

CHAPTER 221: GREENWAY REGULATIONS

SECTION 221.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

GREENWAY(S): Any stream channel, its adjacent stream buffer as determined by the provisions of Section 410.305 and any and all native vegetation or natural areas within the stream buffer.

NATIVE VEGETATION/NATURAL AREA(S): Includes all land within a greenway that is within the floodplain, the stream buffer, the stream channel, any natural or manmade modifications to the stream channel, native plantings that surround the stream and any installed amenities such as fences and natural or manmade borders. The owner shall install signs in designated areas indicating the area that is protected by this Section. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.020: MOWING OF NATIVE VEGETATION/NATURAL AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway, to mow native vegetation and natural areas designated within the greenway, except as permitted in the stream buffer maintenance plan approved with the final plat for the property. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.030: DISTURBANCE OF NATIVE VEGETATION/NATURAL AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway or those persons with written permission of the property owner responsible for ensuring such maintenance, to perform or authorize to be performed the following activities in native vegetation/natural areas designated in greenways:

1. Clear cut, selectively cut, burn or remove trees or other vegetation;
2. Apply or store fertilizers, pesticides, herbicides and/or other chemicals;
3. Grading, stripping of topsoil, plowing or cultivating;
4. House, graze or otherwise maintain animals;
5. Remove or otherwise disturb vegetation in a manner that is inconsistent with erosion control and buffer protection measures prescribed by the latest revision of the Kansas City APWA Best Management Practices Manual. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.040: FILLING OR DUMPING IN NATIVE VEGETATION/NATURAL AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway or those persons with written permission of the property owner responsible for such maintenance,

to perform or authorize to be performed the following activities in native/natural areas designated in greenways:

1. Add soil or other materials to fill areas;
2. Dump trash, grass clippings or other non-native materials;
3. Construct drains, ditches or other drainage systems to drain the buffer area;
4. Construct stormwater drainage systems from private property that drain into natural areas, except those designed prior to final plat approval. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.050: OTHER ACTIVITIES/STRUCTURES PROHIBITED IN NATIVE VEGETATION/NATURAL AREAS

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway or those persons with written permission of the property owner responsible for such maintenance, to perform or authorize to be performed the following activities in native vegetation/natural areas designated in greenways:

1. Operate motor vehicles;
2. Construct any permanent structures including, but not limited to, storage buildings, fences, roads, driveways and fire pits;
3. Store hazardous or noxious materials;
4. Store any personal property including, but not limited to, lawn ornaments, wood piles, play sets, trampolines and other recreational amenities. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.060: LIABILITY LIMITED FOR INJURIES IN NATIVE VEGETATION/NATURAL AREAS

The property owner shall not be held liable for injuries or damage incurred by any individuals or groups operating equipment in greenways for a purpose in violation with this Chapter. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.070: PERMITTED ACTIVITIES

The following structures, practices and activities are permitted in the stream buffer with specific design or maintenance features, subject to the review and approval of the City:

1. Activities for the purpose of building one (1) of the following:
 - a. A stream crossing by a driveway, transportation route or utility line;
 - b. Public water supply intake or public wastewater outfall structures;
 - c. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

- d. Paved foot trails and paths;
 - e. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
2. Crossings for roads, bridges and utilities:
 - a. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 - b. The angle of the crossing shall be as close as perpendicular to the stream or buffer as is practicable to minimize clearing requirements.
 - c. The minimum number of road crossings should be used within each subdivision and no more than one (1) crossing is allowed for every one thousand (1,000) feet of buffer.
 3. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least twenty-five (25) feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
 4. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
 5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the Public Works Director on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Public Works Director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
 6. Placement of structures for the control and monitoring of water quality and water quantity within a stream buffer as required by the City. (Ord. No. 28041 §1, 5-12-08)

SECTION 221.080: VIOLATIONS

Any person who is found in violation of this Chapter shall be deemed guilty of a misdemeanor. (Ord. No. 28041 §1, 5-12-08)