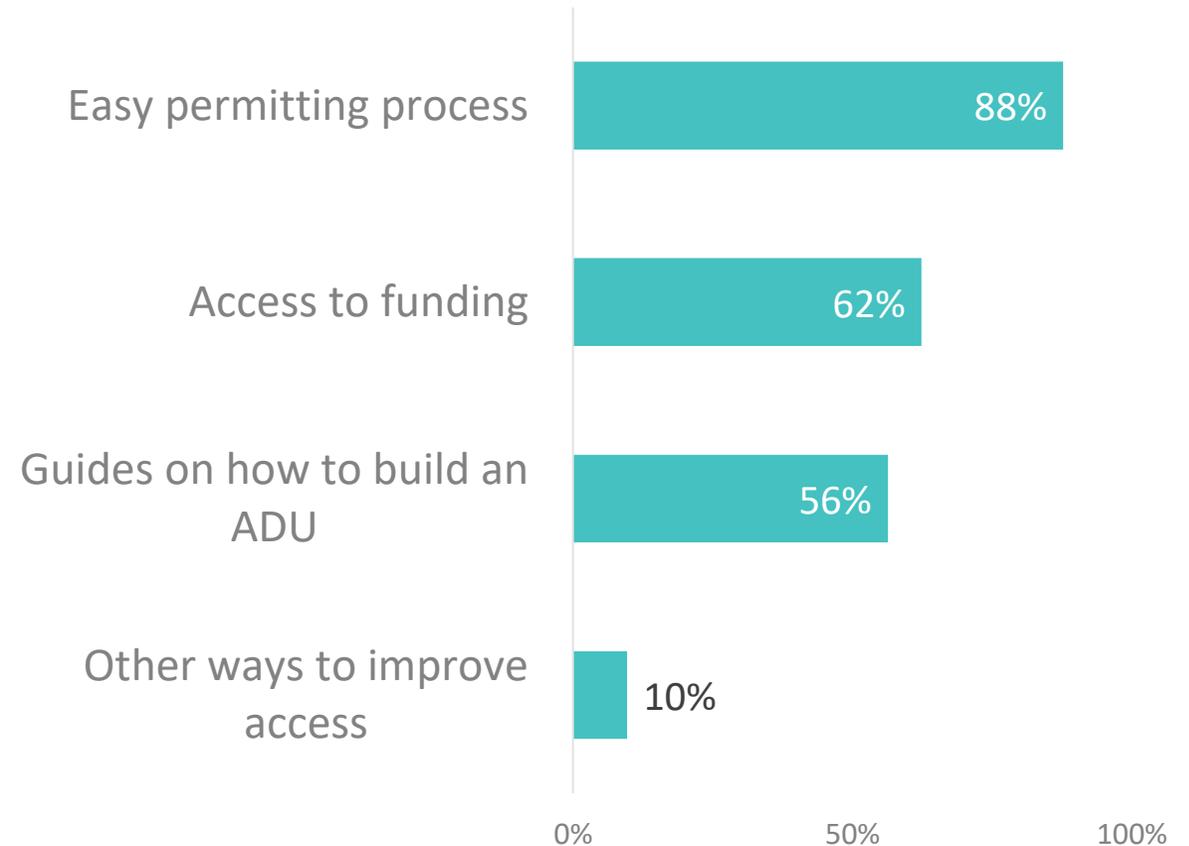
# Significant interest in building an ADU with easy permitting being the top means to achievement

If you had space to create an ADU within your home or on your property, would you consider doing that?



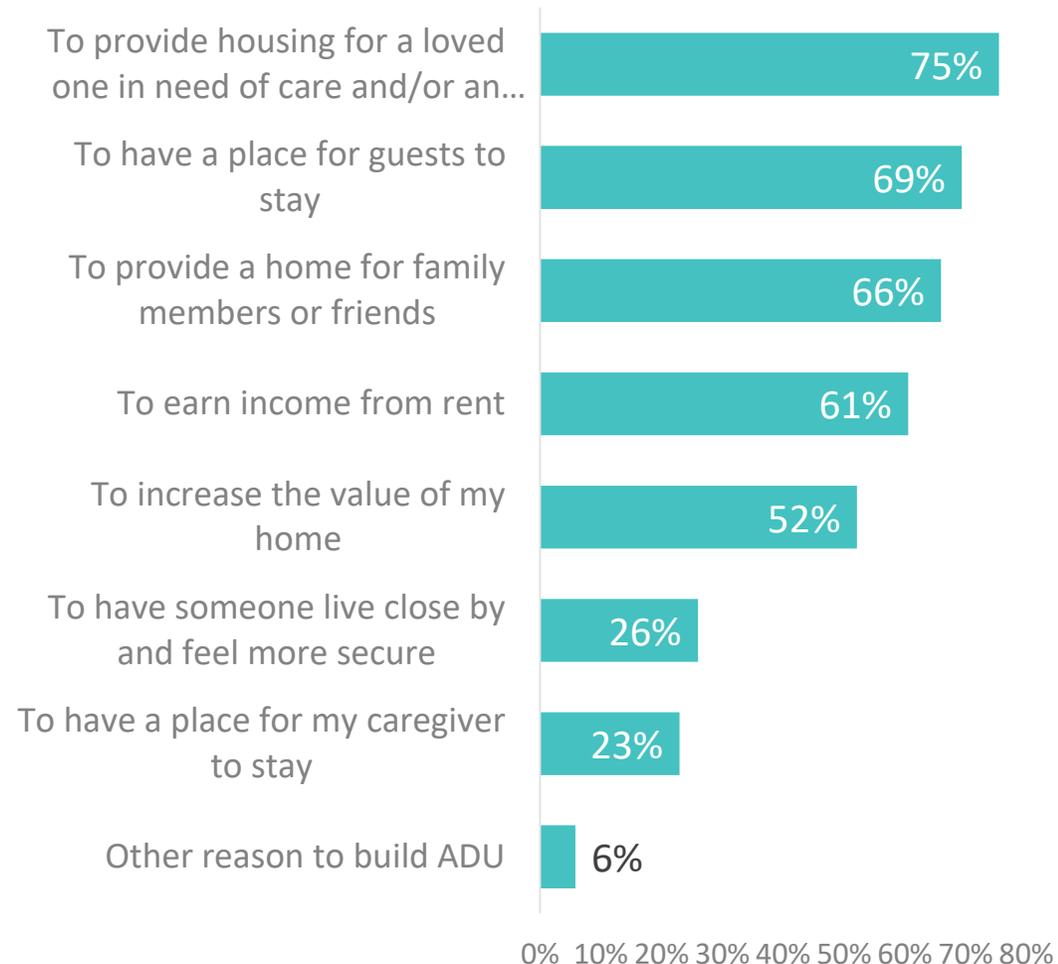
■ No ■ Unsure ■ Yes

What would make the process of building, owning, and operating an ADU more accessible to you?

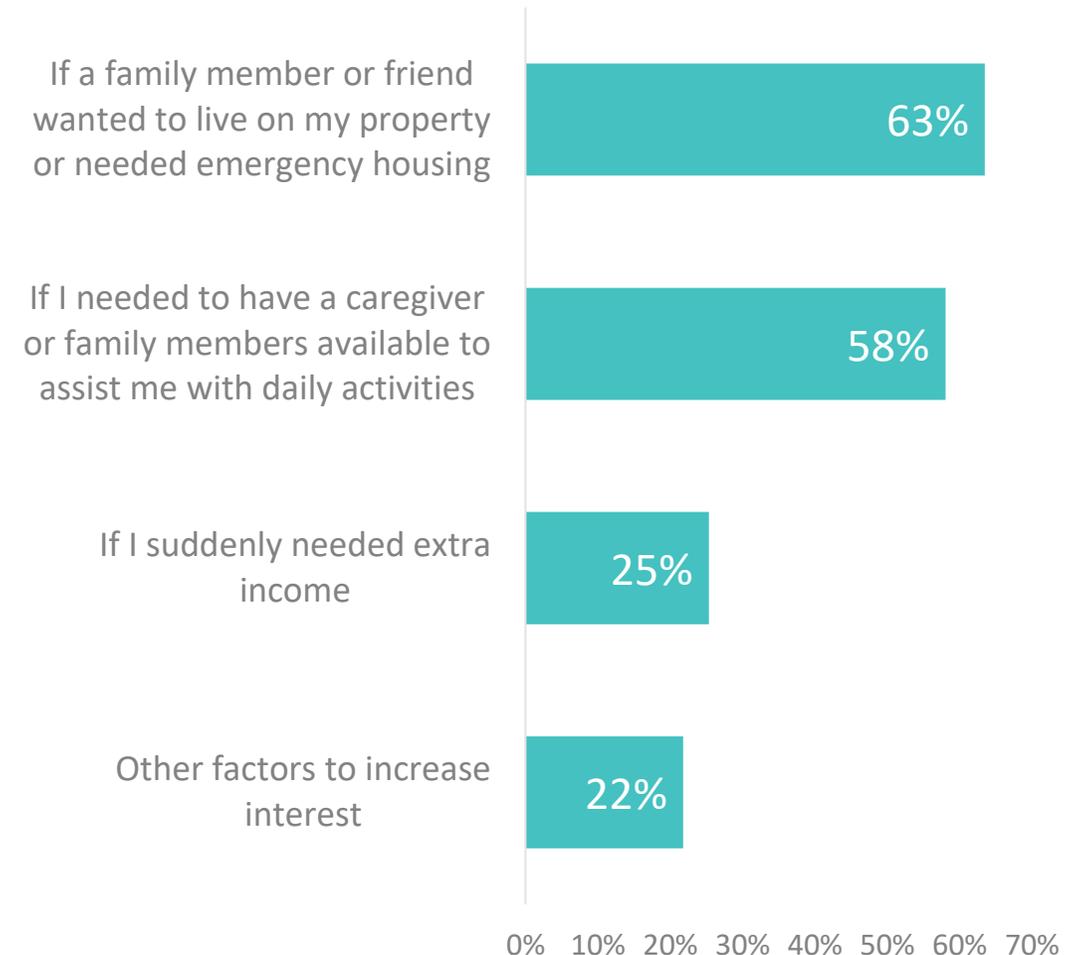


# Reasons for ADU existing interest varies but causes of potential interest are specific

What are the reasons you would be interested in building an ADU?

