

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 130136, AS
AMENDED

Amending Sections 88-580-01-A and 88-580-01-B of the Zoning and Development Code regarding Historic Designation application filings, stays of permits and notice requirements.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Sections 88-580-01-A and 88-580-01-B and replacing said sections with new sections of like number and title, said sections to read as follows:

88-580 HISTORIC DESIGNATIONS

88-580-01 DESIGNATION

88-580-01-A. APPLICATION FILING

1. Applications for designation of historic districts, landmarks or overlay zoning districts (collectively referenced as H/O districts) may be made by the owner(s) of record of the subject property, any other person or organization with the full consent and written approval of the owner(s) of record of a subject property, a member of the historic preservation commission, a member of the city council, the neighborhood association for the area in which that property is located, a historic preservation organization, or any other person or organization where at least 51% of the owners of the affected parcels in a proposed district do not object to the nomination (exclusive of all publicly owned property, streets and alleys).
2. Complete applications for designation of H/O districts must be filed in the office of the historic preservation commission. Applications must contain a legal description of the property and a statement describing its historic, cultural, aesthetic, or architectural significance.
3. The city planning and development director shall notify the owner of any property within a proposed H/O district application, if such person is different than the applicant. This notification shall be done within 14 calendar days of the application date for the H/O district nomination. The notification of the property owner shall include the following:
 - a. a copy of the application that was made for the nomination;
 - b. an explanation of the nomination procedure for H/O district and the consequential property restrictions;

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- c. an explanation stating that the property owner has the right to appear at the scheduled public hearing at which the nomination will be considered and the date of the hearing; and
- d. an explanation stating that the property owner has the right to submit documentation either for or against the nomination.

4. Interim Control

Once an application has been filed, no building permit for alteration, construction, demolition or removal of a property being considered for designation under an application for an H/O district may be issued until the historic preservation commission has dismissed or denied the application for designation, or until the city council has denied designation in accordance with the procedures established in Sections 88-580-01-C and 88-580-01-E, though no stay on the issuance of a permit may be for more than six months from the filing of the application. No permit may be stayed in the following circumstances:

- a. The building has been declared dangerous according to the procedures established in Chapter 56, Article V.
- b. The director of city planning and development determines that the property does not meet the minimum requirements for historic designation under Section 88-580-01-F and under the rules and regulations of the historic preservation commission. An applicant or owner may appeal the director's determination to the historic preservation commission at the next regular or special meeting. If the commission determines that there is merit to the application by a majority vote of those present, then the application will proceed under the procedures set in Section 88-580-01.

During this period the applicant for the permit or property owner shall have the opportunity to explain to the historic preservation commission the reasons why a building permit should be issued promptly, and the commission may grant approval for a building permit in this interim period. Additionally, the city council may authorize such alteration, construction, demolition or removal by adopting a formal resolution declaring that the proposed work is necessary for the public health, welfare or safety.

5. Consideration of Application

The historic preservation commission must hold a public hearing on the proposed nomination within 45 days of receipt of the application and must render a decision concerning the merits of the application within 90 days of the receipt of the application, which may be extended with the agreement of the owner of the property.

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6. The director of city planning and development may extend any of the time limits in this section 88-580-01-A for up to 90 additional days for good cause shown.

88-580-01-B. NOTICE OF HEARING

1. REQUIRED NEWSPAPER NOTICE

Notice of required public hearings on proposed designation of historic districts, landmarks, or overlay zoning districts (H/O districts) must be published in the newspaper at least 15 days before the date of the public hearing. See 88-505.07.

2. REQUIRED MAILED NOTICE

Notice of required public hearings must be mailed to the subject property owner, any registered neighborhood organization, and/or registered civic organization whose boundaries include the subject property, and all owners of property within 300 feet of the subject property. See 88-505-07. The mailed notice shall provide contact or other information sufficient for those interested to determine when the city council will hold its hearing on the designation.

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:

Nicole Rowlette
Assistant City Attorney