414 E. 12th Street
Kansas City, MO
64106

File #: 250327

ORDINANCE NO. 250327

Amending Chapter 88, the Zoning and Development Code, by repealing Sections 88-255-09, 88-260-06, 88-516-06, and 88-520-03, said sections all dealing with amendments to approved plans, and enacting in lieu thereof new sections of like number and subject matter for the purpose of requiring major amendments to follow the zoning map amendment process and to allow the City Planning and Development Director to approve minor amendments administratively. (CD-CPC-2025-00011)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-255-09, Amendments to Approved Plans, and enacting in lieu thereof new section of like number and title, with said new section to read as follows:

88-255-09 AMENDMENTS TO APPROVED PLANS

88-255-09-A. If the city plan commission determines that the final plan is not in substantial compliance with the approved community master plan subject to any variations or modifications submitted as part of the final plan or final plat (as provided above), the commission must deny the request. The applicant may resubmit a revised final plan which does conform with the approved community master plan or may file an amended community master plan in the same manner as provided for a zoning map amendment. Provided, however, if the community master plan identifies neighborhoods, no amendment need include information other than that required to amend the neighborhood plan notwithstanding any other provision to the contrary.

88-255-09-B. Requests to amend an approved plan must be processed as a zoning map amendment in accordance with 88-515, except that the city planning and development director is authorized to approve minor amendments to the SC plan in accordance with the administrative adjustment procedures of 88-570 (see specifically 88-570-02-H).

88-255-09-C. The perimeter boundaries of an established SC district may be modified from time to time by the original applicant or its assignee in the same manner as provided for a zoning map amendment. Such modification may be to an existing neighborhood or may establish a new neighborhood or may be to an existing subdistrict.

Section 2. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-260-06, Amendments to Approved Preliminary Development Plans, and

enacting in lieu thereof a new section of like number and title, with said new section to read as follows:

88-260-06 AMENDMENTS TO APPROVED PRELIMINARY DEVELOPMENT PLANS

88-260-06-A. In the course of carrying out any part of the development plan for a UR district, the developer may submit a request for an amendment of the approved preliminary development plan. Requests to amend a preliminary development plan must be processed as a zoning map amendment in accordance with 88-515, except that the city planning and development director is authorized to approve minor amendments to UR district preliminary development plans in accordance with the administrative adjustment procedures of 88-570 (see specifically, 88-570-02-H).

88-260-06-B. If any development plan covering all or a portion of a UR district is abandoned, or if any phase is not completed within the time frame established at the time of rezoning and preliminary development plan approval, or if the required declaration of blighted area, conservation area, or economic development area is declared null and void by any court of competent jurisdiction, the city planning and development director may recommend that the area be rezoned to its former or other appropriate classification.

Section 3. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-516-06, Amendments to Development Plans or Project Plans, and enacting in lieu thereof a new section of like number and title, with said new section to read as follows:

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

88-516-06-A. MAJOR AMENDMENTS

1. Major amendments to approved development plans or project plans must be reviewed and approved in accordance with the development plan or project plan review procedures of this ordinance. Major amendments to development plans or project plans include one or more changes, in cumulative total (when compared to the original plan approval), that would:
   a. increase building coverage by more than 10%;
   b. increase the total floor area by more than 10%;
   c. increase building height by more than 10% or 15 feet in all zoning districts except M, whichever is less;
   d. increase building height by more than 10% in an M zoning district within 500 feet of a R zoning district;
   e. increase the total impervious surface coverage by more than 10% or 10,000 square feet in an M zoning district within 500 feet of an R zoning district, whichever is less;
   f. increase the total impervious surface coverage by more than 10% in a M zoning district for properties not within 500 feet of a R zoning district;

g. increase the total impervious surface coverage by more than 10% in all other zoning districts.

h. result in extensive site modification involving location of buildings, razing, and reconstruction of approved uses;

i. increase the number of dwelling units by more than 10%; or

j. result in any other change that the city planning and development director determines will have impacts that warrant full review of the application in accordance with the development plan review procedures.