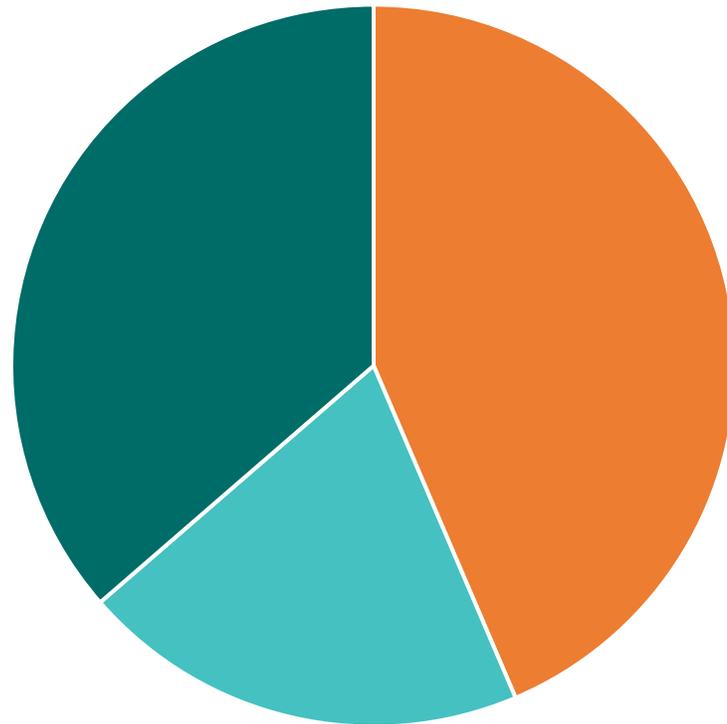


What factors might make you more interested in having an ADU?



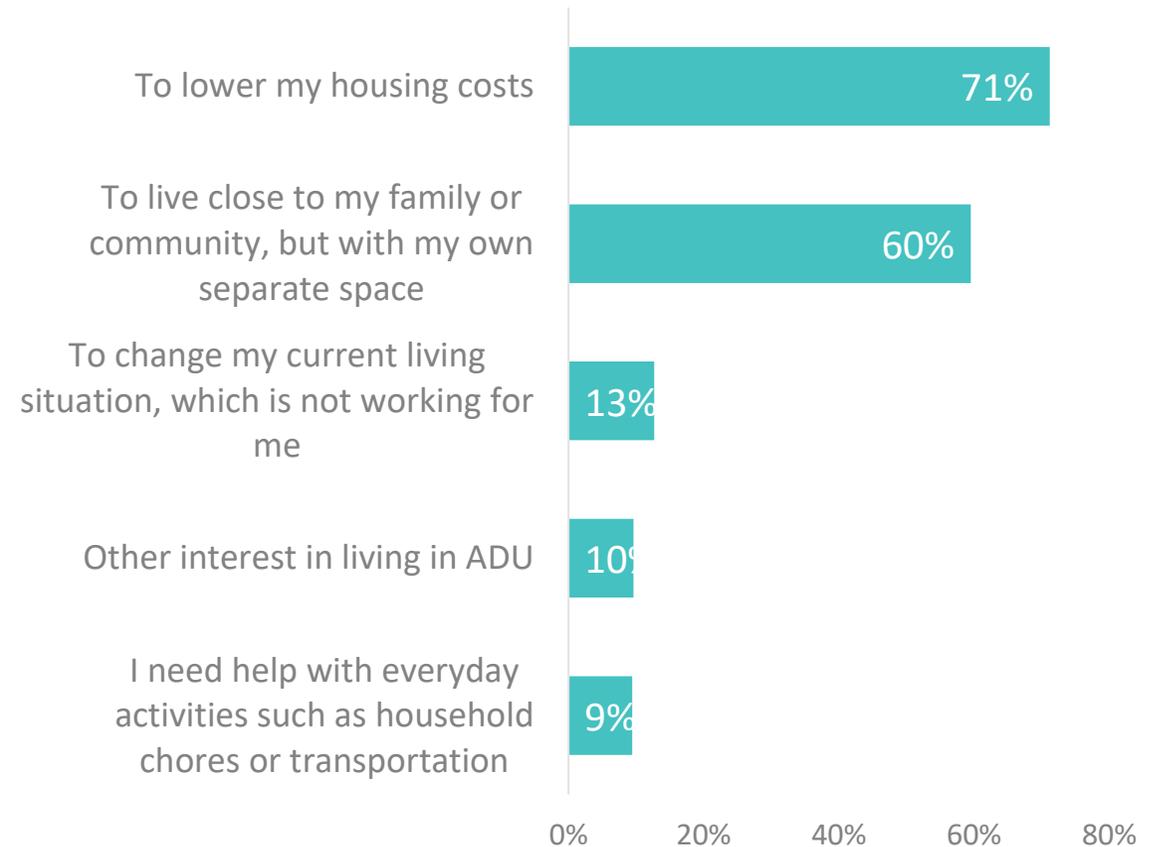
# Interest in living in an ADU is split but reasons are concentrated

Would you consider living in an ADU in the next few years if one were available?



■ No ■ Unsure ■ Yes

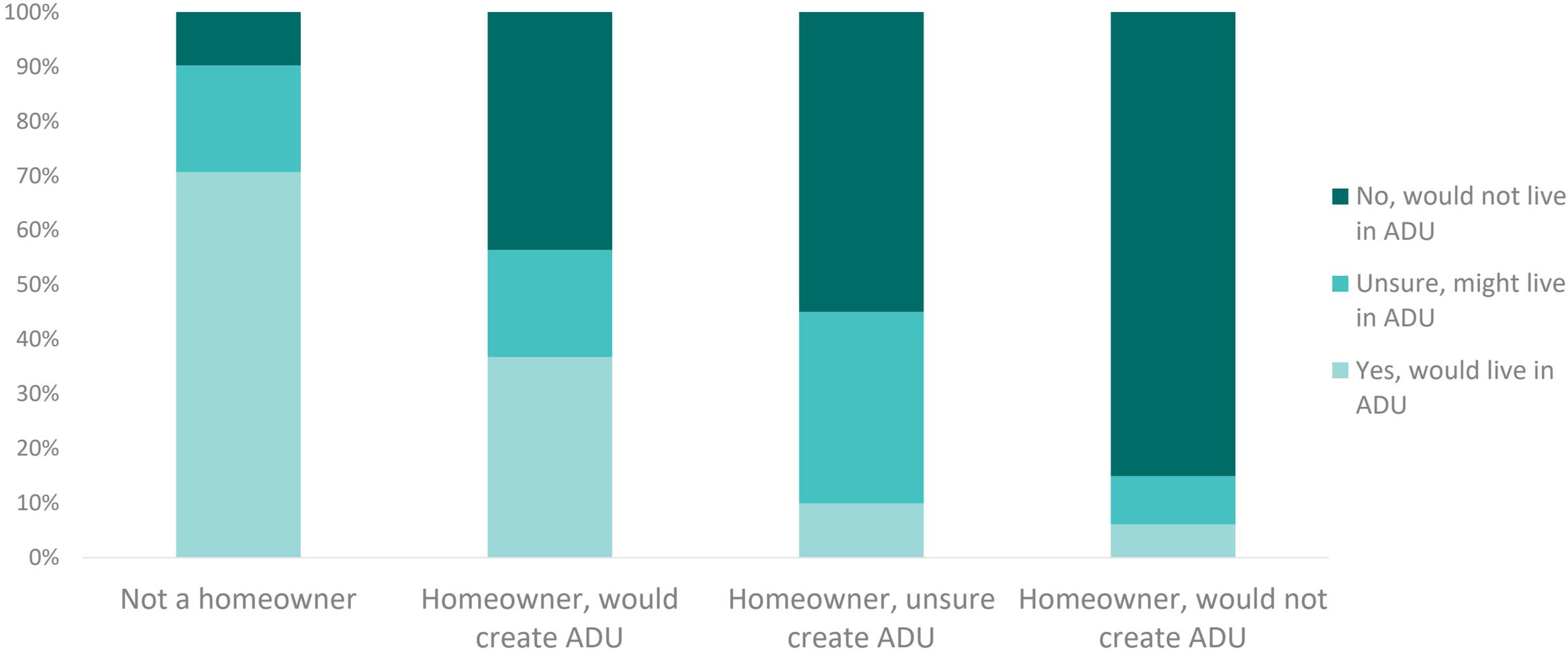
What are the reasons you are interested in living in an ADU?



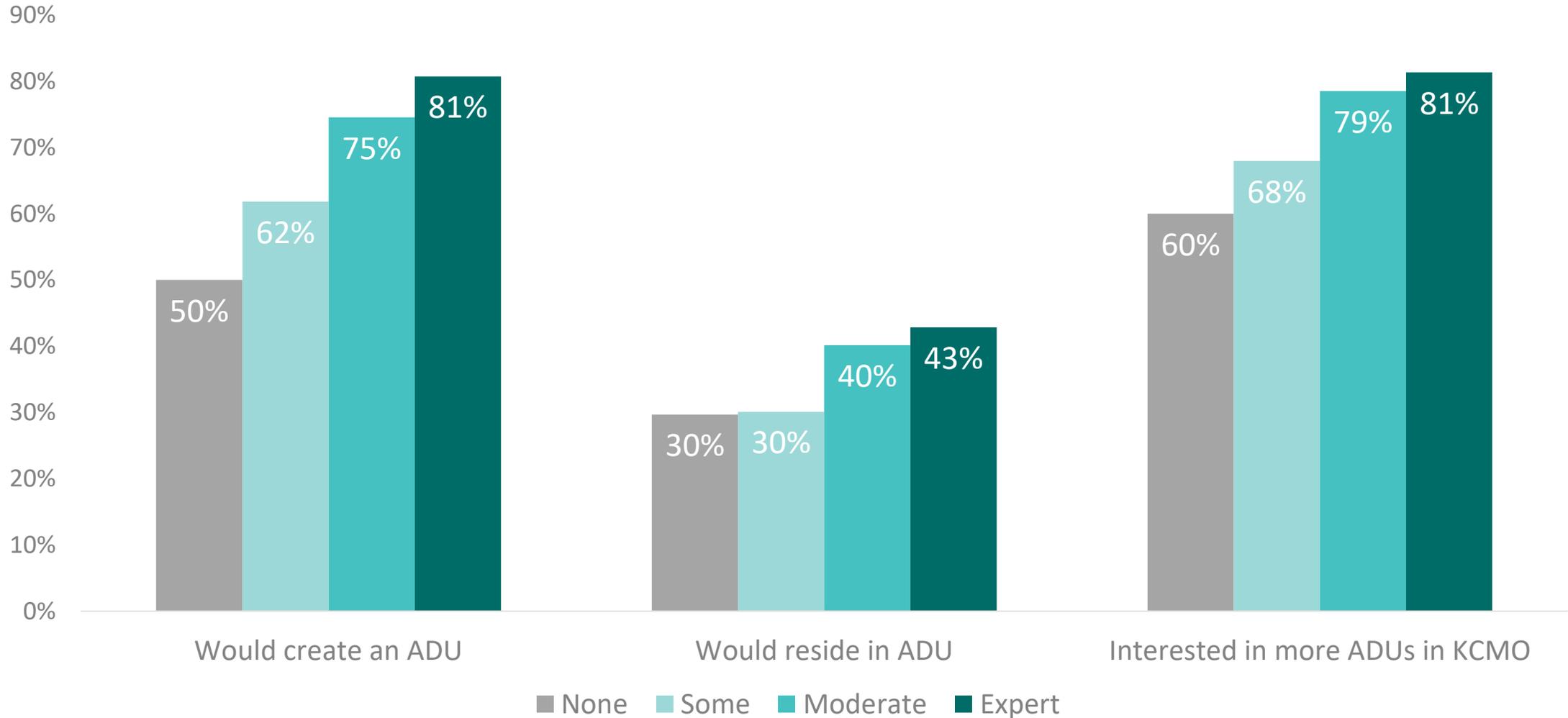
# Strong correlation between housing status, desire to build an ADU, and willingness to reside in an ADU



