



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
 City Planning & Development Department
www.kcmo.gov/cpc

October 4, 2022

Project Name
 Minor Subdivisions & Lot and Building Standards Text Amendments

Docket #3

Request
 CD-CPC-2021-00214
 Text Amendment

Applicant
 Jeffrey Williams, AICP
 City Planning & Development Director

Owner
 Not Applicable

Location	Citywide
Area	Not applicable
Zoning	Not applicable
Council District	All
County	All
School District	All

Surrounding Land Uses
 Not Applicable

Major Street Plan
 Not Applicable

Land Use Plan
 Not Applicable

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 11/17/2021. Scheduling deviations have occurred.

- Staff took a step back from the anticipated 3-4 month turnaround to complete more public engagement.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Mailed notice of the hearing is not required by code however, as a matter of practice, staff does solicit feedback from known stakeholders. As the proposed amendments relate to subdivision regulations and lot and building standards applying to infill development we have sought input from the following:

- All persons who have applied for a subdivision in the past year; and
- Kansas City Neighborhood Advisory Council (KCNAAC)
- Recorded contacts for all active neighborhood/homes associations in the infill residential context area.

These individuals/groups were notified by email on December 6, 2021. As of December 29, 2021 staff had received feedback or questions from three individuals: a surveyor, one property owner with a pending subdivision application, and Carol Winterowd of Center Planning Council.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request. However, staff has engaged in extensive public engagement efforts to consider various views and concerns from residents across KCMO. See 'Public Engagement' below for greater details.

SUMMARY OF REQUEST + KEY POINTS

This is a request to approve amendments to Chapter 88 of the Kansas City Code of Ordinances, otherwise known as the zoning and development code related to minor subdivisions and lot and building standards. The amendments, if approved, would support the provision of new housing and reinvestment in existing housing stock throughout the city, particularly, in areas of the city where infrastructure and services are already available. It would achieve this by streamlining the subdivision process and by allowing the creation of contextually appropriate lots. Amendments are proposed related to the following:

- Minor Subdivisions
- Lot and Building Standards

PROFESSIONAL STAFF RECOMMENDATION

Docket #	Recommendation
3	APPROVAL WITH CONDITIONS

PUBLIC ENGAGEMENT

Public engagement (neighborhood meeting) as required by 88-505-12 does not apply to this request. As a matter of practice, staff post the draft amendment to the city's website for public review and comment at least 30 days before the public hearing before the City Plan Commission. The proposed amendments were posted on November 17, 2021. After receiving feedback from the public about the accessibility and clarity of the website we created an additional webpage specifically for the proposed Infill Residential Development Standards. This webpage was published on May 16, 2022.

City staff also hosted several virtual and in-person meetings, as well as attended several in-person neighborhood meetings and activities. Including the following:

- One introductory city-wide town hall and 4 neighborhood-focused meetings.
- In-person meetings with Southern Communities' Coalition and Center Planning and Development
- 1:1 Meetings with representatives from Blue Hills, Hyde Park, Martin City, & Westside
- Several phone calls, emails, and communications through pre-application meetings.
- Presentations to MidtownKC Now and the Incremental Developers Alliance
- Revisions Workgroup – June 3, 2022; August 10, 2022 & August 15, 2022
- Final Town Hall meetings held virtually and in person
 - September 13, 2022 (virtual) and September 27, 2022 (hybrid)

City staff hosted two revision meetings with members of the community who were vocal and had constructive feedback for improving the effectiveness of the proposed Infill Residential Development standards. This group included Angela Splittgerber, Chris Koch, Lauren Brown, Margaret Smith, Pedro Zamora, Randi Mixdorf, and several members of the Kansas City Neighborhood Advisory Council – Carol Winterowd, Peggy Calhoun, Stacey Johnson-Cosby, and Tiffany Moore.

PLAN REVIEW

Infill Residential Development Standards

The zoning and development code establishes three types of lot and building standards. Each is based upon context: "conventional" development, "open-space" development, and "conservation" development. The lot and building standards which apply to a given property and the development proposed on the property are dictated by the context. Both open space and conservation standards apply only to developments approved accordingly. For example, a developer may propose a conservation development, which would require that 60% of the land area within the plan be conserved in its natural state permanently. In exchange for this set-aside, the developer is granted substantially reduced lot and building standards, such as reduced minimum lot areas, lot widths, and building setbacks. The effect of the reduction is that it permits smaller lots and thus more development on the portion of the plan area being developed in exchange for the set-aside. The same is true for open space developments, except that the set-aside requirement is 30% and the reductions to lot and building standards are less than with conservation. To date, only two open space development plans have been proposed. Both were approved, but neither has begun development. No conservation development plans have ever been proposed. Consequently, the vast majority of all property within the city falls under the "conventional" lot and building standards. Those standards vary based on the zoning classification. The effect is that the same standards apply to a property zoned R-7.5 regardless of where it is located in the city and the context of the neighborhood. An argument can be made that the zoning should vary depending on context; however, the zoning also controls the use and there are many circumstances where the permitted/prohibited uses desired in two different areas are the same while the development *form or intensity* desired in the same two places is different.

