

WATER

the future is clear



STREAM SETBACK ORDINANCE FACT SHEET

In conjunction with adoption of the new Development Code, Kansas City has adopted a stream setback ordinance to keep homes, businesses and other built infrastructure away from streams. This fact sheet describes the stream setback and answers key questions that the public may ask.

Why has Kansas City Adopted a Stream Setback Ordinance?

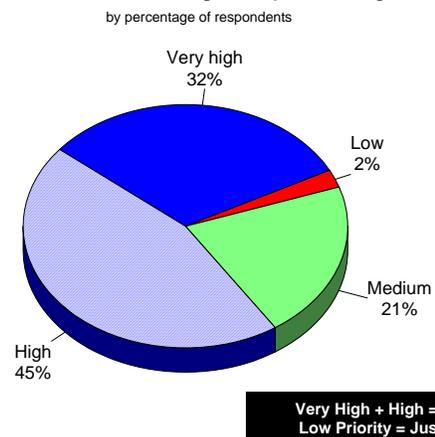
More than half of Kansas City, Missouri is yet to be developed. The Stream Setback Ordinance will help avoid future liabilities by protecting new development and infrastructure from flood damage, while saving natural resources that provide multiple benefits. Limiting development near stream banks will also improve Kansas City's water quality, reduce erosion and sedimentation, prevent infrastructure damage, and protect riparian corridor habitat and greenways.

Stream protection is a high priority for Kansas Citians. In 2005, the Wet Weather Solutions Program conducted a random sample survey of Kansas City households (see results at right) and found that 77% of those who responded placed a "high" to "very high priority" on maintaining and protecting streams. When asked about support for a stream setback ordinance, 87% said they would be "somewhat supportive" to "very supportive" with the overwhelming majority (70%) of that number stating that they would be "very supportive."

What is a Stream Setback Ordinance?

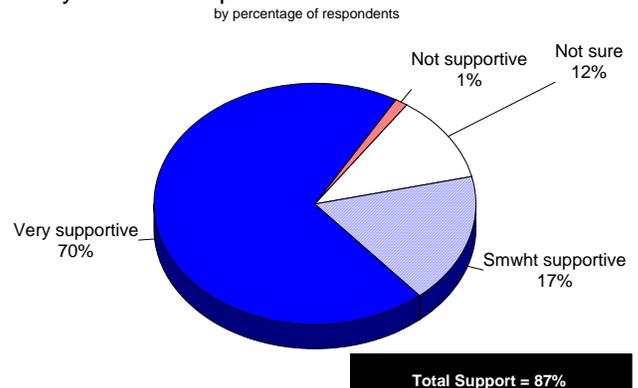
Stated simply, a Stream Setback ordinance is a regulation that creates a "buffer zone" between a river, creek, or stream and adjoining land uses, by specifying where construction of buildings and other infrastructure is or is not permitted.

Overall, what priority do you think Kansas City leaders should place on maintaining and protecting streams?



Source: ETC Institute [ALL BASINS]

Kansas City is considering adopting an ordinance that would require developers to protect streams and stream corridors when land is developed. How supportive would you be of adoption of such an ordinance?



Source: ETC Institute [ALL BASINS]

Source: Wet Weather Solutions Public Opinion Survey—Statistically Valid Random Sample of All Kansas City Missouri Households in 2005

What are the Benefits of a Stream Setback Ordinance?

There are many community benefits resulting from staying back from streams. Stream assessments in Kansas City and across the region have shown that well vegetated streams are one of our best stormwater management options. Through this ordinance, Kansas City will:

Reduce flood damage and loss of life - Keeping trees and plants along the stream and keeping buildings a safe distance away reduces the amount of stormwater entering streams and helps reduce flooding; protects buildings and occupants from flood hazards, and reduces long-term costs.

Stabilize stream banks and protect infrastructure – Root systems from trees and plants along a stream help the stream to function as nature intended, preserving the stream's natural character. Buffers help prevent erosion that threatens infrastructure such as bridges and utilities, reducing future capital and maintenance costs.

Allow streams to meander or move as they would naturally – A stream will change course as it responds to impacts from natural and manmade forces; protecting riparian corridors allows streams to change naturally without damage to buildings and infrastructure.

Maintain and improve water quality – Vegetation along stream corridors filters fertilizer, pesticides, herbicides, other chemicals, and sediments before they reach the stream. This filter protects streams and lakes from excessive sedimentation and protects aquatic habitat and wildlife.