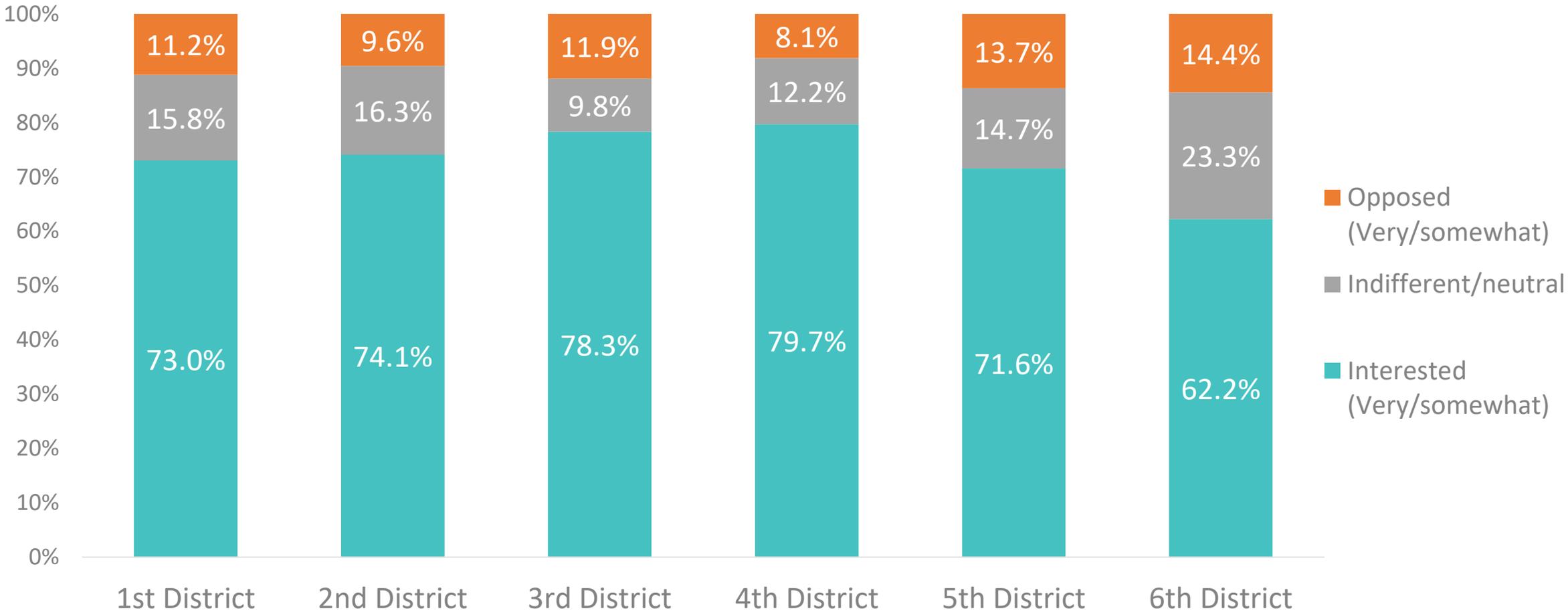
## ADU



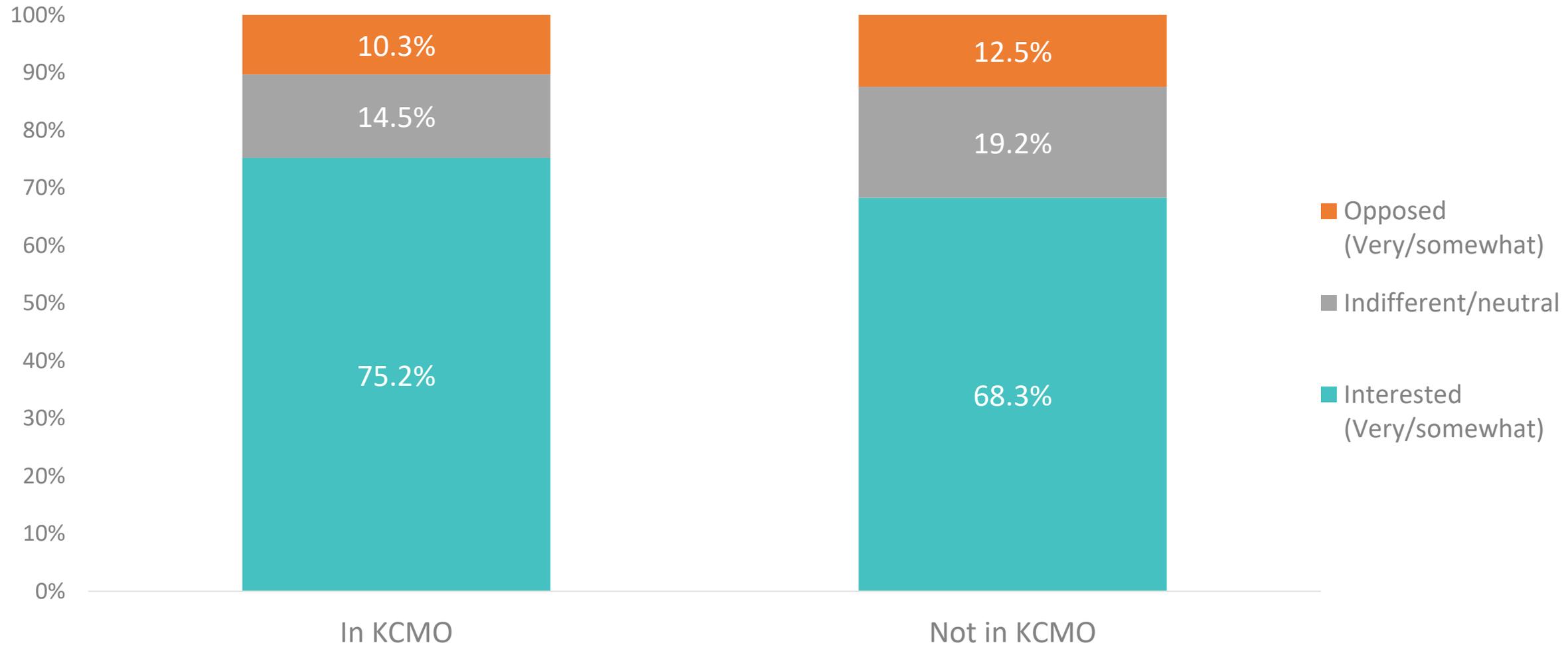
# Increased level of understanding of ADUs has significant impact on other pro-ADU opinions



# No statistically significant differences in interest by district, but lack of representation could be factor



# No statistically significant differences in interest by in/out of city limits



# ADU Pulse Survey Key Takeaways

- Overall sentiment is positive toward ADUs
  - Reminder: not a statistically valid survey
  - However, only 10% of respondents were opposed to seeing more ADUs in Kansas City
- Demand to build ADUs is widespread, but demand to reside in an ADU is more concentrated
  - Most respondents would build ADUs for others to live in on their property, such as family/friend or caregiver
  - Younger respondents and some renters were the groups most likely to live in an ADU themselves
- Strong correlation between knowledge around ADUs and overall support highlights potential education gains

# Attachment 3

ORDINANCE NO. 220698

..title

Amending Chapter 88, Zoning and Development Code, by enacting new sections to be known as Sections 88-305-15, Accessory Dwelling Units, and 88-810-005, Accessory Dwelling Unit, for the purpose of establishing regulations for accessory dwelling units to provide housing choice while preserving the character of neighborhoods.

..body

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting new sections to be known as Section 88-305-15, Accessory Dwelling Units; and Section 88-810-005, Accessory Dwelling Unit; with said new sections to read as follows:

## **88-305-15 – ACCESSORY DWELLING UNITS**

### **88-305-15-A. PURPOSE**

Accessory dwelling units are a household living use that is accessory to and located on the same lot as the permitted principal use. The purpose of this section is to:

1. Meet the changing needs of the community;
2. Provide housing choice while preserving the character of the neighborhood in which it is located;
3. Respond to the changing economy and the necessity for many households to secure additional income; and
4. Reduce the cost of housing by increasing housing density and doing so in a manner:
  - a. that may be more compatible with neighborhoods where detached dwellings predominate; and
  - b. where the benefits of additional income are distributed throughout the community to the individual landowners and renters.

### **88-305-15-B. WHERE PERMITTED**

Accessory dwelling units are permitted on any lot with a detached dwelling where the dwelling is the principal building, subject to certain standards.

### **88-305-15-C. GENERAL STANDARDS**

1. Accessory dwelling units may be attached or detached from the principal dwelling unit. If attached they shall be located in the rear or side yard. If detached they shall be located in the rear yard.

2. The owner of the lot shall reside in either the principal dwelling or accessory dwelling. The owner shall record against the property a deed restriction limiting occupancy of either the principal dwelling unit or the accessory dwelling unit to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Director of City Planning and Development prior to issuance of the Certificate of Occupancy for the accessory dwelling unit.
3. No additional off-street parking is required. Any proposed parking shall conform to 88-420.
4. Detached accessory dwelling units may be located in the same building as a garage.
5. When attached, the accessory dwelling unit may have its own exterior entrance or shared entrance with a common vestibule.
6. If attached to the principal dwelling, the lot and building standards for the principal building shall apply.
7. If detached from the principal dwelling, it shall be located in the rear yard, the lot and building standards shall be as follows:
  - a. Setbacks shall be five feet from all property lines including projections; except on street side yards where it shall be five feet including projections or the same as the principal building, whichever is greater.
  - b. Maximum building footprint: 60% of the footprint of the principal dwelling or 25% of the rear yard, whichever is smaller. In no case shall the footprint exceed 800 square feet.
  - c. Maximum floor area: 800 square feet or 90% of the floor area of the principal dwelling, whichever is smaller.
  - d. All other setbacks shall be those that apply to all accessory structures.
8. Exterior stairs to provide access to an upper level accessory dwelling unit are allowed only on sides of the building facing the interior of the lot.
9. If an accessory dwelling unit was legally permitted prior to the passage date of this ordinance and the owner can provide documentary evidence to the satisfaction of the director of city planning and development of such use, the use may continue upon obtaining a new certificate of occupancy.