The proposed amendment attempts to resolve this tension as it leaves the zoning untouched and instead creates a fourth type of lot and building standards which is context sensitive. It can be referred to as infill development standards as it would apply to any lot in the city that meets the definition of an infill lot, which it defines as "any lot zoned residentially and meeting one or more of the following criteria: described by deed or plat recorded prior to January 1, 1954, or annexed into the corporate limits of Kansas City prior to January 1, 1954." The date referenced is important because this is the date that the city's first subdivision ordinance took effect. Any lot established before that date would not have been subjected to lot and building standards and therefore may not be able to comply with today's standards. Those lots which do not comply may be considered nonconforming, and development upon nonconforming lots has proven extremely challenging.

Development on any infill lot would then be considered infill development, which is defined by the proposed ordinance as "any residential development (whether existing, new construction, or modification to an existing residential structure) on an infill residential lot." Infill residential development would then be required to follow the proposed lot and building standards (instead of conventional). The proposed lot and building standards are context-sensitive because they require the proposed development to be similar in scale and form to that of adjacent development. We refer to this area as the infill residential context area or "any lot lying in whole or in part within 200 ft of the subject property and located on the same block face or opposing block face(s) of the subject property".

City staff has proposed alternate amendments in the past in an attempt to resolve the nonconforming lot problem, but that solution was narrowly focused on changing language related to nonconforming lots and it did not resolve concerns raised at that time alleging it would permit development that did not respect the context of its surroundings. This amendment is much broader in that it applies to any infill lot, whether conforming or nonconforming. In the case of a conforming infill lot, the owner may proceed directly to a building permit which would then be evaluated against the new lot and building standards. The owner would be required to demonstrate that the new home conforms to the context of its surroundings in terms of height, width, placement, and setbacks. The same would be true in the case of a nonconforming lot. This text amendment will also include amending the Non-conforming lot definition in section 88-810-980 of the Zoning and Development code to include the following "A lawfully created lot, shown on a plat or survey map recorded in the appropriate recorder of deeds office that does not comply with the most restrictive minimum lot area or lot width standards of the zoning district in which the lot is now located. Infill lots, by definition, are not to be considered non-conforming and are regulated by the standards outlined in 88-107 of the Zoning and Development Code."

REVIEW CRITERIA

Zoning and Development Code Text Amendments (88-510-07)

In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment meets the challenge of changing conditions as there is increased market demand to build on "infill" lots and an increased desire to utilize existing infrastructure to accommodate the city's growth.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment is in the best interest of the city as a whole.

Minor Subdivisions

The zoning and development code establishes two procedural paths to subdivide land: 1) Major Subdivisions, consisting of a preliminary plat and final plat; and 2) Minor Subdivisions. The former path is set aside for subdivisions considered "major" in scope and requires Planning Commission and City Council approval. The latter path is reserved for subdivisions considered to be "minor" in scope and may be administratively approved.

Critique of Current Code

The zoning and development code is unclear in several ways when it comes to Minor Subdivisions, as summarized below.

Issue 1. Conflating eligibility criteria with approval criteria

The code contains applicability criteria which are a blend of criteria outlining what is eligible for a minor subdivision procedure and criteria that should be considered by staff before deciding (to approve or deny) a minor subdivision. The proposed amendment separates the two by creating categories of types of subdivisions (Types 1 to 4 – see Page 1 of Amendment Language) and moving the approval criteria to a separate section and identifying them as such (See Page 4 of Amendment Language).

Issue 2. It assumes every subdivider is dividing land into new lots for development

In reality, many subdivisions are preferred for transactional purposes (i.e. Joe sells his lot to his neighbor, so they can be combined), or to adjust a shared lot line (i.e. Joe sells a portion of his lot to a neighbor). In the first scenario, the transaction results in a *reduction* in the number of lots (from 2 to 1). In the second the number of lots stays the same. Under today's code, both are treated the same as a subdivision that creates new lots (except that the first scenario is "exempt"). The proposed amendment would acknowledge the difference between these scenarios (now referred to as Type 1 Minor Subdivisions) and a scenario in which new lots are being created (now called Type 2 or 3 Minor Subdivisions – depending on the number of lots). A fourth category – Type 4 has been created for condominium plats for naming consistency; however, the regulations about such plats are not proposed to be amended.