88-516-06-B. MINOR AMENDMENTS

Any application for an amendment to an approved development plan or project plan that does not meet the criteria for a major amendment will be considered a minor amendment. Minor amendments may be approved by the city planning and development director in accordance with the administrative adjustment procedures of 88-570 (see specifically 88-570-02-H). A minor amendment may include a change in an approved phasing plan.

Section 4. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-520-03, Preliminary Development Plans, and enacting in lieu thereof a new section of like number and title, with said new section to read as follows:

88-520-03 PRELIMINARY DEVELOPMENT PLANS

At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the city plan commission's hearing and if the plans include all information required for preliminary plats and preliminary development plans.

88-520-03-A. PREAPPLICATION CONSULTATION

A preapplication consultation is required prior to the filing of an MPD preliminary development plan application, in accordance with 88-505-02.

88-520-03-B. APPLICATION FILING

An application to establish the MPD district must be accompanied by a preliminary development plan that includes information as required by the city planning and development department staff. The application must be filed with appropriate personnel in the city planning and development department.

88-520-03-C. PLAN AMENDMENT

Requests to amend an approved plan must be processed as a zoning map amendment in accordance with 88-515, except that the city planning and development director is authorized to approve minor amendments to a preliminary development plan in accordance with the administrative adjustment procedures of 88-570 (see specifically 88-570-02-H).

88-520-03-D. REVIEW AND REPORT—DEVELOPMENT REVIEW COMMITTEE

The development review committee must review the proposed preliminary development plan in light of the MPD district provisions of 88-280 and the review criteria of 88-520-03-F. The city planning and development director must prepare a report and recommendation for the city plan commission based on the development review committee's review.

88-520-03-E. HEARING AND RECOMMENDATION—CITY PLAN COMMISSION

The city plan commission must hold a public hearing on the proposed MPD zoning map amendment and the preliminary development plan. Following the close of the hearing, the city plan commission must act by simple majority vote to recommend that the proposed MPD zoning map amendment and preliminary development plan be approved, approved with modifications, or denied. If the city plan commission does not act on a proposed MPD zoning map amendment and preliminary development plan within 60 days of the date of the public hearing, the proposed amendment must be forwarded to the city council with no recommendation.

88-520-03-F. HEARING AND FINAL ACTION—CITY COUNCIL

1. After action by the city plan commission, the city council may convene its own public hearing on the proposed MPD zoning map amendment and preliminary development plan.

2. Following the close of the public hearing, the city council may act to approve the proposed MPD zoning map amendment and preliminary development plan, approve the proposed MPD zoning map amendment and preliminary development plan with modifications, or deny the proposed MPD zoning map amendment and preliminary development plan. The city council may also return the application to the city plan commission for further consideration, together with a written explanation of the reasons for doing so.

3. The city council may act by a simple majority vote, except that when a valid protest petition has been submitted in accordance with 88-515-09 approval or approval with modifications requires a 2/3 majority vote of the full membership of the city council.

88-520-03-G. REVIEW CRITERIA

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

1. the preliminary development plan's consistency with any adopted land use plans for the area;

2. the preliminary development plan's consistency with the MPD district provisions of 88-280; and

3. the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.

88-520-03-H. LAPSE OF APPROVAL

If the landowner fails to file an application or applications for final development plan approval within 4 years of the date of preliminary development plan approval, the approval will be deemed to have lapsed and the preliminary development plan will lapse and be of no further effect. The plan will not be deemed lapsed, however, if a phasing plan was approved with the development plan and if development is in compliance with that phasing plan. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. Decision-making bodies may impose conditions upon the phasing plan as deemed necessary to ensure the orderly development of the subdivision, including requirements for financial guarantees ensuring construction of all required improvements. Upon recommendation by the City Plan Commission, the City Council shall have authority to adjust the commencement and completion dates through passage of an ordinance.

Section 5. 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.

Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

MAY 01 2025

Date Passed

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney