



Agenda

Neighborhood Planning and Development Committee

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

Wednesday, March 15, 2023

1:30 PM

26th Floor, Council Chamber

<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*****

Director of City Planning & Development

[230231](#)

Sponsor: Director of City Planning and Development Department

Rezoning an area of approximately 3.25 acres located at 9618 and 9615 Grandview Road from District R-7.5 to District MPD and approving a development plan to allow agricultural, wholesale and retail sales, office, and short term rental uses within existing and proposed structures and high tunnels. (CD-CPC-2020-00106)

Attachments: [Docket Memo](#)

Director of City Planning & Development

[230232](#)

Sponsor: Director of City Planning and Development Department

Approving a residential development plan and preliminary plat in Districts B3-3 and R-1.5 for Kimpton Falls on an area of about 49.43 acres generally located south of N.W. Barry Road and along the future extension of Line Creek Parkway. (CD-CPC-2022-00225)

Attachments: [Kimpton Falls Docket Memo](#)

HELD IN COMMITTEE

Lucas 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.

Attachments: [No Fact Sheet](#)
[Fiscal Note 220701](#)

Lucas

[220961](#)

Sponsor: Mayor Quinton Lucas

Amending Chapter 88, Code of Ordinances, by enacting new Sections 88-424-01 through 88-424-11, Tree Preservation and Protection, and amending Section 88-810 by adding and inserting definitions applicable to this new code section

Attachments: [220961 Docket Memo](#)
[220961 2d cs to cs-com](#)

Robinson

[230189](#)

Sponsor: Councilmember Melissa Robinson

Amending the Code of Ordinances by creating a new Chapter 37 entitled "Health in All Policies," consisting of Sections 37-1 through 37-5, to create a Health in All Policies Interdepartmental Task Force that will be a collaborative approach to improving the health of all people by incorporating health, sustainability, and equity considerations into decision-making across various sectors and policy areas.

Attachments: [Ordinance Docket Memo 230189 MJ](#)

Robinson

[230200](#) Sponsor: Councilmember Melissa Robinson

RESOLUTION - Directing the City Manager to develop a Citywide Doula Initiative and report back to the Council in 45 days.

Attachments: [Docket memo for Resolution # 230200](#)

City Manager's Office and Planned Industrial Expansion Authority (PIEA)

[230213](#) Sponsor: City Manager
Approving the 45th and Troost PIEA General Development Plan on approximately 1.08 acres generally located at the southwest corner of 45th and Troost Avenue, and declaring said area to be blighted and in need of redevelopment and rehabilitation. (CD-CPC-2019-00065)

Attachments: [Docket Memo -](#)

Bough

[230215](#) Sponsor: Councilmember Andrea Bough

Amending Chapter 10, Code of Ordinances, by repealing Section 10-106, Extended hours permits, and enacting in lieu thereof a new section of like number and subject matter that redefines the eligible neighbors who are notified and allowed to respond to a sales-by-drink licensee's application for an extended hours permit.

Attachments: [Docket Memo Template - 10-106 - 2-28-2023](#)

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. 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
- 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

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.



File #: 230231

ORDINANCE NO. 230231

Sponsor: Director of City Planning and Development Department

Rezoning an area of approximately 3.25 acres located at 9618 and 9615 Grandview Road from District R-7.5 to District MPD and approving a development plan to allow agricultural, wholesale and retail sales, office, and short term rental uses within existing and proposed structures and high tunnels. (CD-CPC-2020-00106)

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 80-20A-1375 rezoning an area of about 3.25 acres located at 9618 and 9615 Grandview Road from District R-7.5 (Residential, 7.5) to District MPD (Master Planned Development) said section to read as follows:

Section 80-20A-1375. That an area legally described as:

9618 GRANDVIEW RD RED BUD PARK ALL OF LOTS 7 & 8 & S 190 FT
OF LOT 9 and 9615 GRANDVIEW RD / N 190 FT OF LOT 8 & S 70 FT LOT 9
KINGS ROSE HILL SUB

is hereby rezoned from District R-7.5 (Residential, 7.5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1375, which is attached hereto and made a part hereof, and which is hereby adopted as 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 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. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to a building permit.
4. No certificate of occupancy shall be issued until a photometric plan that complies with 88-430 has been submitted with the MPD final plan and approved by the City Plan Commission.
5. The developer must 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.
6. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
7. Grandview Road along the frontage of both properties shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
14. Any significant occupancy type change shall be done in conformance with the applicable building codes which are in effect at the time of the change with a valid certificate of occupancy issued by the City Planning and Development Department. (IFC-2018 § 102.3)
15. The developer shall submit a detailed landscaping plan showing the transitions and screening between the property in question and adjacent properties.
16. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
17. The developer shall follow the Kansas City, Missouri rules and regulations for new water service lines, fire flow lines and kills.
18. The developer shall confirm service lines shall serve only one lot or tract and shall not cross a separate lot or tract.

A copy of said MPD development plan and preliminary plat is on file in the office of the City Clerk with this ordinance and 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 Ordinance have been given and had.

..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:

Sarah Baxter
Senior Associate City Attorney

City of Kansas City, Missouri



Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: City Planning

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

Executive Summary

District MPD (Master Planned Development) and approve a development plan to allow agricultural, wholesale and retail sales, office, and short term rental uses within existing and proposed structures and high tunnels. (CD-CPC-2020-00106)

Discussion

See CPC staff report

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No

City of Kansas City, Missouri



Docket Memo

2. This fund has a structural imbalance.

Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation

See CPC staff report

Service Level Impacts

See CPC staff report

Other Impacts

1. What will be the potential health impacts to any affected groups?

This is a zoning ordinance and has not been evaluated against this subject matter.

City of Kansas City, Missouri



Docket Memo

2. How have those groups been engaged and involved in the development of this ordinance?

This is a zoning ordinance and has not been evaluated against this subject matter.

3. How does this legislation contribute to a sustainable Kansas City?

This is a zoning ordinance and has not been evaluated against this subject matter.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

This is a zoning ordinance and has not been evaluated against this subject matter.

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

This is a zoning ordinance and has not been evaluated against this subject matter.



File #: 230232

ORDINANCE NO. 230232

Sponsor: Director of City Planning and Development Department

Approving a residential development plan and preliminary plat in Districts B3-3 and R-1.5 for Kimpton Falls on an area of about 49.43 acres generally located south of N.W. Barry Road and along the future extension of Line Creek Parkway. (CD-CPC-2022-00225)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan and preliminary plat in District B3-3 (Community Business (Dash 3)) and R-1.5 (Residential 1.5) for Kimpton Falls on an area of about 49.43 acres generally located south of N.W. Barry Road and along the future extension of Line Creek Parkway, and more specifically described as follows:

A portion of the Southeast quarter of Section 8 and the Southwest quarter of Section 9, Township 51 North, Range 33 West, in the City of Kansas City, Platte County, Missouri, described as follows: Commencing for reference at the Northwest corner of the Southeast quarter of said Section 8; thence, along the North line of the Southeast quarter of said Section 8, South 88°41'45" East, 2581.38 feet to the Northwest corner of the Southwest quarter of said Section 9; thence, along the West line of the Southwest quarter of said Section 9, South 00°38'46" West, 40.00 feet to a point on the Southerly right-of-way line of NW Barry Road, said point being the true point of beginning; thence, along the Southerly right-of-way line of NW Barry Road, South 89°28'58" East, 1287.04 feet; thence, South 00°39'59" West, 1134.83 feet; thence, South 90°00'00" West, 514.97 feet; thence, North 34°39'26" West, 170.69 feet; thence, South 49°33'58" West, 83.00 feet; thence, North 51°49'32" West, 65.33 feet to the beginning of a tangent curve to the left; thence, Westerly along the arc of last said curve, having a radius of 50.00 feet, through a central angle of 83°13'52", an arc distance of 72.63 feet; thence, South 44°56'36" West, 17.28 feet; thence, North 50°19'18" West, 93.29 feet; thence, South 35°07'33" West, 96.60 feet; thence, North 89°27'47" West, 739.58 feet; thence, South 00°27'34" West, 411.15 feet; thence, North 89°27'43" West, 242.56 feet to a point on the East line of Wau-Linn Cree Addition, a subdivision in the City of Kansas City; thence, along the East line of Wau-Linn Cree Addition, and along the East line of Stoneridge Square 3rd Plat, a subdivision in the City of Kansas City, and along the east line of the property described in the Missouri Special Warranty Deed filed in Book 1376, Page 823, North 00°32'17" East, 1471.34 feet to a point on the South right-of-way line of

N.W. Barry Road; thence, along the South right-of-way line of NW Barry Road, South 88°42'11" East, 630.41 feet to the true point of beginning, prepared by Anne M. Smoke, Missouri PLS 2016019010, on January 6, 2023.

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 street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
3. 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.
4. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. The following language shall be placed on the final plat: PRIVATE OPEN SPACE: Tract B contains 11.19 private open space acres which are hereby reserved at the election of the developer in lieu of the required parkland dedication for 420 multi-family units pursuant to Section 88-408-E of the Zoning and Development Code. A total of 5.04 acres are required to satisfy the parkland request for this final plat.
6. The developer shall be granted a waiver to Section 88-405-10-B-2, requiring streets in new subdivisions to connect with dedicated streets in adjacent subdivisions and provide for future extensions of streets into adjacent areas that are likely to be developed in the future.
7. The developer shall be granted a waiver to Section 88-405-07 requiring that sidewalks be provided in accordance with the Department of Public Works' standards, specifications, and design criteria.
8. The developer shall be granted a waiver to Section 88-405-25 to allow for a maximum grade of 8% on Line Creek Parkway.
9. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) and 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) Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)

10. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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)
11. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
12. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
13. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
14. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
15. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
16. The developer shall submit plans to the Parks and Recreation Department and obtain permits prior to beginning construction of the street and streetscape improvements including but not limited to sidewalks, trails, curbs, gutters, streetscape elements, pedestrian and street lighting on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per the Parks and Recreation Department standards.
17. The developer shall be 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 2023 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.

18. As per the recommendation from the TIS, please modify the plans at Barry Road and Line Creek Parkway to construct a westbound left-turn lane with a storage length of 200 plus appropriate taper.
19. 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.
20. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. Plans shall include lowering the water main at Barry road, as needed, to meet the 42" minimum cover. Fire Hydrants will be required at 300' max intervals on perimeter streets.
21. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
22. 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.
23. 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.
24. The developer shall show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area, including detention basins and engineered surface drainage conveyances, on any plat and plan, as required by the Land Development Division.
25. 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.

A copy of said development plan and preliminary plat is on file in the office of the City Clerk with this ordinance and 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

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:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Please Select

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

Executive Summary

The applicant is seeking approval of a residential development plan and preliminary plat for approximately 420 units and associated amenities in districts B3-3 & R-1.5.

Discussion

The development is proposing 420 residential units, building type 1 will contain 10 units per building and building type 2 will contain 6 units per building. The proposal provides parking for each unit and additional surface parking, safe and efficient pedestrian connections, and safe and efficient access. The development is along the extension of Line Creek Parkway, the buildings along Line Creek Parkway comply with the Boulevard and Parkway Standards.

At the City Plan Commission meeting, the Commissioners discussed various conditions and proposed to remove construction of a 6' sidewalk on the east side of Line Creek Parkway, update plans showing a future 10' wide trail alignment to Line Creek Parkway, providing a street connection to NW 82nd Street, providing a 12' drive lane and a 4' bike line on Line Creek Parkway, and correcting language on a plan sheet that was resolved prior to the meeting. Additionally a condition requiring a preliminary stream buffer plan submittal was removed as that was included in the submittal. The Commissioners recommending adding a condition that the developer, KCATA, and city staff discuss future pedestrian access to the bus stop located North of Barry Road. The motion to approve passed 5:0.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

NA

3. How does the legislation affect the current fiscal year?

NA

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

NA



City of Kansas City, Missouri

Docket Memo

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

NA

Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation



City of Kansas City, Missouri

Docket Memo

No

Service Level Impacts

See CPC Staff Report

Other Impacts

1. What will be the potential health impacts to any affected groups?
NA
2. How have those groups been engaged and involved in the development of this ordinance?
NA
3. How does this legislation contribute to a sustainable Kansas City?
NA
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?
NA
5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?
NA



File #: 220701

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.

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

Approved as to form and legality:

Emalea Black
Associate City Attorney

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

220701

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	220701
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LEGISLATION IN BRIEF:
 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.

What is the purpose of this legislation? ECONOMIC DEVELOPMENT

For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.

Does this legislation spend money appropriated in the current fiscal year? NO Yes/No
What is the city's obligation in future fiscal Years (See Section 04)

Does this Legislation estimate new revenue in the current Fiscal Year? NO Yes/No
What is the city's gross new revenue in future Fiscal Years? (See Section 01)

Section 00: Notes:

A fiscal impact cannot be determined at this time. However, future fiscal impacts will be realized with approval of qualified projects based on the following categories:

- 1) Residential - tiered structure with a maximum of 100% abatement of real property taxes for 10 years and 50% for 15 years thereafter, plus Sales Tax Exemption on Construction Materials (STECM);*
- 2) Office - 75% abatement of real and personal property taxes for 15 years, plus STECM, with a possible impact bonus redirection of 50% of Economic Activity Taxes (EATs) for 15 years;*
- 3) Industrial - tiered structure with a maximum of 75% abatement of real and personal property taxes for 15 years, plus STECM and redirection of 50% of EATs for 15 years, or 75% abatement of real and personal property taxes, plus STECM, with a possible impact bonus redirection of 50% of EATs for 15 years. These incentives will remain in effect until the goals as stated in this ordinance related to affordable housing, employment and industrial capacity are met.*

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
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)		-						

REVIEWED BY Sean Carroll DATE 10/11/2022



File #: 220961

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220961

Sponsor: Mayor Quinton Lucas

Amending Chapter 88, Code of Ordinances, by enacting new Sections 88-424-01 through 88-424-11, Tree Preservation and Protection, and amending Section 88-810 by adding and inserting definitions applicable to this new code section.

WHEREAS, this purpose of this legislation is to support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree canopy on a site, considering the anticipated use and level of development; and

WHEREAS, the intent of this ordinance is to preserve and advance the aesthetic, economic, and environmental benefits of the urban forest, by protecting trees and mitigating any unnecessary removal of trees; and

WHEREAS, trees provide multiple benefits such as stormwater management, runoff infiltration, and air quality improvement that will take replacement trees decades to match, making them critical to retain; and

WHEREAS, a healthy tree canopy cover enhances the City’s natural beauty and improves health, safety, and general welfare of Kansas City residents; and

WHEREAS, to further the intent of this ordinance is to preserve and enhance the City’s tree canopy cover and ensure that certain criteria are followed including the Urban Forest Master Plan, adopted by City Council Resolution No. 200143 on May 21, 2020, which established a goal of 35 percent tree canopy cover for the City; and this is affirmed by Kansas City’s Climate Protection and Resiliency Plan.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting new sections 88-424-01 through 88-424-13, Tree Preservation and Protection to read as follows:

88-424 - TREE PRESERVATION AND PROTECTION

88-424-01 - SCOPE AND PURPOSE

The intent of this section is to preserve and advance the aesthetic, economic, and environmental benefits of a high-quality urban forest, by protecting trees and mitigating any unnecessary

removal of trees. Trees provide multiple benefits such as stormwater management, runoff infiltration, and air quality improvement that will take replacement trees decades to match, making them critical to retain. Further, a healthy tree canopy cover enhances the city's natural beauty and improves health, safety, and general welfare of Kansas City residents.

To further the intent of this section which is to preserve and enhance the city's tree canopy cover, certain criteria are followed. The Urban Forest Master Plan, adopted by City Council Resolution No. 200143 on May 21, 2020, established a goal of 35 percent tree canopy cover for the city. This is affirmed by Kansas City's Climate Protection and Resiliency Plan. Additionally, this section furthers other proposed and city council approved plans including the Climate Protection and Resiliency Plan, the IBC Energy Code, and the proposed KC Spirit Playbook.

This section sets forth regulations for the preservation, protection, planting, maintenance, and removal of trees within the city, to accomplish the following objectives:

88-424-01-A. Preserve the character of Kansas City's existing tree canopy cover by preventing indiscriminate removal or destruction of trees.

88-424-01- B. Acknowledge the environmental benefits of site design that retains existing tree canopy cover and requires additional landscaping during development.

88-424-01-C. Retain protected trees and limit unnecessary removal prior to and during development by establishing tree protection measures during development.

88-424-01-D. Allow mitigation or payment to the Capital Improvement Sales Tax Fund-Tree Planting as required by 88-424-02, Applicability, while emphasizing the difficulty in replacing trees.

88-424-01-E. Support ecosystem services and natural environments, protect riparian banks and beds to prevent erosion and sedimentation, filter and control stormwater, reduce carbon sequestration, and improve energy conservation through tree canopy shade.

88-424-01-F. Encourage walking and activities and enable activity in neighborhoods to provide "eyes on the street" to assist with crime mitigation.

88-424-01-G. Enhance transition to and enable compatibility between varying land uses, buffer noise, and provide visual screening.

88-424-01-H. Protect and enhance property values, maintain investment by the private sector and the city, further stimulate economic activity, and encourage beautification.

88-424-02 - APPLICABILITY

Requirements of this section are applicable to requests for the following permits and approvals in conjunction with land disturbance and development, as follows:

88-424-02-A. Any permit for land/site disturbance, including utility plans, which involves clearing, cutting, grubbing, or grading on one acre or more. No permit shall be issued prior to approval of the tree preservation and protection plan.

88-424-02-B. Development of property requiring development plan (including UR, MPD, and major amendments), project plan, special use permit, or preliminary plat, as defined in this chapter.

88-424-02-C. Application for building permit (site plan approval, per 88-530) disturbing more than 10,000 sq. ft. of property but not requiring a development plan, project plan, preliminary plat, or final plat approval, unless a tree preservation and protection plan has been approved for a larger area that includes the subject site.

88-424-02-D. *This section does not supersede and shall be implemented in accordance with other provisions of this chapter including 88-415 Stream Buffers and 88-425 Landscaping, and 88-410 Open Space Developments and Conservation Developments.*

88-424-03 - EXEMPTIONS

88-424-03-A. Application for building permit for a single family detached house on a single previously platted lot.

88-424-03-B. Projects not listed in the Applicability section above.

88-424-03-C. Projects in which no tree canopy cover will be impacted or removed, certified by a statement submitted by an SAF certified forester, ISA certified arborist, professional landscape architect, or a professional engineer registered in the State of Missouri. The statement shall be placed on required plans and plats.

88-424-03-D. City capital improvement projects which are subject to provisions of (Administrative Regulation) AR 5-7 Tree Canopy Preservation & Expansion.

88-424-03-E. Emergency tree removal due to storm damage, accidental causes, or to ensure public safety when pruning is impractical, as determined by the city forester.

88-424-03-F. Tree removal on properties owned by the Kansas City Aviation Department, where such removal is required by Federal Aviation Administration or Transportation Security Administration regulations.

88-424-03-G. Pruning or removal by public utilities of trees that encroach upon electric, telephone, or cable television transmission lines, or gas, sewer, or water pipes; as specified by Federal or State regulations, or by agreements with the City.

88-424-03-H. Existing orchards, nurseries, or tree farms, where product is removed for sale and replaced, unless such use is ceased for future development.

88-424-03-I. Properties with existing agricultural uses for at least one planting season.

88-424-03-J. Owners and occupants of premises containing a dwelling structure, performing regular maintenance and cultivation of trees on the premises as required by 48-29 and 48-30 of the Kansas City Code of Ordinances.

88-424-03-K. Owners and occupants of non-residential premises performing regular maintenance and cultivation of trees on the premises as required by 56-433 of the Kansas City Code of Ordinances.

88-424-03-L. A development plan (including rezoning to UR or MPD), project plan, special use permit, or preliminary plat that has been previously approved; or an application for approval of such that has been deemed complete and is proceeding through the approval process.

88-424-03-M. Mitigation within the stream buffer as required by 88-415.

88-424-04 - PROTECTED TREE CANOPY COVER

Areas of contiguous tree canopy cover of one acre or more on the entire development site shall be preserved and protected. However, if proposed development of the property cannot be designed to allow preservation of all or portions of the existing tree canopy cover, mitigation per 88-424-05 or payment of money in lieu per 88-424-12 shall be required.

88-424-05 – MITIGATION

Preservation of tree canopy cover is prioritized. If preservation cannot be achieved, mitigation shall be required.

88-424-05-A. Mitigation may be achieved either through on-site planting of trees at the rate specified in 88-424-07 or by payment to the Capital Improvement Sales Tax Fund-Tree Planting at a rate per caliper inch of tree as determined by the city forester, per 88-424-13. Any combination of on-site planting of trees or payment may be utilized.

88-424-05-B. Offsets to required mitigation are as follows:

1. Trees planted as required by 88-425 Landscaping and Screening may be counted toward caliper inches required for mitigation.
2. Undisturbed acreage of stream buffer area per 88-415.
3. Undisturbed acreage of all contiguous tree canopy cover of one acre or more.

88-424-05-C. Trees planted to meet mitigation requirements shall be species native to the region or native cultivars, when available, or selected from the city's list of approved tree species. Species selection shall be based upon the amount of space available for proper growth on the site and provide desired diversity. Beyond trees to be planted as required by 88-425 Landscaping and Screening, trees planted to achieve mitigation shall be planted in areas of the site where they will achieve the highest environmental benefits of tree canopy cover, such as within stream buffers, riparian areas, detention areas, or areas of steep slope that cannot be developed.