Issue 3. Any subdivision involving 6 or more lots must be approved through the Major Subdivision process.

Note the term "involving". The code says if the subdivision includes or involves five or fewer lots it can be processed as a Minor Subdivision. The reality is that many subdivisions include existing AND proposed lots. Staff believes the distinction matters and that the number of existing lots in the subdivision is irrelevant. The number that ought to matter is the number of NEW lots being created. The proposed amendment clarifies this by referencing "new lots" clearly throughout all four types of minor subdivisions.

Additionally, and perhaps most critically, city staff does not understand the basis for 6 or more lots being the factor that triggers a Major Subdivision. There are many requests which undergo a Major Subdivision review and approval process only because they are proposing 7 lots or 12 lots, for example. City staff believes that the scope/size of the subdivision is relevant, but that five lots are an artificially low number. We believe that the main distinguishing factor as to what process is appropriate for any given subdivision is whether public improvements are necessary, if they exist or whether they need to be constructed. If the answer is yes, and the improvements are substantial, the subdivision should be major procedurally so that the Council understands what improvements are being accepted by the City and can grant deviations and waivers where necessary. The number of lots being created is a secondary concern. For this reason, staff supports increasing the number allowed to be created to up to 20 as this is generally the number that can fit within a standard city block, for example. This results in the creation of Type 3 Minor Subdivision depicted in the proposed language.

Summary of Proposed Amendment

The proposed amendment defines a term that is commonly used by staff and design professionals involved in subdivisions. It is important to highlight this term now as it is used below.

"Re-establishment"

This term is used in reference to lots, for example, "re-establishment of lots". The proposed amendment defines this as the adjustment "of a parcel boundary such that their legal descriptions and boundaries are consistent with the legal description and boundaries of the underlying platted lots."

Subdivision) was approved and recorded on the "platted" land. Most of the land area within Kansas City is platted which means that at some point a final plat (i.e. a Major Subdivision). It is common for a parcel (which can be a spatial representation of ownership or the tax bill) to deviate in some way from the plat that "underlies" it. If an owner proposes to subdivide the parcel in a manner that results in its boundaries matching those of the underlying plat they are merely re-establishing it and not creating a new lot. For this reason, staff believes they should be exempt.

The amendment establishes four categories of minor subdivisions to ensure a consistent naming convention. One new category is proposed (Type 3). Whether the category or policy listed below each category reflects a new category/policy, vs. a clarification or whether it is existing and just being recategorized is noted below.

Type 1 Minor Subdivision (clarified)

- No net increase in lots (clarification)
- Exempt from City Review and Approval when: consolidating lots (already exempt) or when re-establishing lots (new policy)
- Public improvements not required (clarification)

Type 2 Minor Subdivision

- Up to 5 new lots (existing)
- Exempt from City Review and Approval when: re-establishing lots (new)
- Required public improvements must exist except curb, drive-approach, sidewalks, street trees, and storm sewer. The city cannot require these to be constructed as a condition of approval. (clarified)

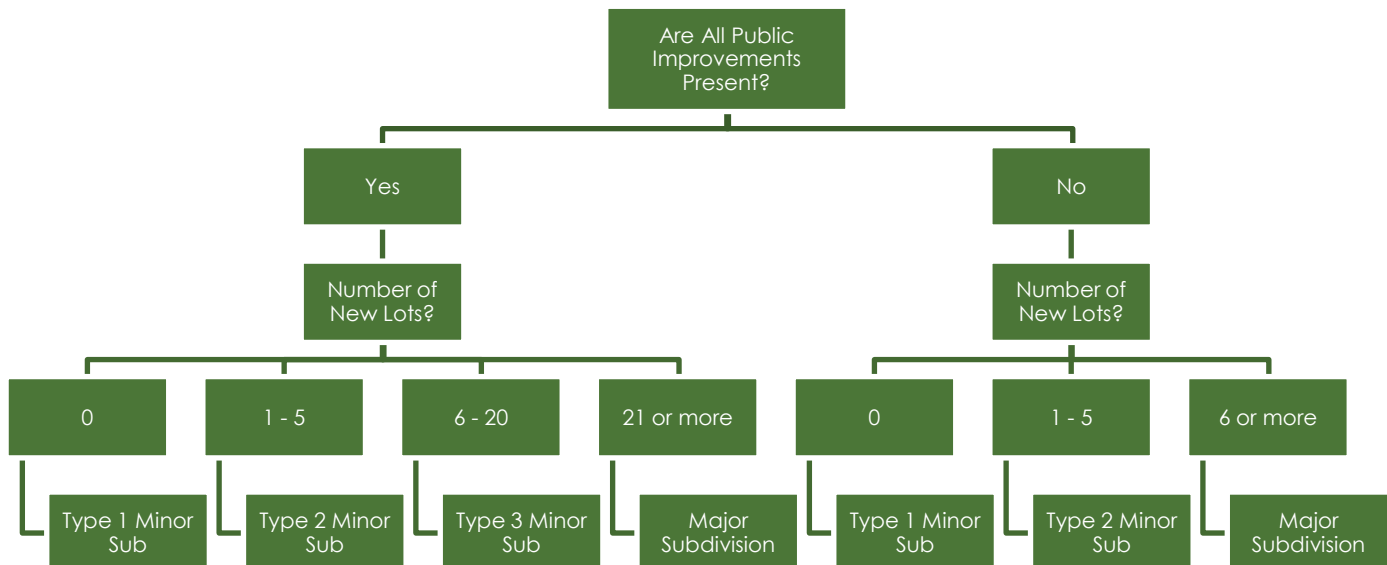
Type 3 Minor Subdivision (New)