#### **88-810-005 – ACCESSORY DWELLING UNIT**

A secondary dwelling unit on the same lot as a principal dwelling unit. The accessory dwelling unit may be occupied by an independent household from that occupying the principal dwelling unit.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearing required by law have been given and had.

..end

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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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Joseph Rexwinkle  
Secretary, City Plan Commission

Approved as to for and legality:

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Sarah Baxter  
Senior Associate City Attorney

# Attachment 4

Rexwinkle, Joseph

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**From:** SHARON PENDLETON <sharon.pendleton@sbcglobal.net>  
**Sent:** Thursday, September 1, 2022 10:49 AM  
**To:** Public Engagement; Rexwinkle, Joseph; anne johnston; ALEX KISH; amrita burdick; cindy dill  
**Subject:** Fw: Objection to schedule of ADU ord.

Please see following statement from **Neighbors Opposed to STRs**, regarding case number **CD-CPC-2022-00131**.

**Neighbors Opposed to Short-Term-Rentals** (aka NO-STRs) are in full support of the following statement of Mary Jo Draper, V.P. of Historic K.C. Please reschedule the September 6th hearing to some future date, following resolution of all concerns relating to the Short-Term-Rental Ordinance now being audited by City Auditor.

Dear Short-term Rental Group,

As we discussed on the call yesterday, Historic Kansas City has researched the proposed ADU (Accessory Dwelling Unit) ordinance set to be heard by the Plan Commission on September 6<sup>th</sup>, at 9 AM at City Hall, 26<sup>th</sup>Floor, or online via zoom.

However, we have a concern that the proposal is moving ahead without many neighborhoods having a chance for input or help to shape it. Given the level of concern on yesterday's call about short-term rentals, we have concerns that allowing ADUS across the city could lead to an increase in the problems short-term rentals are already causing.

We are neither for or against ADUS, but we think the city should slow down the process and allow more time to think through how to make sure they benefit the people they are meant to benefit without causing any damage to our neighborhoods.

If you agree, send an email as soon as possible to [publicengagement@kcmo.org](mailto:publicengagement@kcmo.org) and to the City Planner at Joseph Rexwinkle at [joseph.rexwinkle@kcmo.org](mailto:joseph.rexwinkle@kcmo.org). The subject of your email should include the case number CD-CPC-2022-00131.

Mary Jo Draper  
HKC Vice President



August 30, 2022

**Re: Ordinance 220698**  
**ADU (Accessory Dwelling Unit)**

To Members of the City Plan Commission:

Historic Kansas City has reviewed the proposed Accessory Dwelling Unit ordinance which is before you and we would ask that this important change to city regulations be tabled so that there can be further discussion about how to create an ordinance that will effectively achieve its goals.

We understand and agree with some of the stated goals of this proposal, such as allowing senior citizens to stay near family as they age, allowing homeowners to generate extra income, and allowing local governments to receive additional tax revenue. Our concern is that, while there may be benefits for individual homeowners, the city has not allowed time to study the impact on neighborhoods, included language related to historic neighborhoods, or asked for input from the public.

Historic Kansas City has not taken a position on the ADU ordinance, but we believe that it is moving too quickly without the opportunity for input and that there are several concerns that should be addressed. These include:

1. The current draft ordinance's purpose is defined as providing housing choice, allowing households to get additional income, and reducing the cost of housing by increasing density. While these are admirable goals, experience in other cities shows that ADUs are generally built in more affluent communities, are rarely occupied by families or low-income folks who need housing the most, and have not been successful in helping build wealth and equity for the average homeowner. The cost of building an ADU (estimated at around \$90,000 in Missouri) is a barrier, as is the difficulty in getting a construction loan. The process requires obtaining the proper permits from the city, hiring architects, applying for financing, and running sewer and water connections. During the current period of supply-chain disruption and skyrocketing material costs, construction usually takes between 12 and 18 months. The lag time from breaking ground to receiving first rent check is estimated at nine months. Those adding ADUS may also see an increase in property taxes after the property is assessed with improvements. These barriers mean that it is often only affluent homeowners who can afford to build ADUS.
2. This draft does not spell out what additional city resources would be required to enforce it. In order to evaluate this major change in city policy, we need to understand what resources will be needed to monitor and enforce the new regulations. Only when we know the cost of adding staff and other expenses can we evaluate whether city funds could be used more effectively, for example in a targeted effort to create affordable housing for very low income people, assisting with rehabbing already-existing properties such as six-plexes, or providing assistance to homeowners who need financial assistance to stay in their homes.
3. While some more innovative models for ADU pilot projects are being tried elsewhere, the current Kansas City proposal does not incorporate the lessons that have already been learned in other cities. Durham, North Carolina is using a land trust model of ownership to build ADUS. The Napa Sonoma ADU Center in California is testing the success of helping homeowners who would not otherwise be able to afford construction find funding.
4. Concern about unlicensed short-term rentals in Kansas City is high right now, and there is concern legalizing ADUS could increase absentee ownership and unregulated dwelling units. There is growing concern in some Kansas City neighborhoods about the erosion of neighborhoods based on absentee short-term rental owners and the inability of the city to keep up with unlicensed short-term rentals. We are concerned that allowing ADUS could add to this problem, since many investors are operating short-term rentals without registering them or complying with city codes. The city does not have the staff to keep up

with this growing STR problems, which is of increasing concern to historic neighborhoods. While the draft ordinance would require the owner of the lot to live in either the principal or accessory unit and says that owner must record a deed restriction containing this provision, it offers no plan for regulating this provision or for addition resources to ensure this actually happens.

5. Kansas City neighborhoods are diverse and a one-size-fits-all approach may not work everywhere. One of the goals of the draft ordinance is to increase density. Midtown Kansas City neighborhoods are already the most dense and diverse neighborhoods in the city. Many of these neighborhoods fought to downzone to single-family in the 1970s and 80s, after their homes had been broken up into multiple apartments after WWII and believe single-family zoning has led to a resurgence of owner-occupied homes, owners rehabbing homes that might otherwise have been lost, and the repopulation of Midtown. Additionally, the draft says no additional off-street parking will be required, even though many older homes were built with one-car garages or single car driveways and street parking may be limited.
6. The Historic Preservation Commission should review ADUS proposed for historic districts before they are built. The draft ordinance does not require any review to ensure that the units fit the character of historic neighborhoods, that their visibility from the street is minimized, or that they fit within the fabric of the neighborhood. The new regulations should require: neighborhoods notification before potential builders go before the going Historic Preservation Commission; requirements to minimize visibility from the street; consideration of how the new structure or addition will fit into the fabric of neighborhood; require use of appropriate materials such as windows, doors, detailing, and roofing; require staff level review and approval by Historic Preservation Commission, and develop a set of design guidelines for historic districts.
7. The loss of green space and trees should be weighed against the value of increased density in older neighborhoods. Allowing ADUS in some neighborhoods will require owners to cut down 100-year-old trees, add concrete driveways and destroy habitat for urban wildlife. It should also be noted that existing structures are more "green" than new construction, so more attention to helping maintain and restore existing homes and apartments or reusing buildings as affordable housing may offer more effective solutions to the city's housing problem.

We believe the following items should be addressed before the legislation moves forward:

1. Provisions for the building of ADUS within historic districts.
2. Realistic and enforceable requirements that the primary home or ADU on a lot must be occupied by the owner of the property.
3. Identification of budgetary resources for enforcement of ADU regulations.

Best regards,



Mary Jo Draper  
Vice President, Historic Kansas City

Cc: Historic Kansas City Board of Directors



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**File #: 220701**

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ORDINANCE NO. 220701

Establishing administrative processes for awarding standard incentive packages to residential, office, and industrial developments that meet certain criteria and directing the City Manager and the Director of Finance to take certain acts to implement the standard incentive packages.  
**\*\*Request to hold until September 28, 2022\*\***

WHEREAS, the City Council, by Committee Substitute for Ordinance No. 140031, As Amended, adopted the City's Economic Development and Incentives Policy and directed the City Manager to develop the scoring system set forth therein; and

WHEREAS, the City Council, by Ordinance No. 140375, adopted a certain scoring system for purposes of implementing the City's Economic Development and Incentives Policy, and the City Council has, from time to time, adopted revisions to this scoring system; and

WHEREAS, the City Council wishes to prioritize incentives to achieve the City's development goals, and provide staff, outside agencies, and potential developers a clear understanding of those goals; and

WHEREAS, the Council desires to provide an administrative pathway to accessing incentives, so they can be granted consistently and in a more expedited fashion to developments that deliver community benefit aligned with the City's articulated goals; and

WHEREAS, the Council desires that City staff undertake the following steps in order to create a program that implements standard incentive packages; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. The Council establishes administrative processes for awarding standard incentives to residential, office, and industrial developments in order to achieve the following goals by December 31, 2027:

- (a) 10,000 units of affordable housing in target areas, as part of new multifamily development.
- (b) 60,000 additional target sector employees in target areas or increased speculative Class A office space to 15% market share.

- (c) 1,750,000 square feet of new speculative Class A industrial space or 8% industrial vacancy rate for four consecutive quarters.

Section 2. That the standard incentive packages available to qualifying developments and the criteria required for developments to qualify for administrative approval of these incentive packages are enumerated in Attachment A.

Section 3. That the City Manager is directed to establish the standard incentive packages described in Attachment A and is authorized to negotiate and execute agreements with the Economic Development Corporation of Kansas City, Land Clearance for Redevelopment Authority, Port KC, and Kansas City Area Transportation Authority, as necessary to provide the standard incentive packages outlined in Attachment A in a manner that is substantially consistent with the eligibility criteria in Attachment A. To the extent necessary to effectuate the standard incentive packages described in Attachment A, the City Manager is further directed to initiate the creation of urban redevelopment corporations, development plans, or urban renewal plans, and amendments thereto, along with any necessary revisions to Resolution No. 191024.

Section 4. That, in order to effectuate the standard incentive packages outlined in Attachment A, the Director of Finance is authorized to administratively negotiate and execute agreements that allow a redirection of 50% of increased economic activity taxes for up to 15 years for office and industrial developments eligible for such as outlined in Attachment A, subject to annual appropriation and applicable law. This authorization to execute contracts expires December 31, 2027. The City Manager is directed to prepare a comprehensive list of terms and requirements for administrative redirection agreements, which shall be circulated to the Council and posted on the City's website.

Section 5. That any third-party financial analysis requirements that have previously been established by ordinance or resolution are waived for projects that receive standard incentive packages, as outlined in Attachment A. This section shall not be construed as repealing any other exceptions or requirements that may have previously been enacted by the Council.