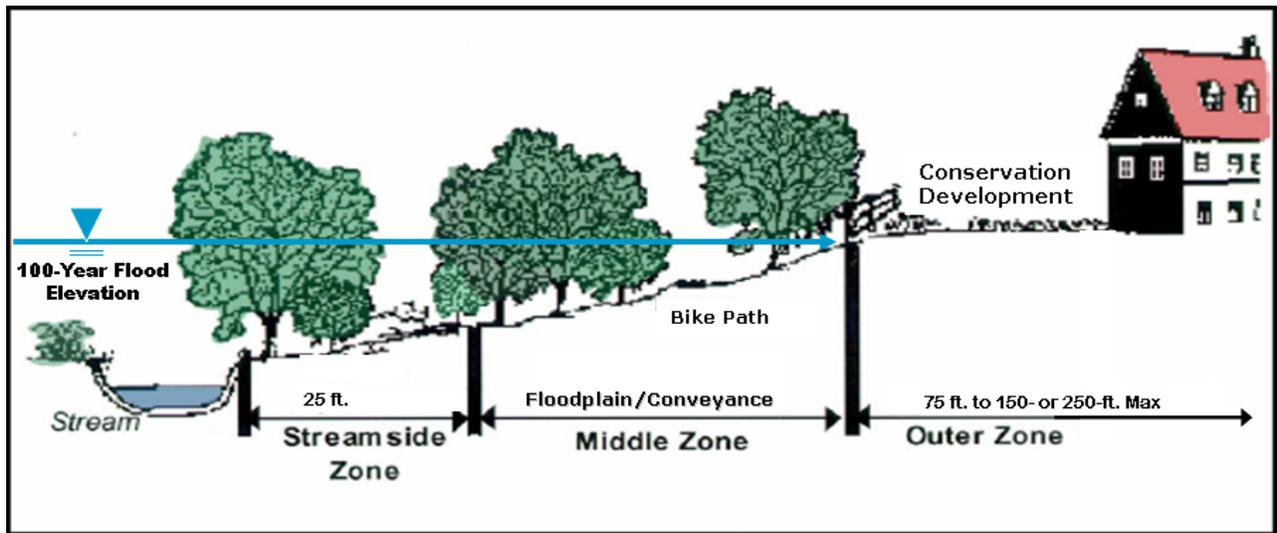
Provide recreation and education – Riparian corridors are excellent places for walking, running, and biking trails. A connection with nature improves health, quality of life, and academic achievement.

Provide wildlife habitat – Vegetated stream buffers create a network of wildlife habitat corridors. 71% of Kansas City respondents said wildlife habitat is important to protect.

Increase property values – throughout the Kansas City region, the Midwest, and the nation, property values are higher adjacent to and near protected stream corridors and green spaces.

What are the Costs of a Stream Setback Ordinance?

A stream setback ordinance controls the location of development. The ordinance Kansas City adopted could limit development on about 12 percent of the undeveloped land inside the city limits. About 8 percent of the city's undeveloped land lies in the 100-year floodplain and is undevelopable. An additional 4 percent of the land will be preserved as permanent open space. **The City guarantees a development use while providing incentives and flexibility** to encourage more sustainable economic development. The new development code provides density bonuses, smaller lot sizes, and more flexible site design standards. **This flexibility allows equal or greater residential development at a lower overall cost to the developer** and increased flexibility for non-residential developments, while protecting the majority of valuable stream resources.



How Will the Proposed Stream Setback Ordinance Work?

The Kansas City ordinance regulates all streams shown on the Kansas City Natural Resources Protection Map. The Planning and Development Department maintains the map. Setbacks are based on the stream's actual characteristics, including the 100-year floodplain or flood conveyance; adjacent steep slopes (greater than 15 percent grades) and mature, native vegetation (such as woodlands). Three zones are specified, with more restrictions closer to the stream. They are:

1. Streamside Zone

- 25 feet wide, from the edge of the active channel on each side of the stream.
- Utility, road, and trail crossings are allowed, as well as properly designed stormwater outfalls, access for fishing and wildlife viewing, and trail overlook areas.

2. Middle Zone

- Varies based on actual stream characteristics.
- Includes 100-year floodplain or 100-year (i.e. 1-percent) conveyance determined by an engineer, and wetlands.
- All uses in the Streamside Zone are allowed, plus utility corridors and recreational trails.

3. Outer Zone

- Extends 75 feet from the edge of the Middle Zone, to a maximum of 150 or 250 feet.
- Includes adjacent steep slopes (greater than 15 percent) or mature, riparian vegetation if present. If steep slopes or mature riparian vegetation extends beyond 150 feet from the edge of the Middle Zone, there are two options:
 - If the maximum is 150 feet, the Outer Zone must be protected as permanent open space.
 - If extended to a maximum of 250 feet, conservation development and additional flexibility for non-residential development are allowed as described below.
- All uses in the Streamside and Middle Zones are allowed, plus stormwater BMPs and conservation development as described below.

The floodplain is the core of the proposed "buffer zone" (Streamside and Middle Zones, above) and would be a no-build zone. The Outer Zone includes vegetation that protects the stream and provides habitat, if any exists. Conservation residential and non-residential development is guaranteed in the Outer Zone. Developers can clear and

build on up to 40 percent of the Outer Zone area (or 50 percent with mitigation). In return, the City will allow residential developments a 20-percent increase in total lots in these areas, and minimum lot sizes may be reduced. Non-residential developments are allowed a 20-percent increase in building heights and a 20-percent reduction in parking requirements.

Who to contact?

To find out more about Kansas City, Missouri's Stream Setback ordinance you can contact Patty Noll, Project Manager, Zoning Ordinance & Subdivision Regulations Revision, City Planning & Development Department, 816-513-2864 or Patty_Noll@kcmo.org.