- Up to 20 new lots (new)
- Never exempt from city review or approval (new)
- Required public improvements must exist except when curb, drive-approach, sidewalks, streets, or storm sewer do not exist or exist and do not meet current standards, the city may require them to be installed or improved to current standards as a condition of approval. (new)

Type 4 Minor Subdivision

- Condominium plats will now be categorized as a Type 4 Minor Subdivision to ensure consistency of naming convention and reduce confusion.
- Regulations for condo plats will not change.

The proposed amendment can be visually understood by the decision tree below.



REVIEW CRITERIA

Zoning and Development Code Text Amendments (88-510-07)

In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment corrects errors and inconsistencies by creating greater clarity (about Type 1 and 2) and responds to changing conditions (about Type 2).

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would make it easier for owners who wish to make simple adjustments to their property boundaries. It would also open more opportunities for incremental residential development such as infill housing on a small scale (less than 20 homes) in areas where infrastructure and services already exist. This is good for the community overall as it allows new development to utilize the infrastructure which already exists and may reduce the demand to create new infrastructure.

ATTACHMENTS

1. Conditions Report
2. Applicants Submittal
3. Public Engagement Materials
4. Additional documents

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **APPROVAL WITH CONDITIONS** as stated in the conditions report.

Respectfully Submitted,



Najma Muhammad
Planner



Joseph Rexwinkle, AICP
Division Manager – Senior Planner



Plan Conditions

Report Date: September 28, 2022

Case Number: CD-CPC-2021-00214

Project: Infill Residential Development Text Amendments

Condition(s) by City Planning and Development Department. Contact Najma Muhammad at (816) 513-8814 / Najma.Muhammad@kcmo.org with questions.

1. The City Planning and Development Director shall review the projects built under the proposed infill residential development standards within the next 7 months and present findings to Council in June of 2023 to assess whether there is a need for changes.

88-110-07 INFILL RESIDENTIAL DEVELOPMENT STANDARDS

88-110-07-X PURPOSE

- 1) The purpose of these standards is to
 - a. Ensure that residential development in established neighborhoods is generally consistent with the form, bulk, placement, and scale of the existing residential buildings of the same building type, as defined in 88-110-04; and
 - b. Stimulate investment in established neighborhoods; and
 - c. Provide sufficient flexibility to allow incremental evolution of established neighborhoods to meet the community's changing needs.
- 2) The city planning and development director is authorized to interpret and apply this section in any manner which furthers these purposes.

Conflict with Other Provisions

1. If any provision contained herein conflicts with another provision of this zoning and development code, the provisions contained herein shall carry.

Other applicable provisions of this zoning and development code shall apply where this section is silent.

88-110-07-X APPLICABILITY

- a. Infill residential development shall mean any residential development (whether existing, new construction, or modification to an existing residential structure) on an infill residential lot. Such development shall follow the standards of this section.

88-110-07-X INFILL RESIDENTIAL CONTEXT AREA

These standards aim to ensure that proposed development generally conforms to the context of established neighborhoods. To accomplish this a context area shall be established for the property upon which the development is proposed. That area shall be all lots lying in whole or in part within 200 feet of the subject property and located on the same block face, excluding any lot zoned nonresidential, developed with a nonresidential building, or a residential building type not allowed by the zoning of the subject property.