Section 6. That this ordinance and the standard incentive packages outlined in Attachment A will be reviewed by the City Council no later than five years from the effective date of this Ordinance to evaluate impact on the target thresholds outlined in Section 1.

Section 7. That the City Manager is directed to monitor all standard incentives packages and annually report to the Council regarding the granting and progress of standard incentive packages and the City's progress in achieving the goals established in Section 1.

..end

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Approved as to form and legality:

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Emalea Black  
Associate City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220701**

## Standard Minimum Incentive Packages for Prioritized Development Categories – 2022-2027

*The following incentive packages are available until the City of Kansas City, MO achieves the following thresholds or until 12/31/2027 which ever occurs sooner.*

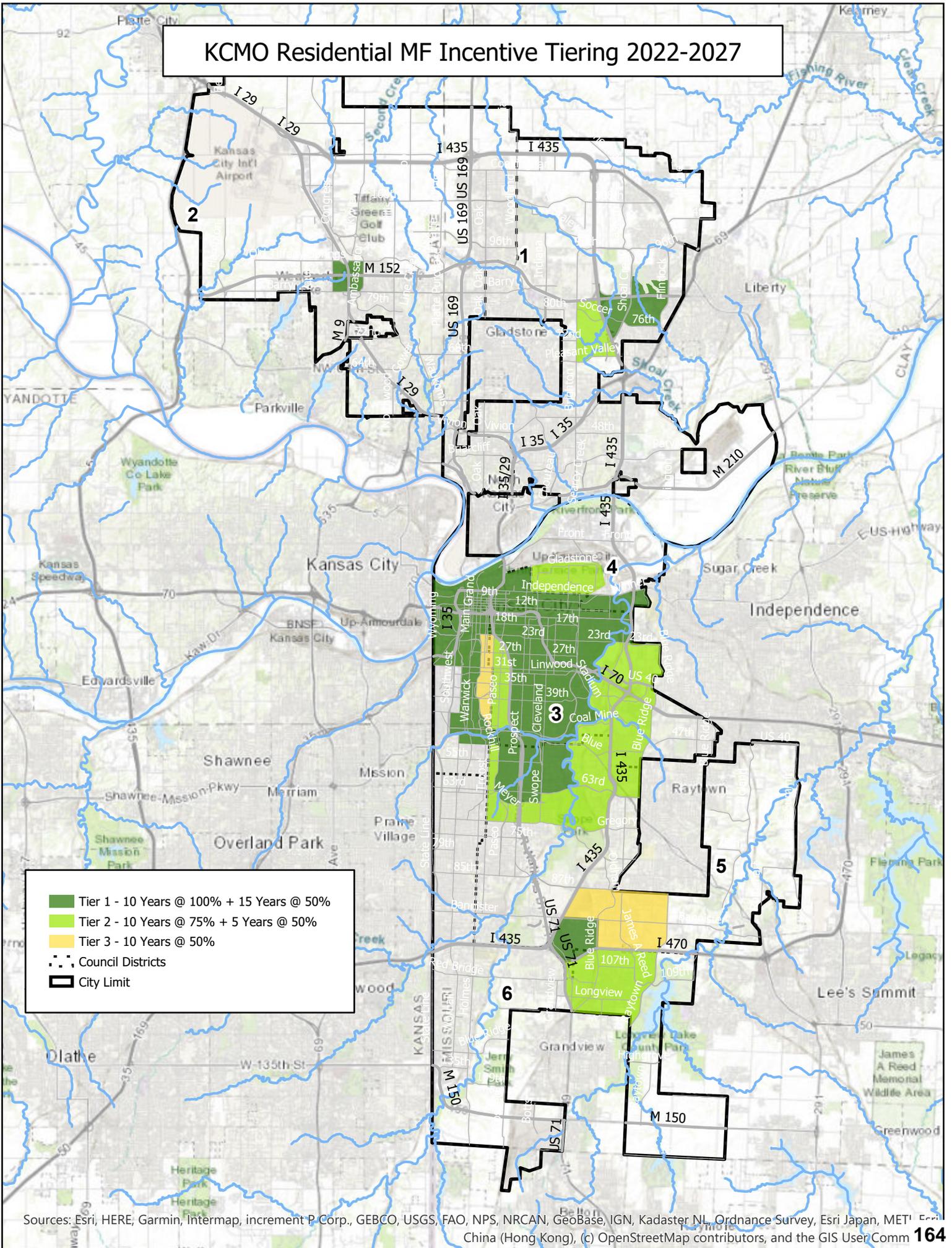
| TARGET THRESHOLDS BY ASSET TYPE  |  |
|--|--|
| <i>The following incentive packages are available until the City of Kansas City, MO achieves the following thresholds or until 12/31/2027 when thresholds will be reaffirmed or modified by Council approval, which ever occurs sooner</i> |  |
| <b>Residential Multi-Family</b>  | 10,000 units of newly constructed affordable housing   |
| <b>Class A Office Space</b>  | 60,000 additional Target Sector Employees in Target Area or increased speculative Class A office space to 15% market share |
| <b>Class A Industrial Space</b>  | 1,750,000 total SF New in Target Area OR 8% Vacancy for 4 Consecutive Quarters   |

| Asset Category                                      | Incentive Package                          | Eligibility Criteria  |
|---|--|---|
| <b>Residential</b>                                  |  |   |
| Tier 1  | 10 Years @ 100% + 15 Years @ 50%<br>+STECM | <ol style="list-style-type: none"> <li>1) Located in Eligible Target Area<sup>1</sup></li> <li>2) &gt;20% of Units Affordable @ or below 60% MFI</li> <li>3) Minimum of 100 new units in the Central Business District; 50 units elsewhere</li> <li>4) Minimum of 10 stories in the Central Business District; 4 Stories or 50 units/acre elsewhere</li> <li>5) Parking ratio at or below 1.0 space unit</li> <li>6) Green building standards comparable with LEED Silver or equivalent</li> <li>7) Inclusion of alternative transit options</li> <li>8) Ground floor retail along at least 50% of street frontage or in accordance with local zoning requirements, whichever is greater, in the Central Business District</li> </ol> |
| Tier 2  | 10 Years @ 75% + 5 Years @ 50%<br>+STECM   |   |
| Tier 3  | 10 Years @ 50%<br>+STECM                   |   |
| (Outside Target Zones)<br>Affordable Housing Infill | 10 Years @ 75%                             |   |

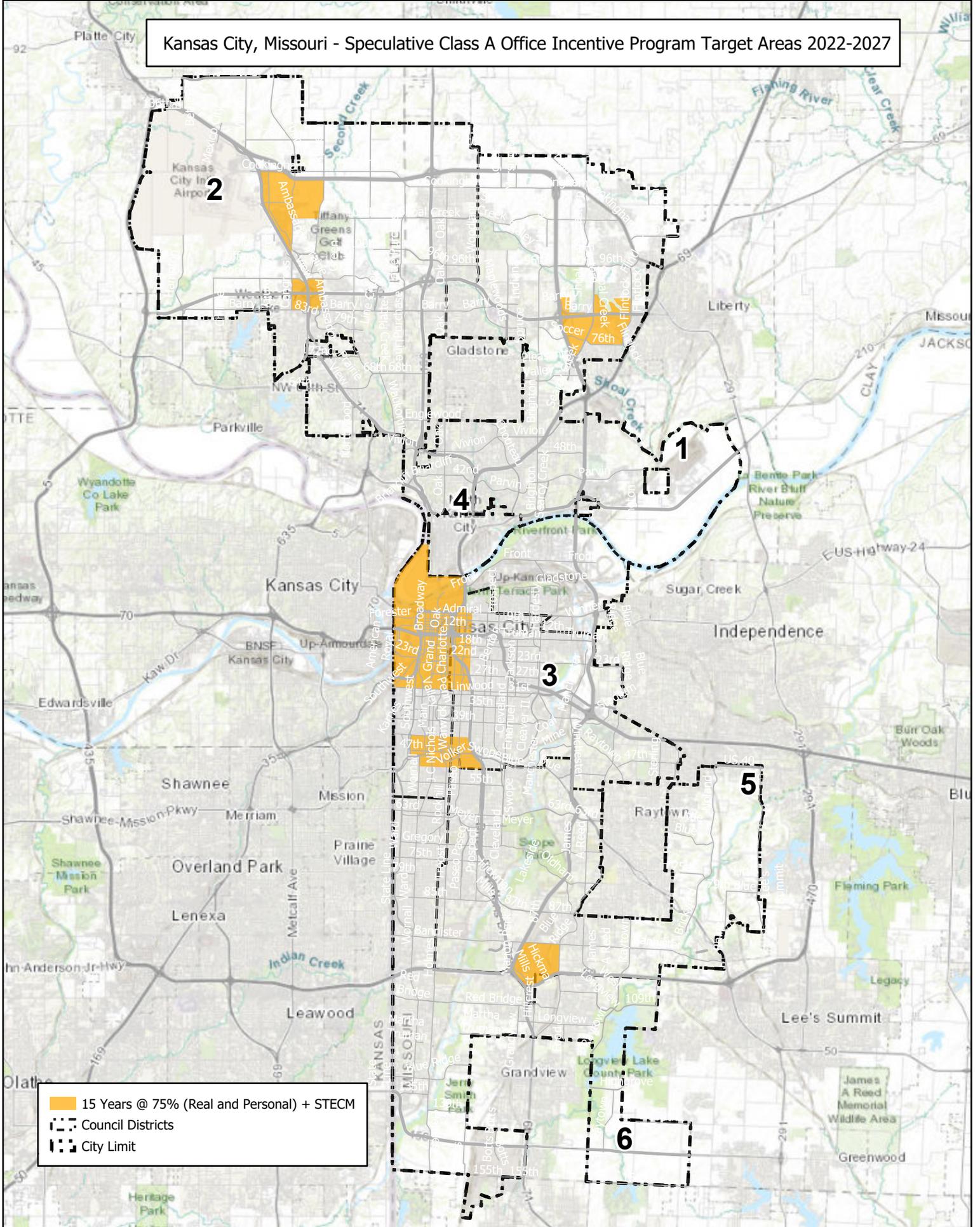
<sup>1</sup> 2022-2027 Residential Incentive Tiers Map