88-424-05-D. Trees planted to meet mitigation requirements will be factored into the runoff curve number (CN) in mitigation areas on the site. The runoff curve number used for a specific location on a specific project will be determined by the cover type and the hydrologic soil group for that site from the SCS TR-55 tables and reviewed by the director of water services.

88-424-06 - REQUIRED PLANS

88-424-06-A. Plan Preparation

The plan must be prepared by an ISA certified arborist, an SAF certified forester, a professional engineer, or a professional landscape architect registered in the State of Missouri. The two plans required – Existing Conditions Tree Plan and Tree Preservation and Mitigation Plan – may be combined.

88-424-06-B. Plan Content for Existing Conditions Tree Plan

The plan shall portray and denote areas of existing tree canopy cover, specifically:

1. Cloud showing all existing and contiguous tree canopy cover of one acre or greater across the entire development site area.

88-424-06-C. Plan Content for Tree Preservation and Mitigation Plan

The plan shall include information as required above, with additional information regarding mitigation (if mitigation is required). This information shall also be shown on the landscaping plan required per 88-425 Landscaping and Screening.

1. Site layout.
2. Areas of existing tree canopy cover to remain.
3. Areas of existing tree canopy cover to be removed, denoting contiguous tree canopy acreage to one decimal point.
4. Note stating that no mitigation shall be required if contiguous tree canopy cover is less than one acre.
5. Information regarding any required mitigation per 88-424-07, including:

- a. chart showing acreage of contiguous tree canopy of one acre or greater to be removed and preserved, and required caliper inches for mitigation;

location of trees to be planted, denoting trees required to meet 88-425 Landscaping and Screening and those planted to further meet required mitigation;

location and acreage of all stream buffer zones and areas to be disturbed; and
 - b. payment to the Capital Improvement Sales Tax Fund-Tree Planting when used for full mitigation efforts or in combination with planting mitigation.
6. Any additional information, such as the intent to apply for alternative compliance per 88-424-10.

88-424-06-E. Plan Approval

If the decision-making body for any development plan per 88-517, project plan per 88-518, master planned development per 88-520, special use permit per 88-525, urban redevelopment district per 88-260, and site plan per 88-530 finds that trees were removed prior to application filing or approval of said plan as a means of circumventing the requirements of this ordinance, such action shall be grounds for disapproval of said application unless otherwise exempt per 88-424-03.

88-424-07 - MITIGATION RATE

88-424-07-A. The following mitigation rate is applicable to tree canopy cover removed. Required mitigation shall be calculated as follows:

- 1. First, calculate the total acreage of contiguous canopy cover to be removed on the entire development site. Subtract total acreage of all areas of contiguous tree canopy cover of one acre or more preserved outside of any stream buffers.*
- 2. Second, subtract all undisturbed acres of stream buffer*
- 3. Third, multiply the acreage calculated in step two by 0.35*
- 4. Fourth, multiply the acreage calculated in step three by 210 caliper inches*
- 5. Fifth, subtract the total caliper inches of trees provided for required landscaping per 88-425*
- 6. The final result is the number of caliper inches required for mitigation. Caliper inches of trees planted shall satisfy this requirement, meaning, a two-inch caliper tree shall satisfy two inches of required mitigation. Payment in-lieu calculation can be found in 88-424-12.*

88-424-07-B. Open Space Developments and Conservation Developments

Mitigation rates shall be reduced by 50% for trees removed if a development plan is approved pursuant to 88-410 Open Space Developments and Conservation Developments.

88-424-08 - COMPLIANCE

Prior to issuance of a final certificate of occupancy, all trees shown on the approved tree preservation/mitigation and landscape plans for the completed phase of development must be in place and in vigorous growing condition, as certified by a sealed letter submitted by an SAF certified forester, an ISA certified arborist, or a professional landscape architect licensed in the State of Missouri. Further, if any easements are platted or dedicated, copies of the recorded easements and as-built drawings shall be submitted, showing location of the stream buffer and all preserved tree areas.

88-424-09 – IMPLEMENTATION OF PLANS AND AGREEMENTS

88-424-09-A. Preservation and Protection Under Approved Plan

Trees planted or preserved in accordance with the approved preservation and protection plan, mitigation plan, and landscape plan per 88-425 are protected in perpetuity. Platting of tree preservation tracts or easements is required with preliminary plat submittal. Location of these tracts or easements and language shall be shown on all approved plans, preliminary plat, and final plat. Adjustments to the final plat are permitted in conformance with 88-555-04.

1. Areas within which tree canopy cover is to be preserved shall be platted as “tree preservation tracts or easements.” These tracts or easements may also include stream buffer corridors.
2. Areas within which trees are to be planted to meet required mitigation shall be platted as “tree preservation tracts or easements” and shown on approved plans and on the final plat. Individual trees to be planted per an approved landscape plan per 88-425 are not required to be in tracts or easements.

88-424-10 – ADMINISTRATIVE ADJUSTMENTS FOR ALTERNATIVE COMPLIANCE

88-424-10-A. The city planning and development department director is authorized to approve an administrative adjustment allowing for alternative compliance with the tree preservation and protection standards of this article.

88-424-10-B. Alternative compliance may be approved when the city planning and development department director determines that the proposed alternative would be at least as effective as strict compliance in meeting the overall intent of the standards.

88-424-10-C. Alternative compliance may also be approved when the city planning and development department director determines that:

1. Conditions and circumstances upon which the waiver or modification is sought are not caused by the applicant; and
2. That alternative preservation will be provided to off-set the waiver or reduction in otherwise applicable standards.

88-424-10-D. The city planning and development director is expressly authorized to approve such alternative mitigation treatments as:

1. restored natural prairie, wetlands, or oak savanna on a one for one acre basis
2. green roofs on a minimum of 75% of structures
3. enhanced green infrastructure beyond minimum BMP requirements on a one for one acre basis
4. installation of renewable energy resources that serve a minimum of 50% of the development area
5. removal of one or more acres of invasive species replaced with native species
6. conservation of tree canopy area on other properties owned by the same developer, with the implementation of tree preservation tracts or easements, to be used to satisfy mitigation requirements for a maximum of one other entitlement project
7. other alternatives that directly support the Scope and Purpose of this ordinance

88-424-11 – TREE PROTECTION MEASURES AND PROHIBITIONS

A preliminary site inspection at the time of site disturbance permit approval will be conducted by the city planning and development department to ensure compliance with the tree preservation and protection plan.

88-424-11-A. Tree Protection Measures

All trees to remain, per the approved tree preservation and protection plan, shall be protected during construction by fencing and barriers as shown on the approved tree preservation and protection plan and on construction documents. All measures shall be erected and in place prior to commencement of any land disturbance, demolition, or construction activity. Protective/temporary fencing shall be required for all protected trees to remain to prevent infringement on the root system from any construction-related activities.

1. *Construction fencing shall be placed at the outer edge of the delineated tree preservation area. This fencing shall be maintained throughout the construction process.*

88-424-11-B. Prohibited Activities

The following activities are prohibited within the tree preservation easements and tracts:

1. Storage of materials for construction.
2. Collection of waste accumulated due to excavation, demolition, or construction activities.
3. Cleaning of equipment or depositing materials or liquids, including but not limited to paint, solvents, asphalt, concrete, or mortar.
4. Attachment of signs, wires, nails, or similar materials to a protected tree.
5. Vehicular and construction equipment traffic or parking.
6. Grade changes, including filling or excavating, or other land disturbance unless authorized by 88-415.
7. Soil compaction within the drip line of the area resulting from vehicular traffic or storage of equipment.

88-424-12 - Payment in Lieu of Planting Trees as Required with Mitigation

88-424-12-A. Notwithstanding anything contained in 88-424, the developer may elect, at the time of preliminary plat application, to pay money to the Capital Improvement Sales Tax Fund-Tree Planting in lieu of, or in combination with planting trees on-site. The payment rate at the time of preliminary plat approval shall remain in effect until the money in lieu is deposited.

88-424-12-B. When a developer elects to pay money in lieu of planting for mitigation, the required payment must be deposited prior to recording the subdivision plat or minor subdivision or (if platting or minor subdivision is not required) receiving a certificate of occupancy.

88-424-12-C. Calculation of payment to meet mitigation requirements shall be as follows:

1. The payment for trees removed is based upon the number of tree caliper inches required for mitigation, multiplied by the average cost per caliper inch for trees, including planting and maintenance, per acre of tree canopy cover removed.
2. The tree replacement cost per caliper inch is established by wholesale tree prices and the average costs of current tree planting contract rates, and will include all costs for materials, labor, maintenance, and warranty.
3. The average tree cost per caliper inch will be reviewed annually by the city forester and adjusted accordingly.

88-424-13 - Capital Improvement Sales Tax Fund-Tree Planting

88-424-13-A. Purpose

The purpose of the Capital Improvement Sales Tax Fund-Tree Planting is to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree mitigation standards are not met on a particular development site, and to advance the City's goals for the urban forest and intent to achieve equitable distribution of tree-related benefits across the City.

88-424-13-B. Expenditures

Money in the Capital Improvement Sales Tax Fund-Tree Planting may be used only as follows:

1. To plant trees and maintain newly established trees on public property, including within street rights-of-way. Planting trees includes the cost of materials and labor necessary to install and maintain a tree during the warranty period.
2. Expenditures may include but are not limited to labor, materials, maintenance, administration, education, and outreach for both City staff and contracted services.

88-424-13-C. Payment

Payment to the Capital Improvement Sales Tax Fund-Tree Planting may occur through a number of means, including:

1. Payment made in lieu of tree mitigation as part of a permit issued as stated in Section 88-424-10;
2. Payment made in lieu of preservation or planting where site or street characteristics or development requirements make it infeasible to meet the requirements of Section 88-424.
3. Payment of restoration fees for enforcement actions for trees; and
4. Voluntary contribution.

88-424-13-D. Administration of the Capital Improvement Sales Tax Fund-Tree Planting

The Capital Improvement Sales Tax Fund-Tree Planting is administered by the director of parks and recreation, shall be maintained in a dedicated separate account, and is independent of the general fund. Any balance in the Tree Planting Fund will be carried forward into subsequent fiscal years. Funds collected must be used within 15 years of the date payment is received as listed in 88-424-13-B.

Section 2. That Section 88-810, Definitions, is hereby amended by adding and inserting definitions applicable to the new code section set forth in Section 1 as follows:

88-810 - DEFINITIONS

88-810-275 - CANOPY

The combined crowns of all trees on a tract of land.

88-810-351 - COMPACTION

The densification of a fill by mechanical means.

88-810-385 - CONTIGUOUS CANOPY COVER

Trees having crowns that touch or having trunks within 50 feet of another. Shall be a minimum of 35 feet wide.