Image depicting the Infill Residential Context Area

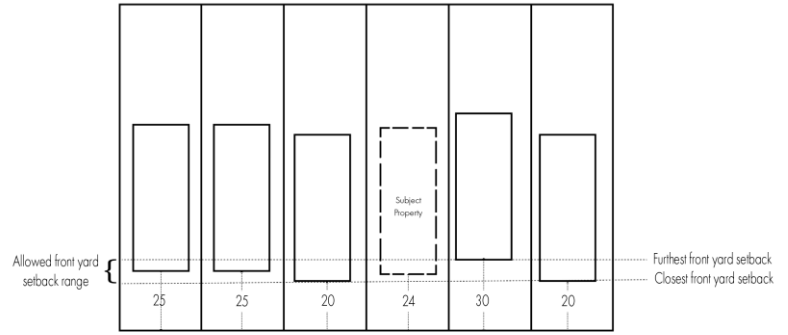
Infill residential lots on block faces with 2 or fewer developed lots, shall follow the conventional development standards reduced by 25%. For example, if the conventional development standard in question is the minimum side yard setback at 10% of the lot width, the applied setback will be 7.5% of the lot width.

88-110-07-X LOT AND BUILDING STANDARDS

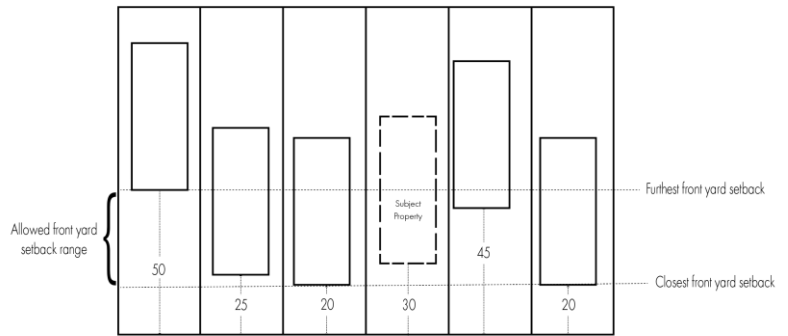
INFILL DEVELOPMENT											
		R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3
Lot Dimensional Standards	Lot Size										
	» Lot area range (sq. ft.)	75% - 150% of the average of all lots in the infill residential context area.									
	» Lot width range (ft.)	75% - 150% of the average of all lots in the infill residential context area.									
Building Depth Dimensional Standards	Front Setback¹	The front setback shall be no lesser than nor greater than that provided by the existing residential buildings in the infill residential context area.									
	» Range	<p style="text-align: center;"><i>Uniform Setbacks</i></p>									

1

Required building setback shall be per this table or the platted building line, whichever is greater.



Close Range Setbacks



Broad Range Setbacks

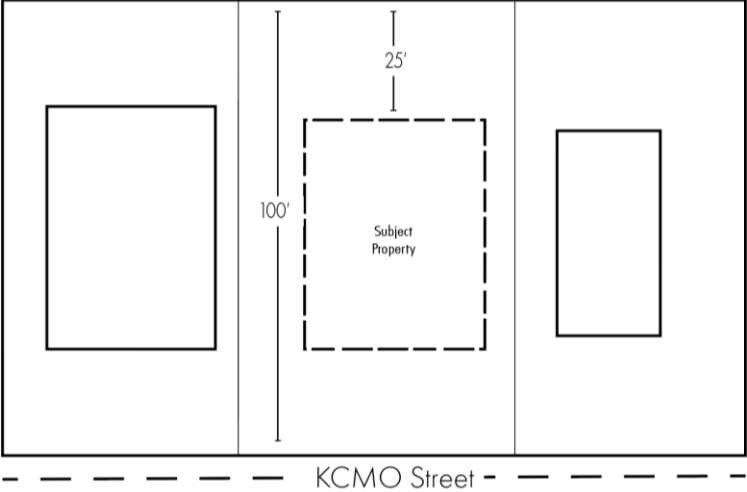
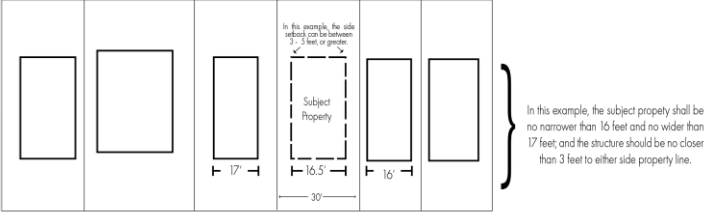
	<p>Rear Setback (min.)</p>	<p>25% of the lot depth or a maximum required 30 feet.</p> 
<p>Building Width Dimensional Standards</p>	<p>Side Setback</p>	
	<p>Building Width » Range</p>	<p>The building width shall not exceed 125% of the widest of the two nearest buildings in the infill residential context area.</p> <p>The width of an existing structure shall be measured by the average width of the building at the front building line.</p>
	<p>Side Setback</p>	<p>The side setback shall be 10% of the lot width or 5 feet, whichever is less.</p> 
		<p>When the required minimum building width is wider than what the side setback permits, the side setback requirement shall have precedence. In all other circumstances, the maximum building width takes precedence.</p>
<p>» Min. abutting street (ft.)</p>	<p>On corner lots, a building shall be setback no lesser than nor greater than that provided by the existing residential buildings on both block faces (Figure 1); however, in no case shall it encroach the sight triangle (Figure 2).</p>	



Fig 1. Setbacks on corner lots shall not exceed that of the buildings provided within 200 ft on either block face.

For this section, the sight triangle shall be that area from the inside of the intersecting property lines away from and along the said property lines a distance of 15 feet in both directions then connecting these points with a line.

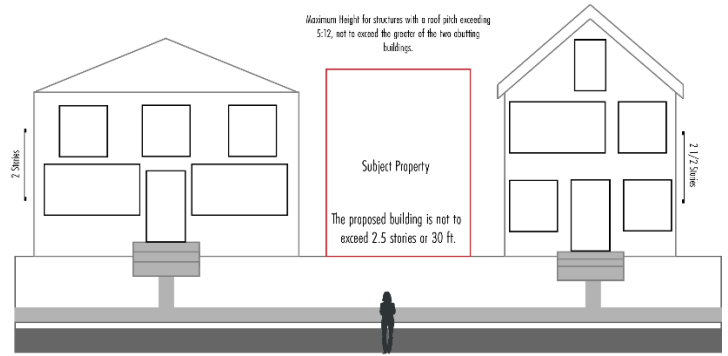


Fig 2. The image depicts a "sight triangle" as defined above.

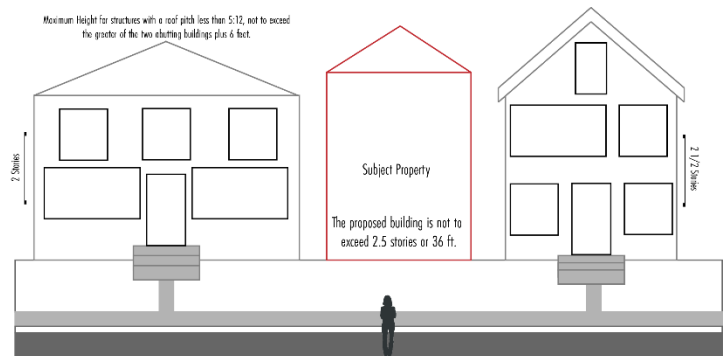
Lot Coverage Standards	Lot Coverage	
	Maximum Lot Coverage (%)	The maximum lot coverage shall not exceed 50% of the lot area
	Maximum Impervious Cover (%) (Includes the principal structure and all other impervious structures and uses)	The maximum impervious cover shall not exceed 75% of the lot area.

Height (ft.)(max)

1. Residential buildings with a roof pitch exceeding 5:12 (e.g., 0:12 – 4:12) shall not exceed the height, in stories, of the greater of the two nearest residential buildings of the same building type on the same block face. For this provision, the height shall be measured as viewed from the street by the city planning and development director. For example, if a residential building, as viewed from the street, appears to be 2 full stories, then that shall be considered its height for this provision.



2. All other residential buildings shall not exceed the height, in feet, of the greater of the two nearest buildings of the same building type on the same block face, based upon said buildings' number of stories, plus 6 feet. For this provision, 12 feet shall be assumed as one story. For example, if the subject property is surrounded, on either side by a 2-story building then the maximum building height allowed on the subject property shall be 30 feet.



88-110-07-X INFILL VEHICULAR USE STANDARDS

- a. When an improved alley is present, driveways from the street are prohibited. In such scenarios, when driveways from the street are proposed they shall only be permitted when at least 50% of the homes in the infill residential context area have a driveway from the same street. When two or more homes are proposed to be constructed on adjacent properties under common ownership and driveways are proposed, the city planning and development director is authorized to require shared driveways. For this section, improved shall mean paved with a hard surface or gravel. It shall not mean that such alley must be improved to current Public Works Department standards.
- b. Garages are permitted if at least 50% of homes in the infill residential context area have them. Double-wide garages are allowed if at least 50% of the homes in the infill residential context area have them.
- c. Under no circumstances shall garage doors on attached garages visible from the street occupy more than 40% of the ground-level façade of the residential building.
- d. Detached garages shall be located in the rear yard.
- e. Areas not discussed above shall follow the standards outlined in section [88-420 Parking and Loading Standards](#) of the Zoning and Development Code.