| Asset Category   | Incentive Package   | 1) Eligibility Criteria  |
|--|---|--|
| <b>Class A Office Space</b>  |   |  |
| New Construction – Class A   | 15 Years @ 75% (Real and Personal) + STECM                                    | <ol style="list-style-type: none"> <li>1) Located in Target Area</li> <li>2) Minimum 200,000 SF New Construction</li> <li>3) Minimum 20 Stories (Downtown)</li> <li>4) CBA Required</li> <li>5) Parking Costs Excluded for Any Parking in Excess of 2.5/1,000</li> </ol>   |
| + Impact Bonus<br><br>HQ Attraction<br>Parking Density<br>Wages    | + 15 Years @ 50% EATS Redirection   | <p>All of Above plus:</p> <ol style="list-style-type: none"> <li>1) Involves Corporate Relocation from Outside KC Metro</li> <li>2) In a Target Sector<br/>OR</li> <li>3) Projects with Parking Ratios &lt; 2.5/1000 sf and/or which include Worker Transportation Program<br/>OR</li> <li>4) Min 500 Jobs with Wages @ or above 100% County Average Wage</li> </ol> |
| <b>Industrial Development</b>                                      |   |  |
| Tier 1   | 15 Years @ 75% (Real and Personal) + STECM<br>+ 15 Years 50% EATS Redirection | <ol style="list-style-type: none"> <li>1) Located in Tier 1 Target Area</li> <li>2) Minimum 250,000 SF New Construction Class A</li> <li>3) CBA Required</li> </ol>  |
| Tier 2   | 15 Years @ 75% (Real and Personal) + STECM                                    | <ol style="list-style-type: none"> <li>1) Located in Tier 2 Target Area</li> <li>2) Minimum 250,000 SF New Construction Class A</li> <li>3) CBA Required</li> </ol>  |
| + Impact Bonus<br><br>Wages<br>Job Access<br>Mega Project<br>Bonus | + 15 Years 50% EATS   | <p>All of Above plus:</p> <ol style="list-style-type: none"> <li>1) Min 100 Jobs with Wages @ or above 100% County Average Wage, OR:</li> <li>2) Company Provided Workforce Transportation Program, OR:</li> <li>3) Stand Alone projects greater than \$50 Million</li> <li>4) CBA Required</li> </ol>   |

# KCMO Residential MF Incentive Tiering 2022-2027

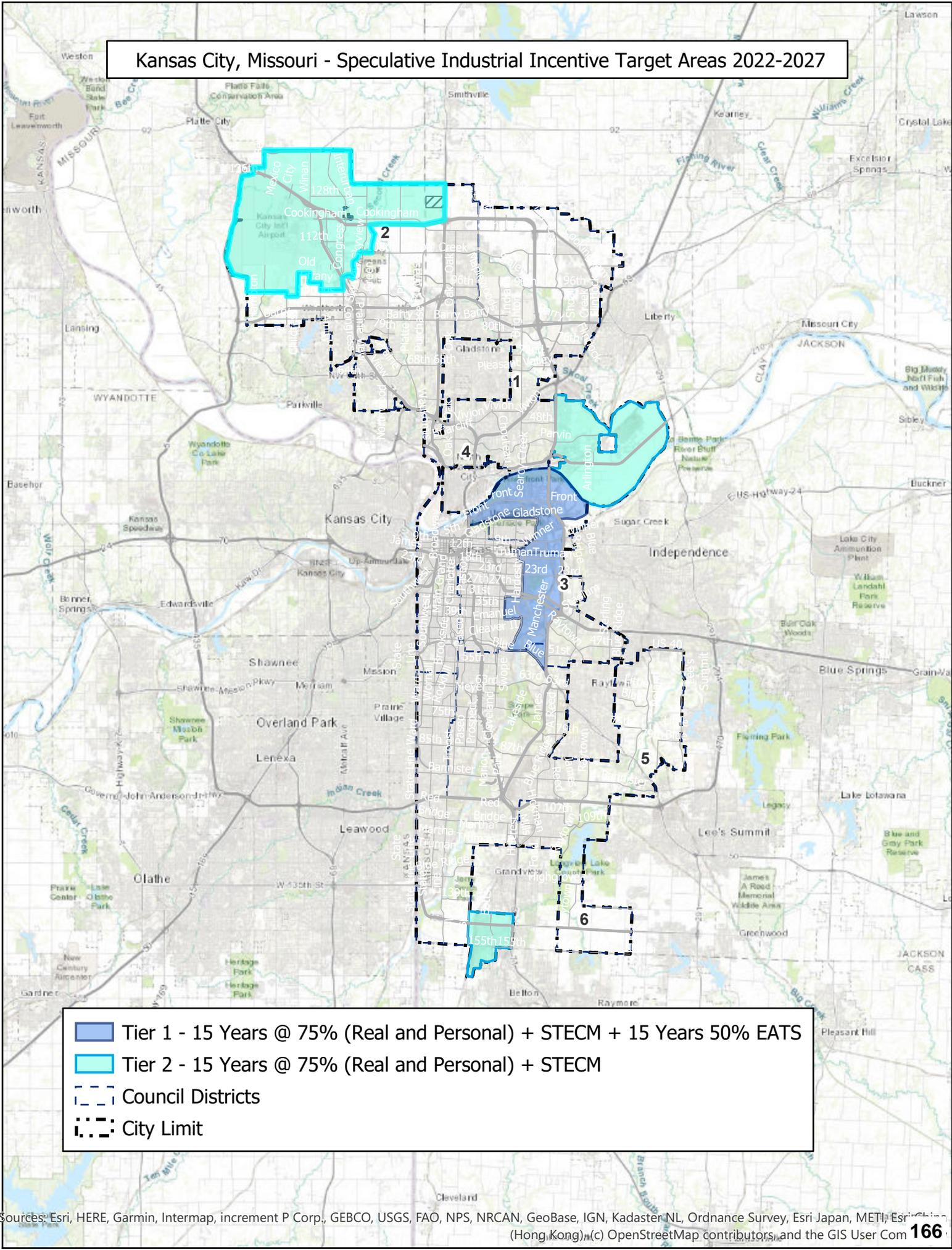


Kansas City, Missouri - Speculative Class A Office Incentive Program Target Areas 2022-2027



- 15 Years @ 75% (Real and Personal) + STECM
- Council Districts
- City Limit

# Kansas City, Missouri - Speculative Industrial Incentive Target Areas 2022-2027



|  |   |
|--|---|
|  | Tier 1 - 15 Years @ 75% (Real and Personal) + STECM + 15 Years 50% EATS |
|  | Tier 2 - 15 Years @ 75% (Real and Personal) + STECM                     |
|  | Council Districts   |
|  | City Limit  |

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220701

Establishing processes for awarding standard incentive packages to residential, office, and industrial developments that meet certain criteria, and directing the City Manager to take certain acts to implement the standard incentive packages.

WHEREAS, the City Council, by Committee Substitute for Ordinance No. 140031, As Amended, adopted the City's Economic Development and Incentives Policy and directed the City Manager to develop the scoring system set forth therein; and

WHEREAS, the City Council, by Ordinance No. 140375, adopted a certain scoring system for purposes of implementing the City's Economic Development and Incentives Policy, and the City Council has, from time to time, adopted revisions to this scoring system; and

WHEREAS, the City Council wishes to prioritize incentives to achieve the City's development goals, and provide staff, outside agencies, and potential developers a clear understanding of those goals; and

WHEREAS, the Council desires to provide a streamlined pathway to accessing some incentives, so they can be granted consistently and in a more expedited fashion to qualifying developments that deliver community benefit aligned with the City's articulated goals; and WHEREAS, the Council desires to utilize available statutory incentives by going through the required processes for the creation of necessary entities, plans, and contracts in targeted area, in order to simplify the subsequent incentive application process for qualifying projects; and

WHEREAS, the creation of a standard incentive framework will provide standardization and efficiency, while still complying with statutory notification and hearing requirements; and

WHEREAS, the creation of a standard incentive framework will require an analysis to identify where new or amended urban redevelopment corporations, development plans, or urban renewal plans are necessary to effectuate the program outlined in this ordinance; and

WHEREAS, the standard incentives packages will only apply to certain qualifying projects, and existing caps and approval processes will remain in place for developments that do not qualify or that seek different levels of incentives than outlined in this ordinance; and

WHEREAS, the Council desires that City staff undertake the following steps in order to create a program that implements standard incentive packages to be available only to developments that meet certain criteria; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Council establishes processes for awarding standard incentives to residential, office, and industrial developments in order to achieve the following goals by December 31, 2027:

- (a) 10,000 units of affordable housing in target areas, as part of new multifamily development.
- (b) 60,000 additional target sector employees in target areas or increased speculative Class A office space to 15% market share.
- (c) 1,750,000 square feet of new speculative Class A industrial space or 8% industrial vacancy rate for four consecutive quarters.

Section 2. That the standard incentive packages available to qualifying developments and the criteria required for developments to qualify for these incentive packages are enumerated in Attachment A.

Section 3. That the City Manager is directed to establish the standard incentive packages described in Attachment A and is authorized to negotiate and execute agreements with the Economic Development Corporation of Kansas City (“EDC”), Land Clearance for Redevelopment Authority, Port KC, and Kansas City Area Transportation Authority, (collectively the “incentive agencies”) as necessary to provide the standard incentive packages outlined in Exhibit A in a manner that is substantially consistent with the eligibility criteria in Exhibit A. To the extent necessary to effectuate the standard incentive packages described in Attachment A, the City Manager is further directed to initiate the creation of urban redevelopment corporations, development plans, or urban renewal plans, and amendments thereto, along with any necessary revisions to Resolution 191024.

Section 4. All agreements with incentive agencies authorized under Section 3 shall include:

- (a) A requirement that seven days before any incentive is granted pursuant to said agreements, a copy of the standard incentive package contract in substantial form shall be circulated to the City Manager and the EDC.
- (b) A requirement that for all standard incentive package contracts that require a community benefit agreement, the community benefit agreement will be reviewed through a process that includes community engagement and communication efforts to confirm the consensus within the neighborhood and labor union participation.
- (c) A requirement that all required community benefit agreements shall include at least three of the following elements:
  - (1) A contribution to the Housing Trust Fund equivalent to or exceeding 1% of the total local incentive amount
  - (2) A contribution workforce support programs or provision of workforce support services (e.g., childcare, healthcare, down payment assistance) equivalent to or exceeding 1% of the local incentive amount

- (3) Contribution to the Brownfields Remediation Loan Fund or environmental remediation activities equivalent to or exceeding 1% of local incentive amount
  - (4) Commitment to hire Kansas City residents for new jobs created
  - (5) Exceeding M/WBE hiring criteria to be set by CREO
  - (6) Commitment to use local suppliers and/or service in the construction and/or operation of the facility
  - (7) Historic preservation activities, equivalent to or exceeding 1% of the local incentive amount
- (d) A requirement that standard incentive package contracts that require a community benefit agreement include a provision that failure to comply with the community benefit agreement will result in a penalty of up to \$5,000 per day, and, if the developer fails to cure, termination of the incentives.
  - (e) Include a requirement that standard incentive package contracts include a provision that failure to comply with the requirements provided in Exhibit A will result in a penalty of up to \$5,000 per day, and, if the developer fails to cure, termination of the incentives.