88-810-431 - CUTTING

Chopping, shearing, or shredding a tree, beyond removal of the crown, often performed with the intent of destroying the tree to remove roosting habitat of certain species in advance of development. Does not include trimming or pruning.

88-810-513 - DIAMETER BREAST HEIGHT (DBH)

The diameter of a tree measured at a point 4.5 feet above the ground. If a tree splits into multi-trunks, the trunk is measured at its narrowest point below the split.

88-810-523 - DRIP LINE

The area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outermost tips of the tree branches down to the ground.

88-810-682.1 - GRADING

Any excavating or filling of earth materials or any combination thereof.

88-810-708 - ISA

International Society of Arboriculture

88-810-715 - LAND DISTURBANCE

Any activity that changes the physical conditions of landform, vegetation, and hydrology. Such activities include, but not limited to clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

88-810-885.1 - MITIGATION

The replacement of trees removed during development to lessen the loss of tree canopy cover. Mitigation may be met by planting of trees on-site or by payment to the Capital Improvement Sales Tax Fund-Tree Planting, or a combination thereof.

88-810-935 - NATIVE SPECIES

Any plant occurring naturally in within the region and not introduced by man;

indigenous.

88-810-1335 - PROTECTED TREE

A tree intended for preservation, as identified on the approved tree preservation and protection plan.

88-810-1336 - PRUNING

Removal of tree limbs to standards set forth by ANSI A300. At no time shall topping, tipping or flush cutting of trees be deemed a form of “pruning.”

88-810-1478 - SAF

Society of American Foresters.

88-810-2161 - TOPPING

The cutting back of limbs to stubs within the tree’s crown, to such a degree as to remove the normal tree canopy cover and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are less than one-half of the diameter of the limb or branch that is cut. Also referred to as stubbing, dehorning, pollarding, and heading.

88-810-2166 - TREE

Any self-supporting woody perennial plant, usually having a main stem or trunk and several branches, and at maturity normally attaining a trunk diameter greater than 3 inches at DBH and a height of over 10 feet.

88-810-2166.1 - TREE CANOPY COVER

Grouping of trees of one acre or larger in area.

88-810-2166.2 - TREE PRESERVATION AND PROTECTION PLAN

A plan that delineates areas of the site and identifies protected trees to be preserved or be removed. The plan sets forth measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction.

88-810-2166.3 - TREE PROTECTION

Fencing, barriers, or other measures intended to protect those trees to remain, including soil and root structure below, per the approved tree preservation and protection plan, construction documents, and ANSI A300 Construction Management Standard – Part 5 (2019).

88-810-2166.4 - TREE REMOVAL

Removal of a tree(s), through either direct or indirect actions including, but not limited to, clearing, topping, or cutting, causing irreversible damage to the health of the tree(s).

Section 3. That Section 88-425-10-G. related to credits for landscaping requirements from existing vegetation be repealed.

Section 4. That 88-425-13-D-15. be added to read “payment into the Capital

Improvement Sales Tax Fund-Tree Planting”.

Section 5. That the mitigation rates described in 88-424-05 shall be reduced by half for six months following the effective date of this ordinance. After this period the mitigation rates shall be applied to their full extent.

Section 6. That the Council finds and declares that before taking any action on the proposed amendment to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

Section 7. The City Manager is hereby directed to report back to the Neighborhood Planning and Development Committee one year after the passage of this ordinance to review the impact of this ordinance.

..end

Approved as to form:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

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

Executive Summary

Amending Chapter 88, Code of Ordinances, by enacting new Sections 88-424-01 through 88-424-11, Tree Preservation and Protection, and amending Section 88-810 by adding and inserting definitions applicable to this new code section

Discussion

This legislation amends Chapter 88 of the Code of Ordinances by adding new sections which support the Urban Forest Master Plan, the Kansas City Climate Protection and Resiliency Plan, and other City Council-approved plans related to preserving and enhancing the city's tree canopy.

Fiscal Impact

- 1. Is this legislation included in the adopted budget? Yes No
- 2. What is the funding source?
N/A
- 3. How does the legislation affect the current fiscal year?
N/A
- 4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A
- 5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

City of Kansas City, Missouri

Docket Memo



Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

There is no fiscal impact, General Fund or otherwise.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Infrastructure and Accessibility (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Enhance the City's connectivity, resiliency, and equity through a safe, efficient, convenient, inclusive, accessible, sustainable and better connected multi-modal transportation system
- Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
- Increase and support local workforce development and minority, women, and locally-owned businesses
- Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies

Prior Legislation

Resolution No. 200143

Service Level Impacts

N/A

City of Kansas City, Missouri

Docket Memo



Other Impacts

1. What will be the potential health impacts to any affected groups?

While a healthy and robust urban tree canopy has a significant impact on air and water quality, neighborhood walkability, and visual aesthetics.

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

By regulating the preservation, protection, planting, maintenance, and removal of trees this legislation supports the environmental benefits of stormwater management, air quality, carbon sequestration, and more.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A

COMPARED VERSION
SECOND COMMITTEE SUBSTITUTE TO COMMITTEE SUBSTITUTE

Formatted

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220961

Amending Chapter 88, Code of Ordinances, by enacting new Sections 88-424-01 through 88-424-11, Tree Preservation and Protection, and amending Section 88-810 by adding and inserting definitions applicable to this new code section.

WHEREAS, this purpose of this legislation is to support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree canopy on a site, considering the anticipated use and level of development; and

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WHEREAS, a healthy tree canopy cover enhances the City's natural beauty and improves health, safety, and general welfare of Kansas City residents; and

WHEREAS, to further the intent of this ordinance is to preserve and enhance the City's tree canopy cover and ensure that certain criteria are followed including the Urban Forest Master Plan, adopted by City Council Resolution No. 200143 on May 21, 2020, which established a goal of 35 percent tree canopy cover for the City; and this is affirmed by Kansas City's Climate Protection and Resiliency Plan.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting new sections 88-424-01 through 88-424-13, Tree Preservation and Protection to read as follows:

88-424 - TREE PRESERVATION AND PROTECTION

88-424-01 - SCOPE AND PURPOSE

The intent of this section is to preserve and advance the aesthetic, economic, and environmental benefits of a high-quality urban forest, by protecting trees and mitigating any unnecessary removal of trees. Trees provide multiple benefits such as stormwater management, runoff infiltration, and air quality improvement that will take replacement trees decades to match, making them critical to retain. Further, a healthy tree canopy cover enhances the city's natural beauty and improves health, safety, and general welfare of Kansas City residents.

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To further the intent of this section which is to preserve and enhance the city’s tree canopy cover, certain criteria are followed. The Urban Forest Master Plan, adopted by City Council Resolution No. 200143 on May 21, 2020, established a goal of 35 percent tree canopy cover for the city. This is affirmed by Kansas City’s Climate Protection and Resiliency Plan. Additionally, this section furthers other proposed and city council approved plans including the Climate Protection and Resiliency Plan, the IBC Energy Code, and the proposed KC Spirit Playbook.

This section sets forth regulations for the preservation, protection, planting, maintenance, and removal of trees within the city, to accomplish the following objectives:

88-424-01-A. Preserve the character of Kansas City’s existing tree canopy cover by preventing indiscriminate removal or destruction of trees.

88-424-01-B. Acknowledge the environmental benefits of site design that retains existing tree canopy cover and requires additional landscaping during development.

88-424-01-C. Retain protected trees and limit unnecessary removal prior to and during development by establishing tree protection measures during development.

88-424-01-D. Allow mitigation or payment to the Capital Improvement Sales Tax Fund-Tree Planting as required by 88-424-02, Applicability, while emphasizing the difficulty in replacing trees.

88-424-01-E. Support ecosystem services and natural environments, protect riparian banks and beds to prevent erosion and sedimentation, filter and control stormwater, reduce carbon sequestration, and improve energy conservation through tree canopy shade.

88-424-01-F. Encourage walking and activities and enable activity in neighborhoods to provide “eyes on the street” to assist with crime mitigation.

88-424-01-G. Enhance transition to and enable compatibility between varying land uses, buffer noise, and provide visual screening.

88-424-01-H. Protect and enhance property values, maintain investment by the private sector and the city, further stimulate economic activity, and encourage beautification.

88-424-02 - APPLICABILITY

Requirements of this section are applicable to requests for the following permits and approvals in conjunction with land disturbance and development, as follows:

88-424-02-A. Any permit for land/site disturbance, including utility plans, which involves clearing, cutting, grubbing, or grading on one acre or more. No permit shall be issued prior to approval of the tree preservation and protection plan ~~and certification by an SAF certified forester, ISA certified arborist, professional landscape architect, or~~

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~~a professional engineer registered in the State of Missouri stating that tree protection measures have been implemented on the site.~~

88-424-02-B. Development of property requiring development plan (including UR, MPD, and major amendments), project plan, special use permit, or preliminary plat, as defined in this chapter.

88-424-02-C. Application for building permit (site plan approval, per 88-530) disturbing more than 10,000 sq. ft. of property but not requiring a development plan, project plan, preliminary plat, or final plat approval, unless a tree preservation and protection plan has been approved for a larger area that includes the subject site.

88-424-02-D. This section does not supersede and shall be implemented in accordance with other provisions of this chapter including 88-415 Stream Buffers and 88-425 Landscaping, and 88-410 Open Space Developments and Conservation Developments.

88-424-03 - EXEMPTIONS

88-424-03-A. Application for building permit for a single family detached house on a single previously platted lot.

88-424-03-B. Projects not listed in the Applicability section above.

88-424-03-C. Projects in which no tree canopy cover will be impacted or removed, certified by a statement submitted by an SAF certified forester, ISA certified arborist, professional landscape architect, or a professional engineer registered in the State of Missouri. The statement shall be placed on required plans and plats.

88-424-03-D. City capital improvement projects which are subject to provisions of (Administrative Regulation) AR 5-7 Tree Canopy Preservation & Expansion.

88-424-03-E. Emergency tree removal due to storm damage, accidental causes, or to ensure public safety when pruning is impractical, as determined by the city forester.

88-424-03-F. Tree removal on properties owned by the Kansas City Aviation Department, where such removal is required by Federal Aviation Administration or Transportation Security Administration regulations.

88-424-03-G. Pruning or removal by public utilities of trees that encroach upon electric, telephone, or cable television transmission lines, or gas, sewer, or water pipes; as specified by Federal or State regulations, or by agreements with the City.

88-424-03-H. Existing orchards, nurseries, or tree farms, where product is removed for sale and replaced, unless such use is ceased for future development.

~~**88-424-03-I.** Existing orchards, nurseries, or tree farms, where product is removed for sale and replaced, unless such use is ceased for future development.~~

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88-424-03-J. Owners and occupants of premises containing a dwelling structure, performing regular maintenance and cultivation of trees on the premises as required by 48-29 and 48-30 of the Kansas City Code of Ordinances.

88-424-03-K ~~88-424-03-J~~. Owners and occupants of non-residential premises performing regular maintenance and cultivation of trees on the premises as required by 56-433 of the Kansas City Code of Ordinances.

~~88-424-03-KL~~. A development plan (including rezoning to UR or MPD), project plan, special use permit, or preliminary plat that has been previously approved; or an application for approval of such that has been deemed complete and is proceeding through the approval process.

~~88-424-03-L. Removal of canopy cover to construct or dedicate land to rights of way as determined by the major street plan.~~ M. Mitigation within the stream buffer as required by 88-415.

88-424-04 - PROTECTED TREE CANOPY COVER

Areas of contiguous tree canopy cover of one acre or more on the entire development site shall be preserved and protected. However, if proposed development of the property cannot be designed to allow preservation of all or portions of the existing tree canopy cover, mitigation per 88-424-05 or payment of money in lieu per 88-424-12 shall be required.

88-424-05 – MITIGATION

Preservation of tree canopy cover is prioritized. If preservation cannot be achieved, mitigation shall be required.

88-424-05-A. Mitigation may be achieved either through on-site planting of trees at the rate specified in 88-424-07 or by payment to the Capital Improvement Sales Tax Fund-Tree Planting at a rate per caliper inch of tree as determined by the city forester, per 88-424-13. Any combination of on-site planting of trees or payment may be utilized.

88-424-05-B. Offsets to required mitigation are as follows:

1. Trees planted as required by 88-425 Landscaping and Screening may be counted toward caliper inches required for mitigation.
2. Undisturbed acreage ~~within required stream buffers may offset total acreage of canopy cover removed~~ of stream buffer area per 88-415.
3. ~~Mitigation required to offset canopy cover in stream buffers shall be based on~~

88-424-05-C. Trees planted to meet mitigation requirements shall be species native to the region or native cultivars, when available, or selected from the city’s list of approved tree species. Species selection shall be based upon the amount of space

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available for proper growth on the site and provide desired diversity. Beyond trees to be planted as required by 88-425 Landscaping and Screening, trees planted to achieve mitigation shall be planted in areas of the site where they will achieve the highest environmental benefits of tree canopy cover, such as within stream buffers, riparian areas, detention areas, or areas of steep slope that cannot be developed.

88-424-05-D. Trees planted to meet mitigation requirements will be factored into the runoff curve number (CN) in mitigation areas on the site. The runoff curve number used for a specific location on a specific project will be determined by the cover type and the hydrologic soil group for that site from the SCS TR-55 tables and reviewed by the director of water services.

88-424-06 - REQUIRED PLANS

88-424-06-A. Plan Preparation

The plan must be prepared by an ISA certified arborist, an SAF certified forester, a professional engineer, or a professional landscape architect registered in the State of Missouri. The two plans required – Existing Conditions Tree Plan and Tree Preservation and Mitigation Plan – may be combined.

88-424-06-B. Plan Content for Existing Conditions Tree Plan

The plan shall portray and denote areas of existing tree canopy cover, specifically:

1. Cloud showing all existing and contiguous tree canopy cover of one acre or greater across the entire development site area.

~~Any additional information as required by the city planning and development department director.~~

The plan shall include information as required above, with additional information regarding mitigation (if mitigation is required). This information shall also be shown on the landscaping plan required per 88-425 Landscaping and Screening.

1. Site layout.
2. Areas of existing tree canopy cover to remain.
3. Areas of existing tree canopy cover to be removed, denoting contiguous tree canopy acreage to one decimal point.
4. Note stating that no mitigation shall be required if contiguous tree canopy cover is less than one acre.
5. Information regarding any required mitigation per 88-424-07, including:
 - a. chart showing acreage of contiguous tree canopy of one acre or greater to be removed and preserved, and required caliper inches for mitigation;

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location of trees to be planted, denoting trees required to meet 88-425 Landscaping and Screening and those planted to further meet required mitigation;

~~If from this table, a total acreage of contiguous tree canopy cover of one acre or more preserved outside of any stream buffer offset per 88-424-05-B that will remain undisturbed buffers, and~~

~~e.b.~~ payment to the Capital Improvement Sales Tax Fund-Tree Planting when used for full mitigation efforts or in combination with planting mitigation.

6. Any additional information, such as the intent to apply for alternative compliance per 88-424-10.

~~Any additional information as required by the city planning and development department director.~~

If the decision-making body for any development plan per 88-517, project plan per 88-518, master planned development per 88-520, special use permit per 88-525, urban redevelopment district per 88-260, and site plan per 88-530 finds that trees were removed prior to application filing or approval of said plan as a means of circumventing the requirements of this ordinance, such action shall be grounds for disapproval of said application unless otherwise exempt per 88-424-03.

88-424-07 - MITIGATION RATE

88-424-07-A. The following mitigation rate is applicable to tree canopy cover removed. Required mitigation shall be calculated as follows:

1. First, calculate the total acreage of contiguous canopy cover to be removed on the entire development site. Subtract total acreage of the all areas of contiguous tree canopy cover of one acre or more preserved outside of any stream buffer offset per 88-424-05-B that will remain undisturbed buffers.
- ~~2. Second, multiple the acreage calculated in step one by 0.35.~~
3. Third, ~~multiple~~ multiply the acreage calculated in step two by ~~3000.35~~
4. Fourth, multiply the acreage calculated in step three by 210 caliper inches.
5. Fifth, subtract the total caliper inches of trees provided for required landscaping per 88-425
- ~~5-6.~~ The final result is the number of caliper inches required for mitigation. Caliper inches of trees planted shall satisfy this requirement, meaning, a two-inch caliper tree shall satisfy two inches of required mitigation. Payment in-lieu calculation can be found in 88-424-12.

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88-424-07-B. Open Space Developments and Conservation Developments

Mitigation rates shall be reduced by 50% for trees removed if a development plan is approved pursuant to 88-410 Open Space Developments and Conservation Developments.

88-424-08 - COMPLIANCE

Prior to issuance of a final certificate of occupancy, all trees shown on the approved tree preservation/mitigation and landscape plans [for the completed phase of development](#) must be in place and in vigorous growing condition, as certified by a sealed letter submitted by an SAF certified forester, an ISA certified arborist, or a professional landscape architect licensed in the State of Missouri. Further, if any easements are platted or dedicated, copies of the recorded easements and as-built drawings shall be submitted, showing location of the stream buffer and all preserved tree areas.

88-424-09 – IMPLEMENTATION OF PLANS AND AGREEMENTS

88-424-09-A. Preservation and Protection Under Approved Plan

Trees planted or preserved in accordance with the approved ~~e~~ preservation and protection plan, mitigation plan, and landscape plan per 88-425 are protected in perpetuity. ~~plattin~~g. [Plattin](#)g of tree preservation tracts or easements is required with preliminary plat submittal. Location of these tracts or easements and language shall be shown on all approved plans, preliminary plat, and final plat. [Adjustments to the final plat are permitted in conformance with 88-555-04.](#)

1. Areas within which tree canopy cover is to be preserved shall be platted as “tree preservation tracts or easements.” [These tracts or easements may also include stream buffer corridors.](#)
2. Areas within which trees are to be planted to meet required mitigation shall be platted as “tree preservation tracts or easements” and shown on approved plans and on the final plat. Individual trees to be planted per an approved landscape plan per 88-425 are not required to be in tracts or easements.

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88-424-10 – ADMINISTRATIVE ADJUSTMENTS FOR ALTERNATIVE COMPLIANCE

88-424-10-A. The city planning and development department director is authorized to approve an administrative adjustment allowing for alternative compliance with the tree preservation and protection standards of this article.

88-424-10-B. Alternative compliance may be approved when the city planning and development department director determines that the proposed alternative would be at least as effective as strict compliance in meeting the overall intent of the standards.

88-424-10-C. Alternative compliance may also be approved when the city planning and development department director determines that:

1. Conditions and circumstances upon which the waiver or modification is sought are not caused by the applicant; and
2. That alternative preservation will be provided to off-set the waiver or reduction in otherwise applicable standards.

88-424-10-D. The city planning and development director is expressly authorized to approve such alternative mitigation treatments as:

1. restored natural prairie, wetlands, or oak savanna on a one for one acre basis
2. green roofs on a minimum of 75% of structures
3. enhanced green infrastructure beyond minimum BMP requirements on a one for one acre basis
4. installation of renewable energy resources that serve a minimum of 50% of the development area
5. removal of one or more acres of invasive species replaced with native species
6. conservation of tree canopy area on other properties owned by the same developer, with the implementation of tree preservation tracts or easements, to be used to satisfy mitigation requirements for a maximum of one other entitlement project
7. other alternatives that directly support the Scope and Purpose of this ordinance

88-424-11 – TREE PROTECTION MEASURES AND PROHIBITIONS

A preliminary site inspection at the time of site disturbance permit approval will be conducted by the city planning and development department to ensure compliance with the tree preservation and protection plan.

88-424-11-A. Tree Protection Measures

All trees to remain, per the approved tree preservation and protection plan, shall be protected during construction by fencing and barriers as shown on the approved tree

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preservation and protection plan and on construction documents. All measures shall be erected and in place prior to commencement of any land disturbance, demolition, or construction activity. Protective/temporary fencing shall be required for all protected trees to remain to prevent infringement on the root system from any construction-related activities.

~~1. The protective construction fence shall be erected at the time of tree/DBH measurement, while the contractor is still in place. The minimum fence height shall be 4 feet and shall be maintained throughout the project.~~

88-424-11-B. Prohibited Activities

The following activities are prohibited within the ~~protective fencing area~~tree preservation easements and tracts:

1. Storage of materials for construction.
2. Collection of waste accumulated due to excavation, demolition, or construction activities.
3. Cleaning of equipment or depositing materials or liquids, including but not limited to paint, solvents, asphalt, concrete, or mortar.
4. Attachment of signs, wires, nails, or similar materials to a protected tree.
5. Vehicular and construction equipment traffic or parking.
6. Grade changes, including filling or excavating, or other land disturbance; unless authorized by 88-415.
7. Soil compaction within the drip line of the area resulting from vehicular traffic or storage of equipment.

88-424-11-C. Additional Measures

88-424-12-A. Notwithstanding anything contained in 88-424, the developer may elect, at the time of preliminary plat application, to pay money to the Capital Improvement Sales Tax Fund-Tree Planting in lieu of, or in combination with planting trees on-site. The payment rate at the time of preliminary plat approval shall remain in effect until the money in lieu is deposited.

88-424-12-B. When a developer elects to pay money in lieu of planting for mitigation, the required payment must be deposited prior to recording the subdivision plat or minor subdivision or (if platting or minor subdivision is not required) receiving a certificate of occupancy.

88-424-12-C. Calculation of payment to meet mitigation requirements shall be as follows:

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1. The payment for trees removed is based upon the number of tree caliper inches required for mitigation, multiplied by the average cost per caliper inch for trees, including planting and maintenance, per acre of tree canopy cover removed.
2. The tree replacement cost per caliper inch is established by wholesale tree prices and the average costs of current tree planting contract rates, and will include all costs for materials, labor, maintenance, and warranty.
3. The average tree cost per caliper inch will be reviewed annually by the city forester and adjusted accordingly.

88-424-13 - Capital Improvement Sales Tax Fund-Tree Planting

88-424-13-A. Purpose

The purpose of the Capital Improvement Sales Tax Fund-Tree Planting is to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree mitigation standards are not met on a particular development site, and to advance the City's goals for the urban forest and intent to achieve equitable distribution of tree-related benefits across the City.

88-424-13-B. Expenditures

Money in the Capital Improvement Sales Tax Fund-Tree Planting may be used only as follows:

1. To plant trees and maintain newly established trees on public property, including within street rights-of-way. Planting trees includes the cost of materials and labor necessary to install and maintain a tree during the warranty period.
2. Expenditures may include but are not limited to labor, materials, maintenance, administration, education, and outreach for both City staff and contracted services.

88-424-13-C. Payment

Payment to the Capital Improvement Sales Tax Fund-Tree Planting may occur through a number of means, including:

1. Payment made in lieu of tree mitigation as part of a permit issued as stated in Section 88-424-10;
2. Payment made in lieu of preservation or planting where site or street characteristics or development requirements make it infeasible to meet the requirements of Section 88-424.
3. Payment of restoration fees for enforcement actions for trees; and

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4. Voluntary contribution.

88-424-13-D. Administration of the Capital Improvement Sales Tax Fund-Tree Planting

The Capital Improvement Sales Tax Fund-Tree Planting is administered by the director of parks and recreation, shall be maintained in a dedicated separate account, and is independent of the general fund. Any balance in the Tree Planting Fund will be carried forward into subsequent fiscal years. Funds collected must be used within 15 years of the date payment is received as listed in 88-424-13-B.

Section 2. That Section 88-810, Definitions, is hereby amended by adding and inserting definitions applicable to the new code section set forth in Section 1 as follows:

88-810 - DEFINITIONS

88-810-275 - CANOPY

The combined crowns of all trees on a tract of land.

88-810-351 - COMPACTION

The densification of a fill by mechanical means.

88-810-385 - CONTIGUOUS CANOPY COVER

Trees having crowns that touch or having trunks within 50 feet of another. [Shall be a minimum of 35 feet wide.](#)

88-810-431 - CUTTING

Chopping, shearing, or shredding a tree, beyond removal of the crown, often performed with the intent of destroying the tree to remove roosting habitat of certain species in advance of development. Does not include trimming or pruning.

88-810-513 - DIAMETER BREAST HEIGHT (DBH)

The diameter of a tree measured at a point 4.5 feet above the ground. If a tree splits into multi-trunks, the trunk is measured at its narrowest point below the split.

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88-810-523 - DRIP LINE

The area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outermost tips of the tree branches down to the ground.

88-810-682.1 - GRADING

Any excavating or filling of earth materials or any combination thereof.

88-810-708 - ISA

International Society of Arboriculture

88-810-715 - LAND DISTURBANCE

Any activity that changes the physical conditions of landform, vegetation, and hydrology. Such activities include, but not limited to clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

88-810-885.1 - MITIGATION

The replacement of trees removed during development to lessen the loss of tree canopy cover. Mitigation may be met by planting of trees on-site or by payment to the Capital Improvement Sales Tax Fund-Tree Planting, or a combination thereof.

88-810-935 - NATIVE SPECIES

Any plant occurring naturally in within the region and not introduced by man; indigenous.

88-810-1335 - PROTECTED TREE

A tree intended for preservation, as identified on the approved tree preservation and protection plan.

88-810-1336 - PRUNING

Removal of tree limbs to standards set forth by ANSI A300. At no time shall topping, tipping or flush cutting of trees be deemed a form of “pruning.”

88-810-1478 - SAF

Society of American Foresters.

88-810-2161 - TOPPING

The cutting back of limbs to stubs within the tree’s crown, to such a degree as to remove the normal tree canopy cover and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are less than one-half of the diameter of the limb or branch that is cut. Also referred to as stubbing, dehorning, pollarding, and heading.

88-810-2166 - TREE

Any self-supporting woody perennial plant, usually having a main stem or trunk and several branches, and at maturity normally attaining a trunk diameter greater than 3 inches at DBH and a height of over 10 feet.

88-810-2166.1 - TREE CANOPY COVER

Grouping of trees of one acre or larger in area.

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88-810-2166.2 - TREE PRESERVATION AND PROTECTION PLAN

A plan that delineates areas of the site and identifies protected trees to be preserved or be removed. The plan sets forth measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction.

88-810-2166.3 - TREE PROTECTION

Fencing, barriers, or other measures intended to protect those trees to remain, including soil and root structure below, per the approved tree preservation and protection plan, construction documents, and ANSI A300 Construction Management Standard – Part 5 (2019).

88-810-2166.4 - TREE REMOVAL

Removal of a tree(s), through either direct or indirect actions including, but not limited to, clearing, topping, or cutting, causing irreversible damage to the health of the tree(s).

Section 3. That Section 88-425-10-G. related to credits for landscaping requirements from existing vegetation be repealed.

Section 4. That ~~this ordinance~~ 88-425-13-D-15. be added to read “payment into the Capital Improvement Sales Tax Fund-Tree Planting”.

~~Section 5. That the mitigation rates described in 88-424-05 shall have a delayed be reduced by half for six months following the effective date of 30 days after Council approval this ordinance. After this period the mitigation rates shall be applied to their full extent.~~

Section ~~5~~6. That the Council finds and declares that before taking any action on the proposed amendment to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

Section ~~6~~7. The City Manager is hereby directed to report back to the Neighborhood Planning and Development Committee one year after the passage of this ordinance to review the impact of this ordinance.

Approved as to form:

Senior Associate City Attorney

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File #: 230189

ORDINANCE NO. 230189

Sponsor: Councilmember Melissa Robinson

Amending the Code of Ordinances by creating a new Chapter 37 entitled “Health in All Policies,” consisting of Sections 37-1 through 37-5, to create a Health in All Policies Interdepartmental Task Force that will be a collaborative approach to improving the health of all people by incorporating health, sustainability, and equity considerations into decision-making across various sectors and policy areas.

WHEREAS, the health and well-being of the residents of City of Kansas City is critical for a prosperous and sustainable City.

WHEREAS, the social determinants of health affect chronic disease rates, mental illness, injuries caused by accidents and violence, and also influence the adoption of healthy lifestyles by making it more or less difficult for individuals to choose behaviors that either promote or diminish health; and

WHEREAS, policies implemented by City departments outside of the traditional health sector significantly affect the social determinants of health, including policies related to food access, housing, transportation, public safety, education, sustainability, climate change, parks, air and water quality, criminal justice, and economic development; and

WHEREAS, interagency collaboration can lead to improved decision-making and outcomes and greater efficiencies in service delivery; and

WHEREAS, addressing the social determinants of health can lead to reduced health care costs; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending the Code of Ordinances by creating a new Chapter 37 entitled “Health in All Policies,” consisting of Sections 37-1 through 37-5, that recognizes that all departments have a role to play in improving health outcomes and reducing health inequities, said sections to read as follows:

Sec. 37-1. Title.

This Chapter shall be known as the “Health in All Policies,” and will be referred to herein as “this chapter.”

Sec. 37-2. Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section:

(a) “*Health equity*” means the attainment of the highest level of health for all people. Achieving health equity requires valuing everyone equally with focused and ongoing societal efforts to address avoidable inequalities, historical and contemporary injustices, and the elimination of health and healthcare disparities.

(b) “*Health in All Policies*” means a collaborative approach to improving the health of all people by incorporating health, sustainability, and equity considerations into decision-making across sectors and policy areas.

(c) “*Health inequities*” means differences in health associated with individual or group specific attributes (e.g. income, education, or race/ethnicity) that are connected to social disadvantage, historical, and contemporary injustices, and which can be minimized through changes to policy, programs, and practices.

(d) “*Social determinants of health*” means those conditions in the environments in which people are born, live, learn, work, play, worship, and age.

Sec. 37-3. Purpose.

In order to eliminate health inequities and attain health equity, it shall be the policy of the City to apply a Health in All Policies approach and health equity practices to the City’s decision-making, including policy development and implementation, budgeting, and delivery of services.

Sec. 37-4. Health Framework.

The City shall use the following framework to measure health equity and improve the health of our community:

(a) The City of Kansas City meets the basic health needs of residents as measured by the availability of the following:

- (1) Affordable, accessible, and nutritious foods;
- (2) Safe, drinkable water;
- (3) Affordable, safe, and healthy housing;
- (4) Access to affordable and safe opportunities for physical activity; and

- (5) Affordable, accessible, and high-quality health care, including mental health and substance abuse prevention and treatment.

(b) The City of Kansas City residents live in a healthy, sustainable and equitable environment as measured by the availability of the following:

- (1) Clean air, soil, and water;
- (2) Parks and open spaces, including agricultural lands;
- (3) Affordable and sustainable energy sources;
- (4) Accessible-built environments that promote health and safety through a mix of land uses;
- (5) Active transportation enabling safe travel for people walking, biking, driving, and taking transit;
- (6) Safe and socially cohesive neighborhoods;
- (7) Job opportunities for all residents;
- (8) A thriving economy; and
- (9) Opportunities for high-quality and accessible early childhood education, primary and secondary education, and higher education.

Sec. 37-5. Health in All Policies Interdepartmental Task Force.

(a) There is hereby established a Health in All Policies Interdepartmental Task Force for the implementation of this chapter.

(b) The Kansas City Health Department shall lead the Task Force. All City department offices and officials shall fully cooperate with the Health Department and members of the Task Force in meeting the provisions and purposes of this chapter.

(c) *Task Force Composition.* The Task Force shall be composed of the directors or their designees of the following departments: City Manager's Office, Civil Rights and Equal Opportunity, Finance, Housing and Community Development, General Services, Parks and Recreation, Planning, Public Works, Human Resources, Neighborhoods, Aviation, Water Services, Auditor's Office, Convention and Entertainment Facilities, Law, Municipal Court and Fire. The City shall encourage and welcome the Kansas City, Missouri Police Department to participate on the Task Force.

(d) The Task Force is authorized to establish subcommittees of stakeholders as needed to assist in developing the Strategic Plan.

(e) *Task Force Duties.*

- (1) The Task Force shall engage the community in carrying out its duties by systematically gathering broad input from stakeholders, including community members, the Health Commission, policy experts, the health care community, the school districts, community-based organizations, members of the private sector, and philanthropists to identify and assist the City in addressing areas of health inequities, support the Community Health Improvement Plan and ensure that multiple perspectives are understood, considered, and reflected in decisions to achieve health equity.
- (2) *Strategic Plan.* The Task Force shall Develop a Strategic Plan to integrate a Health in All Policies approach into City decisions and operations and provide the Strategic Plan to the City Council by December 1, 2023. Once the Task Force has developed the Strategic Plan, they shall lead the City's implementation of the Strategic Plan. The Strategic Plan shall do the following:
 - (a) incorporate Community Health Improvement Plan baseline data, demographic, and environmental data relevant to the City's health framework, and identify existing health inequities;
 - (b) identify health equity indicators and targets for each department to measure progress;
 - (c) identify the analytical tools needed to assist departments in identifying the health impacts of policies;
 - (d) identify barriers to and opportunities for interdepartmental cooperation;
 - (e) identify the need for and sources of funding to implement the Health in All Policies approach;
 - (f) recommend changes to laws, regulations, policies, or procedures to eliminate barriers to interdepartmental cooperation and implement a Health in All Policies approach; and
 - (g) recommend changes to training for City officials and employees to integrate a Health in All Policies approach into City's decision-making, operations, financial allocations, and delivery of services.
- (3) The Task Force shall oversee the development of analytical tools needed to collect data and analyze the health impacts of policies.

- (4) The Task Force shall oversee training for City officials and employees.
- (f) *Bi-Annual Report.*
 - (1) The Task Force shall prepare and provide to the City Council a bi-annual report on: 1) the status of health and health equity in City; 2) progress in implementing the Strategic Plan; 3) any changes to the Strategic Plan; and 4) any new recommendations for changes to laws, regulations, policies, or procedures, to ensure that this chapter is fully implemented and that departments consider short-term and long-term economic, social, economic, or other consequences when making decisions.
 - (2) Each department or office identified in the Strategic Plan shall report to the Task Force on a bi-annual basis the status of health equity indicators and its progress in meeting its health equity benchmarks.
 - (3) The Task Force shall ensure ongoing community engagement in developing the bi-annual report

..end

Approved as to form:

Joseph A. Guarino
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Please Select

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

Executive Summary

Amending the Code of Ordinances by creating a new Chapter 37 entitled “Health in All Policies,” consisting of Sections 37-1 through 37-5, to create a Health in All Policies Interdepartmental Task Force that will be a collaborative approach to improving the health of all people by incorporating health, sustainability, and equity considerations into decision-making across various sectors and policy areas.

Discussion

Click or tap here to provide [more detailed information and analysis](#) on this topic.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

City of Kansas City, Missouri



Docket Memo

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation

Click or tap here to list prior related ordinances/resolutions.

Service Level Impacts

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

Other Impacts

1. What will be the potential health impacts to any affected groups?

City of Kansas City, Missouri



Docket Memo

Click or tap here to enter text.

2. How have those groups been engaged and involved in the development of this ordinance?

Click or tap here to enter text.

3. How does this legislation contribute to a sustainable Kansas City?

Click or tap here to enter text.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Click or tap here to enter text.

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

Click or tap here to enter text.



File #: 230200

RESOLUTION NO. 230200

Sponsor: Councilmember Melissa Robinson

RESOLUTION - Directing the City Manager to develop a Citywide Doula Initiative and report back to the Council in 45 days.

WHEREAS, Doulas provide physical and emotional support during pregnancy and childbirth, which helps lower the risk of complications during childbirth for the parent and the infant; and

WHEREAS, Studies show that doulas can reduce preterm births and low birthweights, which are the leading causes of infant mortality and rates of cesarean birth and medical pain management also improve with doula support; and

WHEREAS, the plan will aim to train doulas and reach a defined number of families annually; and

WHEREAS, families who enroll in the program should receive doula support both at home, in community settings and/or in the clinical setting, with three prenatal visits, support during labor and delivery, and four postpartum visits; and

WHEREAS, clients who give birth at home should receive the same number of visits. The program should include screening and referrals for family needs and stressors, such as food insecurity, transportation barrier, housing insecurity and other social determinates of health; and

WHEREAS, the model of care should be consistent across the city, and uniform data should be collected for a rigorous evaluation of the doula services provided through this initiative.

The Citywide Doula Initiative aims to focus services in three main categories:

- Providing equitable care — Doulas should not be limited to but target eligible residents where the greatest episodes of infant and maternal mortality exist as identified by the Health Commission and the Fetal Infant Mortality Review Board. Priority will be given to people who are income-eligible for Medicaid and/or are giving birth for the first time (or the first time in over 10 years), as well as those who have had a previous traumatic birth experience, have no other labor support, live in a shelter, are in foster care, or have a high-risk medical condition.

- Expanding the doula workforce — To increase capacity, The Kansas City Health Department is aiming to train a defined number of community members as doulas annually and provide additional opportunities for professional development. The Health Department will also help uncertified doulas become certified; the report should identify a target goal for how many uncertified doulas are expected to take advantage of this opportunity.
- Creating partnerships with hospitals and Federally Qualified Health Centers — The initiative will strengthen Health Department’s work with hospitals, to create doula-friendly hospital policies and practices and increases provider referrals to doula services. Staff will also collaborate with community-based, governmental, and health care partners to advocate for system-level change; and

WHEREAS, the initiative will integrate community-based doula organizations that serve clients in at-risk neighborhoods around the city — bringing additional funding to expand their services, build the capacity of their doula workforces, and partner with hospitals; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Directing the City Manager to develop a Citywide Doula Initiative and report back to the Council in 45 days.

..end



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: City Manager's Office

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

Executive Summary

Directing the City Manager to develop a Citywide Doula Initiative and report back to the Council in 45 days.

Discussion

There is no direct fiscal impact.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

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

N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No



City of Kansas City, Missouri

Docket Memo

2. This fund has a structural imbalance.

Yes No

Additional Discussion (if needed)

N/A

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation

N/A

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A



City of Kansas City, Missouri

Docket Memo

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



File #: 230213

ORDINANCE NO. 230213

Sponsor: City Manager

Approving the 45th and Troost PIEA General Development Plan on approximately 1.08 acres generally located at the southwest corner of 45th and Troost Avenue, and declaring said area to be blighted and in need of redevelopment and rehabilitation. (CD-CPC-2019-00065)

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (“Authority”) did prepare or cause to be prepared the 45th and Troost 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 45th and Troost PIEA General Development Plan on September 21, 2021, 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 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, as modified by Second Committee Substitute for Ordinance 200497, 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; and

WHEREAS, City Code §3-622(d), provides prevailing wage requirements for certain construction projects and development plans, and further provides for the waiver of said requirements, giving particular consideration to the enumerated extraordinary qualifications.; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council declares the area of approximately 1.08 acres generally located the southwest corner of 45th and Troost 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 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 45th and Troost 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, as modified by Section E of Second Committee Substitute for Ordinance 200497, 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 in the plan area providing affordable housing or housing at deeper levels of affordability, as defined in Code §74-11.

Section 7. That pursuant to and in accordance with City Code §3-622(d), the City Council recognizes that the projects in the 45th and Troost PIEA General Development Plan that provide affordable housing or housing at deeper levels of affordability, as defined in Code §74-11, are eligible for the waiver of prevailing wage requirements and confirms the PIEA's authority to issue such a waiver for qualifying projects.
..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.

Approved as to form:

Emalea Black
Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution # 230213

Submitted Department/Preparer:

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

Executive Summary

The legislation approves the 45th and Troost PIEA General Development Plan on approximately 1.08 acres generally located at the southwest corner of 45th and Troost Avenue, and declaring said area to be blighted and in need of redevelopment and rehabilitation.

Discussion

The site is within the Midtown/ Plaza Area Plan which recommends Mixed Use Neighborhood land use for the subject property. The proposed development plan is in conformance with the Area Plan land use recommendation. This incentive plan also has an accompanying UR development plan as required by the zoning and development code. The property owners may seek a tax abatement which provides for abatement for a period of time. Abatement for projects within the redevelopment area shall be subject to the provisions of Second Committee Substitute for Ordinance No. 160383, As Amended, and as may be further amended from time to time, which was adopted by the City Council on or about October 6, 2016. The real estate shall not receive greater than a seventy-five percent (70%) abatement of real property taxes for the first ten years and thirty-seven and one-half percent (30%) abatement for the following fifteen years. However this limitation may be waived with Council approval to allow for abatements that exceed this threshold for certain qualifying projects. It is anticipated that projects in the 45th and Troost General Development Plan area will qualify for the waiver with the satisfaction of providing affordable housing or housing at deeper levels of affordability, as defined in Code Section 74-11. The Planning Area is also included within the Brush Creek Corridor Tax Increment Financing Plan and the Troost Paseo Urban Renewal Area. The PIEA has the statutory right to exercise the power of eminent domain to acquire any real property it deems necessary for a project or for its purposes under this law upon the adoption by the PIEA of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. The PIEA does not anticipate exercising the power of eminent domain within the Planning Area, except possibly to clear title, and will limit the use of eminent domain to five (5) years from the approval of the Plan. Should eminent domain be necessary to acquire real property in the future, the Plan shall be amended and such amendment shall be considered and approved by the PIEA and the City Council. The PIEA shall observe its approved standard procedures for consideration of such amendments, including notices to owners(s) and developer(s). Any use of eminent domain shall satisfy the requirements of Chapter 523, RSMo. City Staff does not comment on whether the site is blighted or not, however a blight analysis prepared by Belke Appraisal & Consulting Services, Inc. determines that the plan area is blighted. The Board of Commissioners of the Planned Industrial Expansion Authority (PIEA) of Kansas City, Missouri approved the Blight Study and General Development Plan for the 45th and Troost PIEA Redevelopment Area. Further, the Board recommended to the City Council that the 45th and Troost PIEA Area be designated by ordinance as blighted, insanitary or an undeveloped



City of Kansas City, Missouri

Docket Memo

industrial area, as defined by RSMo sections 100.310(2), 100.310(11) and 100.310(18), and that the General Development Plan for the 45th and Troost PIEA Area be approved.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

[Click or tap here to provide fund name\(s\).](#)

3. How does the legislation affect the current fiscal year?

No fiscal impact in the current fiscal year.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

A future fiscal impact will arise with approval of redevelopment proposals by the Planned Industrial Expansion Authority (PIEA) and Chapter 353 Tax Abatement treatment. Such tax abatement on real property will consist of the following: 1) 100% abatement for 10 years on amounts over the tax due on land for the year prior to the property being acquired by the redevelopment corporation; 2) The property is then eligible for an additional 50% abatement on the value of land and any improvements for the next 15 years. The tax abatement for this plan shall be consistent with the Second Committee Substitute for Ordinance No. 200497, which capped the abatement at seventy percent (70%) of real property taxes for the first ten years and thirty percent (30%) for the following 5 years. However this limitation may be waived with Council approval to allow for abatements that exceed this threshold for certain qualifying projects. It is anticipated that projects in the 45th and Troost General Development Plan area will qualify for the waiver with the satisfaction of providing affordable housing or housing at deeper levels of affordability, as defined in Code Section 74-11. Each project will undergo a financial analysis prior to incentives being awarded. PIEA approves incentives through its board, however other elements of the projects (design standards, etc.) will require council approval.

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

The legislation itself does not generate revenue, leverage outside funding, or deliver a return on investment. In the future with the approval of redevelopment proposals by the Planned Industrial Expansion Authority (PIEA) tax revenue will be generated dependent on the terms of a development agreement between the PIEA and the developer. That said, the legislation positions the blighted and under-utilized propoerty to be eligible for a return on investment, and at the very



City of Kansas City, Missouri

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least could generate 50%-70% property tax revenues beginning in a project's eleventh year and all property tax revenues at the beginning of a project's twenty-fifth year. A project would also generate new sales tax, earnings tax, utility tax, and personal property tax revenues upon completion of the development, in addition to affordable housing and the elimination of blight that has a negative impact on surrounding property values. Potential redevelopment projects at the least would likely be financed with a combination of private equity, debt, and perhaps other outside funding sources not yet identified. A return on investment will only occur upon the implementation of a future redevelopment proposal and will be dependent on the terms of the development agreement between the PIEA and the developer and the timing of implementation.

Budget Review

(Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan Impact

HOUSING AND HEALTHY COMMUNITIES - 1. Increase affordable housing supply to meet demands of a diverse population. 2. Broaden the capacity and innovative use of funding sources for affordable housing - b) Align developer incentives with affordable housing production and commitment; c) Utilize Brownfield assistance programs to facilitate and support development of new infill affordable housing in established neighborhoods or on repurposed property. 3. Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures. INFRASTRUCTURE AND ACCESSIBILITY - 1. Enhance the City's connectivity, resiliency, and equity through a safe, efficient, convenient, inclusive, accessible, sustainable and better connected multi-modal transportation system - d) Utilize the City's Transit Oriented Development Policy to encourage higher density for new housing developments within close proximity of frequent public transit service.

Prior Legislation

Ordinance Nos. 160383 and 200497 as relates to the use of development incentives and Ordinance No. 220700 as relates to the City's Affordable Housing Set Aside.



City of Kansas City, Missouri

Docket Memo

Service Level Impacts

This legislation will have no impact on service levels. Subsequent redevelopment within the plan area will have impacts on traffic and possibly other services that will not exceed levels prescribed by the City.

Other Impacts

1. What will be the potential health impacts to any affected groups?

This legislation itself has no health impacts but will allow for the elimination of blight and environmental liabilities that will improve the quality of life for all in the immediate vicinity of the planning area. The implementation of future redevelopment proposals will abide by all local, state and federal laws and in doing so will minimize and/or eliminate any negative health impacts as required, including the remediation of property contamination with the assistance of the City's Brownfields Office that is already underway.

2. How have those groups been engaged and involved in the development of this ordinance?

Not applicable.

3. Is this legislation good for the children?

Yes.

4. How does this legislation contribute to a sustainable Kansas City?

The legislation itself allows for, but does not guarantee, the potential redevelopment of currently blighted properties and subsequent provision of dense affordable housing in a transit corridor that will utilize green design, materials and equipment.



File #: 230215

ORDINANCE NO. 230215

Sponsor: Councilmember Andrea Bough

Amending Chapter 10, Code of Ordinances, by repealing Section 10-106, Extended hours permits, and enacting in lieu thereof a new section of like number and subject matter that redefines the eligible neighbors who are notified and allowed to respond to a sales-by-drink licensee's application for an extended hours permit.

WHEREAS, Section 10-214 requires the City to notify eligible neighbors of various matters concerning licenses for alcoholic beverages, including extended hours permits, and to allow such eligible neighbors to submit a response indicating whether they support or oppose such license or permit; and

WHEREAS, the City reviews responses from eligible neighbors, in accordance with Section 10-214, to determine whether the proposed license or permit cannot be issued because it is likely to interfere with or be detrimental to the rights or interests of the neighboring community; and

WHEREAS, Section 10-106(d) currently states that, for applications for 3:00 a.m. extended hours permits, any property owner is considered to be an eligible neighbor if they are within 1500 feet of the proposed premises; and

WHEREAS, the City's Regulated Industries Division has found that property owners farther away from the site of a proposed extended hours permit express fewer and less serious concerns compared to those property owners in closer proximity to the restaurant or bar seeking such permit; and

WHEREAS, City previously defined eligible neighbors for an extended hours permit at a minimum of 30 eligible voters within 500 feet of the proposed permit site, and increased the radius by segments of 100 feet not to exceed 1,500 feet until a minimum of 30 eligible voters were found; and

WHEREAS, City's Regulated Industries Division believes that a return to the previous definition of eligible neighbors for extended hours permits would be more effective in targeting responses from property owners who would more readily face the potential impacts of such permits; and NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 10-106, Extended hours permits, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 10-106. Extended hours permits.

(a) *Convention trade area 3:00 a.m. closing permit—Eligibility.*

(1) A convention trade area 3:00 a.m. closing permit, authorized by RSMo § 311.174, authorizes the licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 a.m. and 3:00 a.m., if they meet the location requirement outlined in section 10-212, and:

- a. The applicant's business is located within the convention trade area. Pursuant to RSMo § 311.174, the city's convention trade area is hereby designated as all that territory within the corporate limits of the city; and
- b. The director determines that the extended hours permit is not likely to interfere with or be detrimental to the rights or interests of the neighboring community, pursuant to section 10-212; and either
- c. The applicant's business is a convention hotel or motel, defined as any structure, or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests or permanent guests, and having more than 100 bedrooms furnished for the accommodation of such guests, provided that a hotel or motel with less than 100 bedrooms furnished for accommodation that has a current convention trade area 3:00 a.m. closing permit which is located more than 1.5 drivable miles from a convention hotel or motel will be allowed to maintain its convention trade area 3:00 a.m. closing permit as long as all other requirements of this chapter have been met; or
- d. The applicant's annual gross sales at said business for the year immediately preceding the application for a 3:00 a.m. closing permit equals \$125,000.00 or more; provided, however, that the director may waive the foregoing gross sales requirement for a business located in the downtown economic entertainment district if requested by the applicant and the request is supported by documentation that the business should produce annual gross sales equal to \$125,000.00 or more.

(2) Package sales. No retail licensee holding a convention trade area 3:00 a.m. closing permit pursuant to this section, nor employee of the licensee, shall sell, give away, otherwise dispose of or allow the removal from the licensed premises any alcoholic beverages in the original package or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

- (3) Notwithstanding the limitations contained in this section, the director may waive the gross sales requirement for an establishment that held a convention trade area 3:00 a.m. closing permit in the year immediately prior, if the applicant provides documentation that the licensed establishment was closed or had reduced sales in the year immediately prior because of an event or occurrence outside of the control of the applicant that resulted in a state of emergency lasting more than two weeks, as declared by the Mayor or governor of Missouri.

(b) *Temporary 3:00 a.m. closing permit—Eligibility.*

- (1) A temporary 3:00 a.m. closing permit, authorized by RSMo § 311.088, authorizes the licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 am. and 3:00 a.m. within one 24-hour period if they meet the location requirements as outlined in section 10-212.
- (2) *Package sales.* No retail licensee holding a temporary 3:00 a.m. closing permit pursuant to this section, nor employee of the licensee, shall sell, give away, otherwise dispose of or allow the removal from the licensed premises any alcoholic beverages in the original package or suffer the same to be done on or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m.

(c) *Nonprofit organization 6:00 a.m. closing permit—Eligibility.*

- (1) A nonprofit organization 6:00 a.m. closing permit authorized by RSMo § 311.174 authorizes a licensee who holds a section 10-102, 10-103, 10-134 or 10-135 sales-by-drink license to remain open between 1:30 a.m. and 6:00 a.m., if they meet the location requirements as outlined in section 10-212., and:
- a. The applicant is a nonprofit organization exempt from federal income taxes under section 501(C)(7) of the Internal Revenue Code of 1986 as amended; and
 - b. The applicant is located in a building designated as a National Historic Landmark by the United States Department of Interior; and
 - c. The applicant's business is located within the convention trade area. Pursuant to RSMo § 311.174, the city's convention trade area is hereby designated as all that territory within the corporate limits of the city.

(d) For applications for 3:00 a.m. closing permits, the eligible neighbors under sections 10-212 and 10-214 shall be a minimum of 30 property parcels that are wholly within or intersected by a radius of 500 feet from the proposed premises, and, for any premises that does not either intersect or include the boundaries of a minimum of 30 property parcels within a radius of 500 feet, the radius will be increased by segments of 100 feet not to exceed 1,500 feet until the premises is intersected by or within the boundaries of a minimum of 30 property parcels.
..end

Approved as to form:

Bret Kassen
Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Please Select

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

Executive Summary

This proposed change redefines the eligible neighbors who are notified and allowed to respond to a sales-by-drink licensee’s application for an extended hours permit in order to obtain information from those property owners who would be most greatly impacted by such permits.

Discussion

The City’s Regulated Industries Division has found that property owners farther away from the site of a proposed extended hours permit express fewer and less serious concerns compared to those property owners in closer proximity to the restaurant or bar seeking such permit.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

Not applicable.

3. How does the legislation affect the current fiscal year?

This proposed legislation will not come at a cost.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

No.

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

No.

Office of Management and Budget Review

(OMB Staff will complete this section.)



City of Kansas City, Missouri

Docket Memo

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation

The City previously defined eligible neighbors for an extended hours permit at a minimum of 30 eligible voters within 500 feet of the proposed permit site, and increased the radius by segments of 100 feet not to exceed 1,500 feet until a minimum of 30 eligible voters were found.

Service Level Impacts

None.

Other Impacts

City of Kansas City, Missouri

Docket Memo

1. What will be the potential health impacts to any affected groups?

None when compared to the legislation that is currently in place.

2. How have those groups been engaged and involved in the development of this ordinance?

The Alcoholic Beverage Advisory Group unanimously voted to approve the recommendation that the City Council adopt this proposed ordinance. The Alcoholic Beverage Advisory Group is comprised of five representatives from the liquor industry that hold liquor licenses, three representatives from neighborhoods, one representative from the clergy, one attorney representing Kansas City neighborhoods, one attorney who represents at least 5 liquor license holders and one representative of a school district whose borders overlap KansasCity, Missouri.

3. How does this legislation contribute to a sustainable Kansas City?

By improving the extended hours liquor licensing process.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Yes.

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

Click or tap here to enter text.