88-110-07-X OTHER USE STANDARDS

- a. Impervious surface shall be defined as any area covered by a roof, concrete, or asphalt surface.
- b. If an applicant falls within 10% or less than a foot, of the requirement, the city planning and development director has the authority to waive the requirement for a variance and approve a project for permits.

88-420-04-O. INFILL RESIDENTIAL DEVELOPMENT STANDARDS

See 88-110-07 for special parking and loading standards that apply to infill residential development. If the standards of this section conflict with those in 88-110-07, the standards of 88-110-07 shall carry. All other standards of this section shall apply to infill residential development.

88-420-04-P. INFILL RESIDENTIAL DEVELOPMENT PARKING STANDARDS

Any infill residential development of 8 or fewer units is exempt from the minimum parking requirement.

DEFINITIONS

88-810-712 INFILL RESIDENTIAL DEVELOPMENT

Infill residential development shall mean any residential development (whether existing, new construction, or modification to an existing residential structure) on an infill residential lot (See 88-810-748).

88-810-748 LOT, INFILL RESIDENTIAL

Any lot zoned residentially and meeting one or more of the following criteria:

- 1) Described by deed or plat recorded prior to January 1, 1954, or
- 2) Annexed into the corporate limits of Kansas City prior to January 1, 1954

88-810-749 INFILL RESIDENTIAL CONTEXT AREA

Any lot lying in whole or in part within 200 ft of the subject property and located on the same block face of the subject property.

88-810-7XX IMPERVIOUS COVER

The total amount of a lot's impervious surface.

88-810-980 - NONCONFORMING LOT

A lawfully created lot, shown on a plat or survey map recorded in the appropriate recorder of deeds office that does not comply with the most restrictive minimum lot area or lot width standards of the zoning district in which the lot is now located. Infill lots, by definition, are not to be considered non-conforming and are regulated by the standards outlined in 88-107- (insert subsection)

88-535 MINOR SUBDIVISIONS

88-535-01. APPLICABILITY

Any subdivision of land meeting the eligibility criteria below may be approved by the city planning and development director. Any subdivision not meeting these criteria shall require approval of a major subdivision pursuant to 88-540.

88-535-01-A. TYPE 1 MINOR SUBDIVISION

Any subdivision which does not result in a net increase in the number of lots (i.e., a lot line adjustment or lot consolidation) regardless of whether the land area included was previously platted, the cumulative number of lots in the subdivision, and the status of public improvements (i.e. whether or not they exist or meet current standards) within and adjacent to the subdivision.

88-535-01-B. TYPE 2 MINOR SUBDIVISION

Any subdivision which results in a net increase in the number of lots (i.e., a lot split) by up to five additional lots, regardless of whether the land area included was previously-platted, the cumulative number of lots in the subdivision, and the status of public improvements (i.e. whether or not they exist or meet current standards) within and adjacent to the subdivision.

88-535-01-C. TYPE 3 MINOR SUBDIVISION

Any subdivision of previously platted land which results in a net increase in the number of lots (i.e., a lot split) by six but no more than 20 additional lots, regardless of the cumulative number of lots in the subdivision, and when the public improvements required of 88-405-03 are present to serve all lots in the proposed subdivision except that the public improvements specified below need not exist to be eligible for a minor subdivision:

- A. Curb
- B. Drive approaches
- C. Sidewalks
- D. Street trees
- E. Storm sewer and stormwater management facilities (for subdivisions in combined sewer areas)

As a condition of approving the minor subdivision, the city planning and development director shall require construction and installation of all the above except storm sewer and stormwater management facilities for subdivisions in the combined sewer areas. The director is authorized to waive or modify these required improvements in accordance with the criteria of 88-405-25-C.

88-535-01-D. TYPE 4 MINOR SUBDIVISION

Any subdivision of a building that meets the definition of a condominium plat contained in 88-810-370.

(Ord. No. 120783, § 1, 10-4-2012; Ord. No. 151013, § A, 12-10-2015)

88-535-02 EXEMPTIONS

Any subdivision meeting the following criteria is exempt from the minor subdivision approval process.

88-535-02-A. RE-ESTABLISHMENT

A subdivision that meets the criteria of a Type 1 Minor Subdivision as stated above (i.e. a lot line adjustment or lot consolidation) or a Type 2 Minor Subdivision (i.e. a lot split resulting in up to five additional lots) which proposes “re-establishing” previously-platted lots shall be exempt from this process and may “re-establish” the previously-platted lots by deed at the appropriate county recorder’s office so long as the previously-platted lots meet the requirements of this zoning and development code.

