



File #: 241070

ORDINANCE NO. 241070

Amending Chapter 88, the Zoning and Development Code by enacting a new Section 88-586, for the purpose of reviewing proposed demolitions of structures to determine if the structures have historical, architectural, cultural or urban design value to the City.

WHEREAS, the City recognizes that historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability;

WHEREAS, the review of the proposed demolitions of buildings that are not currently listed as historic will encourage the preservation of the tangible aspects of the City's heritage which has shaped the people of Kansas City;

WHEREAS, the KC Spirit Playbook recommends adopting a demolition review ordinance as part of the community support actions;

WHEREAS, after consideration at their October 18, 2024 meeting, the Historic Preservation Commission voted to recommend approval of this demolition review ordinance; and

WHEREAS, after consideration at their December 4, 2024 meeting, the City Plan Commission also voted to recommend approval of this demolition review ordinance; NOW, THEREFORE;

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, the Zoning and Development Code, is hereby amended by enacting a new Section 88-586, for the purpose of reviewing proposed demolitions of structures to determine if the structures have historical, architectural, cultural or urban design value to the City, to read as follows:

88-586 - DEMOLITION REVIEW

88-586-01 – PURPOSE

88-586-01-A. Demolition review provides a predictable process for reviewing applications for permits to demolish structures by:

1. establishing an appropriate waiting period during which the City and an applicant can propose and consider alternatives to the demolition of a structure of historical, architectural, cultural or urban design value to the City;
2. providing an opportunity for the public to comment on the issues regarding the demolition of a particular structure; and by
3. minimizing the number and extent of building demolition where no immediate re-use of the site is planned.

88-586-02 - APPLICATION

Applications required under this zoning and development code must be submitted in a form and in such numbers as required by the official responsible for accepting the application.

88-586-03 - DEMOLITION APPLICATIONS EXEMPT FROM REVIEW

88-586-03-A. Applications for demolition of existing structures which are already designated to the Kansas City Register of Historic Places (H/O Overlay) shall follow the procedures set out in 88-585-05.

88-586-03-B. Applications for demolition of existing structures which have a pending application for designation to the Kansas City Register of Historic Places (H/O Overlay) shall follow the procedures set out in 88-580-01-A(4).

88-586-03-C. Applications for demolition of an existing structure, which is not a current, planned, or pending landmark or part of a historic district, must be reviewed and approved by the Historic Preservation Commission or staff.

88-586-04 - STAFF REVIEW OF DEMOLITION APPLICATIONS WITHOUT PUBLIC NOTICE

88-586-04-A. The city planning and development director is hereby authorized to approve the demolition permit applications for structures without review by the historic preservation commission:

1. if the structure is less than 50 years old; or
2. if the structure is an accessory building that is less than 200 square feet; or
3. if the structure has been determined as not eligible for listing on the National Register of Historic Places within the preceding four years of the application date for the demolition permit; or
4. if the structure has been declared dangerous according to the procedures established in Chapter 56, Article V.

88-586-04-B. The city planning and development director may refer any demolition permit application to the historic preservation commission for review for any reason.

88-586-04-C. The city planning and development director must report on administratively approved demolition permit applications at the historic preservation commission's next regular meeting.

88-586-05 - STAFF REVIEW OF DEMOLITION APPLICATIONS WITH PUBLIC NOTICE

88-586-05-A. Staff review of demolition permit applications with notice to the historic preservation commission and public.

1. The city planning and development director is hereby authorized to approve the demolition permit applications for structures without review by the historic preservation commission at a regular meeting if staff determines the structure is not eligible for listing on the National Register of Historic Places and if no member of the historic preservation commission objects, in writing by email, to the city planning and development director's administrative approval within seven calendar days of notification. If a commission member objects, then the application must be forwarded to the historic preservation commission for review in accordance with the procedures set in 88-586-05;
2. Notice of the administrative approval of demolition permit applications shall be sent to members of the historic preservation commission, posted to the city's website, emailed to the registered neighborhood association, and to citizens who requested alerts in Citizen Connect.
3. The city planning and development director may refer any demolition permit application to the historic preservation commission for review for any reason.
4. The city planning and development director must report on administratively approved demolition permit applications at the historic preservation commission's next regular meeting.

88-586-06 - COMMISSION REVIEW OF DEMOLITION APPLICATIONS

88-586-06-A. Historic Preservation Commission review of demolition permit applications.

1. Those demolition permit applications that are not administratively approved shall be forwarded to the historic preservation commission for review at their next regularly scheduled meeting or special meeting if required.

2. The historic preservation commission must hold a public hearing on the proposed demolition within 45 days of receipt of the application and must make a finding that:
 - a. that the structure is listed on the National Register of Historic Places and retains historic integrity; or
 - b. that the structure is eligible for listing on the Kansas City or National Register of Historic Places based on the U.S. Department of Interior's National Register of Historic Places criteria, including the historic, cultural, aesthetic, or architectural significance of the building, structure, site, object, or district; or
 - c. that the structure is not eligible for listing on the Kansas City or National Registers based on the above criteria.
3. If the commission does not make a recommendation within 45 days, the demolition permit application is deemed approved and may be issued.
4. If the structure is found to be ineligible for listing, the demolition permit application may proceed through the normal approval process.
5. If the structure is found to be listed or eligible for listing on either the Kansas City or National Register of Historic Places, then no demolition permit shall be issued for a period of 45 days following the date of the decision of the commission.

88-586-07 - NOTICE OF HEARING

88-586-07-A. REQUIRED NEWSPAPER NOTICE

Notice of required public hearings on review of demolition permit applications must be published in the newspaper at least 15 days before the date of the public hearing.

88-586-07-B. REQUIRED MAILED NOTICE

Notice of required public hearings on review of demolition permit applications must be mailed at least 13 days before the date of the hearing to the subject property owner, any registered neighborhood organization, and/or registered civic organization whose boundaries include the subject property, and to all owners of property within 300 feet of the subject property.

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

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

Sara Copeland, AICP
Secretary, City Plan Commission


Approved as to form:



Julian Langenkamp



Authenticated as Passed



Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

DEC 19 2024

Date Passed