

ORDINANCE NO. 030224

Amending Chapter 66, Code of Ordinances, by repealing Section 66-128, Parks, playgrounds and open space areas, and enacting in lieu thereof one new section of like number and subject matter which will alter the requirements related to cash in lieu of land dedication.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 66, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 66-128, Parks, playgrounds and open space areas, and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

Sec. 66-128. Parks, playgrounds and open space areas.

(a) *Definitions.* As used in this section, the following terms shall have the meanings given in this subsection:

- (1) *Single-family dedication* means the number of acres calculated by taking the number of single-family units to be included in the subdivision and multiplying that number times 3.7 people per single-family unit and then taking the resulting number and multiplying that number times 0.006 of an acre per person.
- (2) *Duplex dedication* means the number of acres calculated by taking the number of duplex units to be included in the subdivision and multiplying that number times three people per duplex unit and then taking the resulting number and multiplying that number times 0.006 of an acre per person.
- (3) *Multifamily dedication* means the number of acres calculated by taking the number of multifamily units to be included in the subdivision and multiplying that number times two people per multifamily unit and then taking the resulting number and multiplying that number times 0.006 of an acre per person.
- (4) *Required parkland dedication* means the number of acres calculated by adding together the single-family dedication and the duplex dedication and the multifamily dedication, as defined in this section.
- (5) *Current year's price*, for any given year, means the average cost per acre actually paid by the city for all purchases of tracts of parkland of 49 acres or less, whether through negotiation or condemnation, but excluding all acquisitions wholly or partially obtained through gift, during the five calendar years immediately preceding such calendar year.

(b) *Dedication of land generally.*

- (1) Subdivision plats shall show dedication of land for park uses at locations designated in the comprehensive plan, or the official parks plan adopted by the board of parks and recreation commissioners, or as determined by the subdivider and the staff of the city development and parks and recreation departments, in the amount of the required parkland dedication. When the required parkland dedication is less than four acres, the city plan commission may require the open space to be located at a suitable place on the periphery of the subdivision, so a more usable tract will result when additional open space is obtained when adjacent land is subdivided. In all cases, the developer will dedicate such approved park land to the city for park purposes as a condition of final subdivision approval. All land to be dedicated to the city for park purposes shall have the prior approval of the board of parks and recreation commissioners, and shall be shown and marked on the plat as "dedicated to Kansas City, Missouri, for park and recreation purposes"; and the plat will be so endorsed by the president of the board of parks and recreation commissioners.
- (2) The board of parks and recreation commissioners shall affix its approval to the plat within three weeks of receipt of the certified legal description for the property from the city engineer. Notwithstanding anything else contained in this section, if the subdivider and the staff of the city development and parks and recreation departments are unable to agree upon the location of the land to be dedicated as required under this section, then as a condition of final subdivision approval the subdivider will pay cash in lieu of dedicating land, as required in subsection (c) of this section. Also, notwithstanding anything else contained in this section, if the required parkland dedication is less than two acres, then the city, at its option, elected at any time prior to approval of the preliminary plat by the plats review committee or the city plan commission based upon the election of the developer, may as a condition of final subdivision approval require the subdivider to pay cash in lieu of dedicating land, as required in subsection (c) of this section.

(c) *Cash in lieu of land dedication.* Notwithstanding anything contained in subsection (b) of this section, the subdivider, at the subdivider's option, which may be elected at any time prior to approval of the preliminary plat by the plats review committee or the city plan commission based upon the election of the developer, may pay cash in lieu of dedicating open space. When the subdivider exercises its option to pay cash in lieu of dedicating open space, the subdivider shall deposit with the city treasurer for the parks and recreation acquisition or development trust fund, prior to recording the subdivision plat, a cash payment without recourse or the right of recovery equal to the required parkland dedication multiplied by the current year's price for the calendar year in which the preliminary plat is approved by the plats review committee or in the alternative the city plan commission, less a credit based on the ratio that any land actually dedicated for park purposes bears to the required parkland dedication. Such funds paid to the city prior to May 1, 2003, shall be used

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for the acquisition, development or improvement of a public park, generally within one mile of the periphery of the subdivision for which they were paid by the parks and recreation department. Such funds and the interest therefrom paid to the city on or after May 1, 2003, shall be used for the acquisition, development or improvement of a public park, generally within three miles of the periphery of the subdivision for which they were paid, by the parks and recreation department as authorized by the city Charter, within ten years of the date the payment is received by the city.

(d) *Private development and operation of recreational open space.* The applicant may comply with the requirements of this section to furnish land for recreational purposes by providing an area which shall meet the minimum standards as required in subsection (b) of this section, provided that such area shall be developed and maintained by the subdivider or by the lot owners in the subdivision as private property under a legal arrangement approved by the city counselor as adequate to ensure its continued operation and maintenance.

(e) *Quality of park sites.*

- (1) It is the intent that land designated for park and recreational use be suitable for such use and receive the approval of the director of parks and recreation and the city plan commission.
- (2) If the subdivision is of such magnitude that the allocation for park open space would exceed ten acres, the determination of one or more parcels shall be made by the staffs of the city development and parks and recreation departments subject to the approval of the city plan commission.
- (3) The park open space parcel shall be a cohesive whole but may be of irregular outline or shape.
- (4) The developer may, with the concurrence of the parks and recreation department, make as extensive improvements or provide recreational facilities as he may desire. The developer shall improve the land to be dedicated as follows:
 - a. If the required parkland dedication is four acres or less, provide within the park area, as approved by the city plan commission, a play area of 20,000 square feet with not more than a four percent gradient or which could reasonably be graded to such.
 - b. If the required parkland dedication is nine acres or more, provide a play and game area within the park area of not less than 85,000 square feet with a maximum gradient of four percent or which could reasonably be graded to such.

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- c. If the required parkland dedication is between four acres and nine acres, provide a proportionate share of game area.
 - d. Any land within the park area disturbed by construction activity shall have the tilth restored and the soil stabilized by appropriate vegetative cover.
- (5) Each park open space shall have frontage on a public street which the city plan commission deems necessary to provide acceptable access to the open space from a public street, taking into account the need for adequate frontage on a public street and the amount of frontage reasonably required by the circumstances of the particular open space. This frontage may serve as a corridor from the public street to the main body of the park area which the city plan commission deems necessary to provide acceptable access to the open space from the public street. This corridor shall have a gradient adequate for pedestrian or vehicle use.

(f) *Additional recreational reservations.* The provisions of this section are minimum standards. None of subsections (a) through (e) of this section shall be construed as prohibiting a developer from dedicating or reserving other land for recreation purposes in addition to the requirements of this section.

Approved as to form and legality:

Assistant City Attorney