Section 5. That, in order to effectuate the standard incentive packages outlined in Exhibit A, the City Manager is authorized to negotiate and execute agreements that allow a redirection of 50% of increased economic activity taxes for up to 15 years for office and industrial developments eligible for such as outlined in Attachment A, subject to annual appropriation and applicable law. This authorization to execute contracts expires December 31, 2027. The City Manager is directed to prepare a comprehensive list of terms and requirements for redirection agreements authorized by this section, which shall be circulated to the Council and posted on the City's website.

Section 6. That any third-party financial analysis requirements that have previously been established by ordinance or resolution are waived for projects that receive standard incentive packages, as outlined in Attachment A. This section shall not be construed as repealing any other exceptions or requirements that may have previously been enacted by the Council.

Section 7. That this ordinance and the standard incentive packages outlined in Attachment A will be reviewed by the City Council no later than five years from the effective date of this Ordinance to evaluate impact on the target thresholds outlined in Section 1.

Section 8. That the City Manager is directed to monitor all standard incentives packages and annually report to the Council regarding the granting and progress of standard incentive packages and the City's progress in achieving the goals established in Section 1. This report shall include:

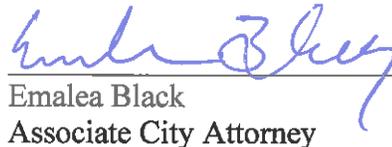
- (a) The number of projects that have received standard incentive package contracts;
- (b) The number of affordable units created by each project;
- (c) The location of the project, relative to changes in the Market Value Analysis, including amounts of displacement risk;
- (d) The level of affordability included in each project;
- (e) The amount of abatement per project, per unit or per job, and overall; and
- (f) The amount of revenue generated per project and overall.

Section 9. That any actions authorized in Section 3 to effectuate standard incentive packages must comply with all notification and hearing provisions required by Missouri law.

Section 10. That nothing in this ordinance modifies or waives existing requirements or approval processes for any incentives outside the standard incentive packages.

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Approved as to form and legality:

  
Emalea Black  
Associate City Attorney

COMPARED VERSION  
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220701

Establishing ~~administrative~~ processes for awarding standard incentive packages to residential, office, and industrial developments that meet certain ~~eriterial~~criteria, and directing the City Manager ~~and the Director of Finance~~ to take certain acts to implement the standard incentive packages.

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WHEREAS, the City Council, by Ordinance No. 140375, adopted a certain scoring system for purposes of implementing the City's Economic Development and Incentives Policy, and the City Council has, from time to time, adopted revisions to this scoring system; and

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WHEREAS, the Council desires to provide ~~an administrative~~ streamlined pathway to accessing some incentives, so they can be granted consistently and in a more expedited fashion to qualifying developments that deliver community benefit aligned with the City's articulated goals; and

WHEREAS, the Council desires to utilize available statutory incentives by going through the required processes for the creation of necessary entities, plans, and contracts in targeted area, in order to simplify the subsequent incentive application process for qualifying projects; and

WHEREAS, the creation of a standard incentive framework will provide standardization and efficiency, while still complying with statutory notification and hearing requirements; and

WHEREAS, the creation of a standard incentive framework will require an analysis to identify where new or amended urban redevelopment corporations, development plans, or urban renewal plans are necessary to effectuate the program outlined in this ordinance; and

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- (c) ~~(c)~~—1,750,000 square feet of new speculative Class A industrial space or 8% industrial vacancy rate for four consecutive quarters.

Section 2. That the standard incentive packages available to qualifying developments and the criteria required for developments to qualify for ~~administrative approval of~~ these incentive packages are enumerated in Attachment A.

Section 3. That the City Manager is directed to establish the standard incentive packages described in Attachment A and is authorized to negotiate and execute agreements with the Economic Development Corporation of Kansas City, ~~(“EDC”)~~, Land Clearance for Redevelopment Authority, Port KC, and Kansas City Area Transportation Authority, (collectively the “incentive agencies”) as necessary to provide the standard incentive packages outlined in ~~Attachment Exhibit~~ A in a manner that is substantially consistent with the eligibility criteria in ~~Attachment Exhibit~~ A. To the extent necessary to effectuate the standard incentive packages described in Attachment A, the City Manager is further directed to initiate the creation of urban redevelopment corporations, development plans, or urban renewal plans, and amendments thereto, along with any necessary revisions to Resolution ~~No.~~ 191024.

Section 4. All agreements with incentive agencies authorized under Section 3 shall include:

- (a) A requirement that seven days before any incentive is granted pursuant to said agreements, a copy of the standard incentive package contract in substantial form shall be circulated to the City Manager and the EDC.
- (b) A requirement that for all standard incentive package contracts that require a community benefit agreement, the community benefit agreement will be reviewed through a process that includes community engagement and communication efforts to confirm the consensus within the neighborhood and labor union participation.
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- (1) A contribution to the Housing Trust Fund equivalent to or exceeding 1% of the total local incentive amount
  - (2) A contribution workforce support programs or provision of workforce support services (e.g., childcare, healthcare, down payment assistance) equivalent to or exceeding 1% of the local incentive amount
  - (3) Contribution to the Brownfields Remediation Loan Fund or environmental remediation activities equivalent to or exceeding 1% of local incentive amount
  - (4) Commitment to hire Kansas City residents for new jobs created
  - (5) Exceeding M/WBE hiring criteria to be set by CREO
  - (6) Commitment to use local suppliers and/or service in the construction and/or operation of the facility
  - (7) Historic preservation activities, equivalent to or exceeding 1% of the local incentive amount
- (d) A requirement that standard incentive package contracts that require a community benefit agreement include a provision that failure to comply with the community benefit agreement will result in a penalty of up to \$5,000 per day, and, if the developer fails to cure, termination of the incentives.
- (e) Include a requirement that standard incentive package contracts include a provision that failure to comply with the requirements provided in Exhibit A will result in a penalty of up to \$5,000 per day, and, if the developer fails to cure, termination of the incentives.

Section 5. That, in order to effectuate the standard incentive packages outlined in ~~Attachment~~Exhibit A, the ~~Director of Finance~~City Manager is authorized to ~~administratively~~ negotiate and execute agreements that allow a redirection of 50% of increased economic activity taxes for up to 15 years for office and industrial developments eligible for such as outlined in Attachment A, subject to annual appropriation and applicable law. This authorization to execute contracts expires December 31, 2027. The City Manager is directed to prepare a comprehensive list of terms and requirements for ~~administrative~~ redirection agreements authorized by this section, which shall be circulated to the Council and posted on the City's website.

Section ~~56~~56. That any third-party financial analysis requirements that have previously been established by ordinance or resolution are waived for projects that receive standard incentive packages, as outlined in Attachment A. This section shall not be construed as repealing any other exceptions or requirements that may have previously been enacted by the Council.

Section 67. That this ordinance and the standard incentive packages outlined in Attachment A will be reviewed by the City Council no later than five years from the effective date of this Ordinance to evaluate impact on the target thresholds outlined in Section 1.

Section 78. That the City Manager is directed to monitor all standard incentives packages and annually report to the Council regarding the granting and progress of standard incentive packages and the City's progress in achieving the goals established in Section 1. This report shall include:

- (a) The number of projects that have received standard incentive package contracts;
- (b) The number of affordable units created by each project;
- (c) The location of the project, relative to changes in the Market Value Analysis, including amounts of displacement risk;
- (d) The level of affordability included in each project;
- (e) The amount of abatement per project, per unit or per job, and overall; and
- (f) The amount of revenue generated per project and overall.

Section 9. That any actions authorized in Section 3 to effectuate standard incentive packages must comply with all notification and hearing provisions required by Missouri law.

Section 10. That nothing in this ordinance modifies or waives existing requirements or approval processes for any incentives outside the standard incentive packages.

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Approved as to form and legality:

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Emalea Black  
Associate City Attorney



# TESTIMONY

August 24, 2022

## ORDINANCE NUMBER 220701: KANSAS CITY SHOULD NOT REPLACE ROLE OF ELECTED OFFICIALS IN DETERMINING TAX SUBSIDIES

*By David Stokes*

Testimony Before the Neighborhood Planning and Development  
Committee of the Kansas City Council

### **TO THE HONORABLE MEMBERS OF THE COMMITTEE:**

My name is David Stokes, and I am the director of municipal policy for the Show-Me Institute, a nonprofit, nonpartisan Missouri-based think tank that supports free-market solutions for state and local public policy. The ideas presented here are my own. This testimony is intended to summarize research and analysis that the Show-Me Institute has conducted concerning the economic performance of tax subsidies and the political process used to enact them. This testimony should not be viewed as specific support for, or opposition to, any particular plan that the city of Kansas City is considering beyond opposition to the general use of tax

subsidies, including tax-increment financing (TIF), tax abatements, enhanced enterprise zones (EEZs), and other subsidies as a part of economic development plans, along with opposition to the proposal in this ordinance to substantially reduce the role of elected officials in approving these subsidies and turn that role over to the appointed positions of city manager and city finance director.

The dirty little secret that nobody seems to want to mention is that TIFs, EEZs, property tax abatements and many other types of tax subsidies do not work. They do not succeed in growing the local economy. The panoply of subsidies that come into play when a large area is declared blighted can have a number of adverse side effects. They shrink the

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FOR MISSOURI PUBLIC POLICY

local tax base, encourage more government planning of the economy, reward those with political connections, and increase the chances of eminent domain abuse. As a famous Swedish economist once said, “It is not by planting trees or subsidizing tree planting in a desert created by politicians that the government can promote . . . industry, but by refraining from measures that create a desert environment.”

Before EEZs were implemented in 2005, Missouri had a very similar program with a similar name: Enterprise Zones (EZs). How did the use of EZs impact Missouri counties that aggressively established them? The Show-Me Institute conducted a case study comparing eight Missouri counties that implemented large EZs from the mid-1980s to the early 1990s to twelve bordering counties that did not implement any EZs. This comparison allowed for a clear natural experiment on the success, failure, or simple pointlessness of the original EZ program. The fundamental finding of the study was that the counties that implemented EZs did no better economically than their neighboring counties that did not. Simply put, the EZs made no difference. The results of this study are directly applicable to cities in Missouri, including Kansas City. The findings were also perfectly consistent with strong preponderance of the economic literature on tax subsidies, which is clear that the vast majority of investment dollars that subsidies such as TIFs, EEZs, etc., claim to have generated either: (1) would have happened anyway without the subsidy, or (2) resulted from the transfer of investment from areas very close by, resulting in no real growth.

Whatever the numbers and analysis may be, the burden of proof is generally misplaced in these debates. It really should not be the responsibility of those opposed to new programs, subsidies, etc., to prove that they do not work. It should be the burden of those who support such subsidies to prove that they *do* work. And supporters should not prove that they work through anecdotal evidence. They should not prove that they work with alarmist assertions such as “It would have been worse if we did not do this,” or “nobody is building affordable housing in Kansas City,” which is demonstrably untrue. To prove the value of these subsidies should require actual evidence. In my substantial experience of reviewing subsidy

proposals by local governments in Missouri, the use of actual evidence to support subsidy proposals is decidedly rare.

Ordinance 220701 contains two very bad ideas. First, it would automate the process by which subsidies are granted. It would remove the requirement of an independent financial analysis of the subsidy request. While those independent financial reports generally have been biased in favor of developers, at least they provided an attempt to justify the tax subsidy request. This ordinance would remove even that small attempt at independent review. Furthermore, by standardizing the package of incentives available, the city is inevitably going to increase the requests for subsidies from developers. When you make something both easier to receive and cheaper, you are going to get more requests for it. For a harmful activity like tax subsidies, that is moving in the wrong direction. It reverses the small progress Kansas City has made in recent years to reduce the use of tax subsidies and limit the total amount of other people’s money given away.

Second, the removal of elected officials from the decision-making process and empowerment of the city manager and finance director to implement tax subsidy decisions is a direct attack on local democracy. Decisions about selectively granting political favors such as tax subsidies should be made by elected officials responsible to the voters, not by bureaucrats acting independently of transparency and oversight. I can foresee some politicians in the near future embracing the opportunity to tell the voters, “I tried to stop those subsidies, but the city manager overruled me. I wish I could stop them, but I just can’t now.” Elected officials need to take ownership over decisions that divert taxpayer money to benefit private interests. Moreover, making tax subsidies as routine as garbage pick-up or street sweeping should *not* be the goal. These subsidies should be the exception to the rule, not the standard procedure. The proposals in Ordinance 220701 to make them standard fare decided upon by appointed personnel instead of public decisions voted on by elected officials is a terrible public policy choice.

Thank you for the opportunity to submit this testimony to the committee.

## ENDNOTES

1. Assar Lindbeck, long-time chair of the Nobel Prize in Economics selection committee.
2. Stokes, David. "The Effectiveness of Enterprise Zones in Missouri." Show-Me Institute Case Study No. 14, January 2013.



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1520 Clay Street · Suite B-6 · North Kansas City, MO 64116 · 816-561-1777

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**File #: 220722**

ORDINANCE NO. 220722

Amending Ordinance No. 190328 by repealing Condition 16 contained in Section B, which required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development, because the developer no longer has access to public water mains. (CD-CPC-2018-00229)

WHEREAS, on May 9, 2019, the City Council passed Ordinance No. 190328, approving a rezoning on about 0.42 acres generally located west of N. Church Road between N.E. 76th Street to the north and North Flintlock Road to the south from District B2-2 to B4-2, and approving a development plan on about 4.3 acres that also serves as a preliminary plan to allow for the construction of a self-storage facility; and

WHEREAS, Condition No. 16 in Section B of Ordinance No. 190328 required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems are required by the Land Development Division, prior to recording the plat or issuance of building permit; and

WHEREAS, the City Council desires to remove this condition from the development plan because of actions granted to adjacent developers with Ordinance No. 211034 no longer allows access to extend public mains to the site; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Ordinance No. 190328, passed May 9, 2019, is hereby amended by repealing Condition 16 contained in Section B

Section B. That all other sections and conditions of Ordinance No. 190328 not repealed shall remain in effect.

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Senior Associate City Attorney

# COMMUNITY PROJECT/REZONING

## 220722

### Ordinance Fact Sheet

**Case No.** CD-CPC-2019-00031 and CD-CPC-2018-00229

#### Brief Title

Amending Ordinance No. 190328 by repealing Condition 16 contained in Section B, which required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development, because of actions granted to adjacent development, this developer no long have access to extend public mains. (CD-CPC-2018-00229)

**Ordinance Number**

#### Details

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| <p><b>Location:</b> Generally located at the southwest corner of NE 76<sup>th</sup> Street and N. Church Road</p>  |
| <p><b>Reason for Legislation:</b> Rezoning and development plans require Council approval.</p>   |
| <p><b>Brief Summary:</b><br/>See attached City Plan Commission report.</p> <p>On December 9, 2021 the City Council approved Ordinance 211034 which allowed the property located at 7535 N Flintlock Rd. a waiver for the requirement of the property to connect to sewer, thus precluding the ability of the property approved by ordinance 190328 to connect to a sewer main. The applicant is seeking the removal of Condition No. 16.</p> |

#### Positions/Recommendations

|   |   |
|---|---|
| <b>Sponsors</b>                                 | Jeffrey Williams, AICP, Director<br>Department of City Planning & Development   |
| <b>Programs, Departments or Groups Affected</b> | 1 <sup>st</sup> District (O'Neill, Hall)  |
| <b>Applicants / Proponents</b>                  | <p><b>Applicant</b> Brian Combs<br/>8500 NE 89<sup>th</sup> Place<br/>Kansas City, MO 64157</p> <p><b>City Department</b><br/>City Planning &amp; Development</p> <p><b>Other</b></p>   |
| <b>Opponents</b>                                | <p><b>Groups or Individuals</b></p> <p><b>Basis of Opposition</b></p>   |
| <b>Staff Recommendation</b>                     | <p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against</b></p>   |
| <b>Board or Commission Recommendation</b>       | <p>City Plan Commission (7-0) 04-16-2019<br/>By Archie, Baker-Hughes, Crowl, Dameron, Macy, Henderson, May</p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input checked="" type="checkbox"/> For, with revisions or conditions<br/>(see details column for conditions)</p> |
| <b>Council Committee Actions</b>                | <p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p>   |

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Continued from Page 1

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|--------------------------------------|--|
|                                      | <input type="checkbox"/> Do not pass                     |
| <b>Policy or Program Change</b>      | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Operational Impact Assessment</b> |  |

**Finances**

|  |  |
|--|--|
| <b>Cost &amp; Revenue Projections – Including Indirect Costs</b> |  |
| <b>Financial Impact</b>  |  |
| <b>Funding Source(s) and</b>                                     |  |

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| Appropriation<br>Account Codes |
|--------------------------------|
|                                |

**Continued from Page 2**

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|---|-------------------------|--|
| <b>Fact Sheet Prepared By:</b><br>Matthew Barnes<br>Staff Planner             | <b>Date:</b> 08-12-2022 |  |
| <b>Reviewed By:</b><br>Joseph Rexwinkle<br>Development Management             | <b>Date:</b> 08-12-2022 | <b>Initial Application Filed:</b> 02-20-2019<br><b>City Plan Commission:</b> 04-16-2019<br><b>Revised Plans Filed:</b> N/A |
| <b>Reference Numbers:</b><br>Case No. CD-CPC-2019-00031 and CD-CPC-2018-00229 |                         |  |



**File #: 220730**

ORDINANCE NO. 220730

Approving the Main Street – ABC/35 Block Urban Renewal Area Plan on approximately 2.4 acres generally located at 3244 Main and 3634 Main Street; and declaring said area to be blighted and in need of redevelopment and rehabilitation. (CD-CPC-2022-00094)

WHEREAS, Section 99.430, RSMo, provides that a legislative body may approve a declaration of blight and approve an urban renewal plan for the same area simultaneously; and

WHEREAS, it is desirable and in the public interest that the Land Clearance for Redevelopment Authority of Kansas City, Missouri submit an Urban Renewal Plan for the historic and distressed properties along Main Street; and

WHEREAS, the Land Clearance for Redevelopment Authority has found said area to be blighted due to the insanitary or unsafe conditions, deterioration of site improvements, and a combination of such factors so as to constitute an economic or social liability to the public health, safety, morals or welfare; and

WHEREAS, the Land Clearance for Redevelopment Authority has recommended and determined that the Main Street – ABC/36 Block Urban Renewal Plan area be eligible for tax abatement and, if necessary, the exercise of eminent domain by the Land Clearance for Redevelopment Authority; and

WHEREAS, the City Plan Commission reviewed and recommended approval of the Main Street – ABC/35 Block Urban Renewal Plan on July 19, 2022; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the proposed Urban Renewal area an area generally consisting of two scattered sites on the west side of Main Street located between Linwood Boulevard on the north, Main Street on the east, W. 37th Street on the south, and Baltimore Avenue on the west, and more specifically located at 3240-3244 Main Street (Project Area 1) and at 3620-3636 Main Street, 2 W. 37th Street, and at 3633-3635 Baltimore Avenue (Project Area 2), and more specifically described as:

Parcel 1 (Project Area 1):

Lot 3, except the North 4 feet thereof, Block 2, Hyde Park, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, together with an easement for private alley or passageway appurtenant to the

above-described property over the North 4 feet of said Lot 3 and appurtenant to the premises in question on the North as described in instrument recorded in Book B-1303, Page 363, in the Office of the Recorder of Deeds of Jackson County, Missouri, at Kansas City.

Parcel 2 (Project Area 1)

Lot 4, and the North 1/2 of LOT 5, Block 2, Hyde Park, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Parcel 3 (Project Areas 2)

Lots 5 and 6, Block 1, Hyde Park Annex, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Parcel 4 (Project Area 2)

Lot 4, Block 1, Hyde Park Annex, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Parcel 5 (Project Area 2)

Lots 5 & 6, Block 30, Hyde Park, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Parcel 6 (Project Area 2)

Lots 5 & 6, Block 30, Hyde Park, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Parcel 7 ( Project Area 2)

Lots 1, 2, and 3, Valentine Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Parcel 8 ( Project Area 2)

Lots 4 and 5, Valentine Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is a blighted area and in need of redevelopment and rehabilitation and is appropriate for an Urban Renewal Project, and that the undertaking by the Land Clearance for Redevelopment Authority of Kansas City, Missouri, of surveys and plans for an urban renewal project of a character contemplated by Section 99.430, Revised Statutes of Missouri, as amended, and the proposed urban renewal area is hereby approved.

Section 2. That the Council has duly made the findings necessary for compliance with Sections 99.320 and 99.430, Revised Statutes of Missouri, as amended.

Section 3. That the Urban Renewal Plan which is known as the Main Street – ABC/36 Block Urban Renewal Plan, a copy of which is on file in the office of the City Clerk with this ordinance and is incorporated herein by reference, is hereby approved including, if necessary, the power of eminent domain.

Section 4. That pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended, the City Council hereby authorizes the abatement of ad valorem real property taxes to the full extent authorized by the Land Clearance for Redevelopment Authority Law with respect to any project qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s

Economic Development and Incentive Policy, or located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

Section 5. That said Urban Renewal Plan is hereby found to be feasible and in conformance with the Master Plan for the development of the community as a whole.

..end

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Approved as to form and legality:

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Emalea Black  
Assistant City Attorney

**No Fact Sheet  
Provided for  
Ordinance No.**

**220730**