For the purposes of this section, “re-establishment” shall mean adjusting parcel boundaries such that their legal descriptions and boundaries are consistent with the legal description and boundaries of the underlying lots.

88-535-02-B. CONSOLIDATIONS

A subdivision that meets the criteria of a Type 1 Minor Subdivision as stated above which results in a net reduction in the number of lots (i.e., a lot consolidation) shall be exempt from this process and may combine by deed or tax parcel at the appropriate county recorder’s office so long as the resulting lots meet the requirements of this zoning and development code.

88-535-03 AUTHORITY TO FILE

Minor subdivision applications may be filed only by the subject landowner or the subject landowner's authorized agent.

(Ord. No. 151013, § A, 12-10-2015)

Editor's note(s)—Ord. No. 151013, § A, adopted December 10, 2015, amended the code by renumbering former 88-535-02—88-535-06 as new 88-535-03—88-535-07.

88-535-04 APPLICATION FILING

Complete applications for minor subdivisions must be filed with appropriate personnel in the city planning and development department. Minor subdivision surveys must contain all graphical submittal data as required for final plats.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-03. See editor's note, 88-535-03.

88-535-05 REVIEW AND DECISION—CITY PLANNING AND DEVELOPMENT DIRECTOR

The city planning and development director must review each application for minor subdivision approval using the criteria provided below and act to approve, approve with conditions, deny, or refer the application to the city plan commission. If referred to the city plan commission, the city plan commission may act to approve, approve with

conditions, or deny the application. The city plan commission may also act to continue the matter for further deliberation.

88-535-05-A. REVIEW CRITERIA FOR TYPE 1, TYPE 2, AND TYPE 3 MINOR SUBDIVISIONS

The city planning and development director is authorized to approve a Type 1, Type 2, or Type 3 Minor Subdivision when:

1. The subdivision meets the eligibility criteria of 88-535-01-A; and
2. The subdivision complies with all applicable provisions of this zoning and development code; and
3. The subdivision complies with the Major Street Plan; and
4. That proposed lots which are greater than one acre in area do not exceed a lot depth to lot width ratio of 3:1; and
5. Dedication of rights-of-way and easements, if required, are made by separate instrument, and accepted by the City Council as required by this zoning and development code prior to recording the minor subdivision; and
6. The proposed subdivision does not adversely affect the remainder of the parcel.

88-535-05-B. REVIEW CRITERIA FOR TYPE 4 MINOR SUBDIVISIONS

The city planning and development director is authorized to approve a Type 4 Minor Subdivision (condominium plat) when it complies with all the following requirements:

1. the plat must comply with the preliminary plat and/or plan that was approved for the overall development, including any limits on the maximum number of condominium units allowed;
2. the plat must conform to the requirements of Section 448.2-109, RSMo;
3. the plat must show the footprint of the buildings and the building identification system;
4. the plat must include a permanent benchmark and references to the survey monuments by a metes and bounds description;
5. the plat must include the owner's signature;
6. the plat must include the names, addresses and phone numbers of the owners and the company preparing the condominium plat;
7. the plat must include the surveyor's seal, signature and certification;
8. the plat must include the exact dimensions of the condominium units;
9. the plat must show the location of the common elements and limited common elements;
10. the plat submission must include a chronology chart referencing the building number, plat book and page, and date of any previously recorded condominium plats when there are multiple condominium plats;
11. the plat submission must include the declaration of condominium or amendment to the declaration;
12. the plat may not be approved until all required dedications of public rights-of-way and easements, if any, are made and accepted by the city council; and
13. the plat may not be approved until the city planning and development department has received confirmation that any required parkland or private open space dedication or payments in lieu of parkland have been completed.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-04. See editor's note, 88-535-03.

88-535-06 RECORDING

Upon approval of a minor subdivision, the land survey/condominium plat must be recorded in the office of the appropriate county recorder of deeds. Recording must occur within 90 days of the date of approval by the city planning and development director.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-05. See editor's note, 88-535-03.

88-535-07 APPEALS

88-535-07-A. If the city planning and development director disapproves the minor subdivision or approves the minor subdivision with conditions or modifications, the applicant may appeal the city planning and development director's decision to the city plan commission by filing a notice of appeal with the city planning and development director. Appeals must be filed within 15 calendar days of the date of the city planning and development director's decision.

88-535-07-B. Appeals of the city plan commission's decision, in the case of a minor subdivision appealed to the city plan commission, may be appealed to the city council by filing a notice of appeal with the city planning and development director. Appeals must be filed within 15 calendar days of the city plan commission decision.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-06. See editor's note, 88-535-03.

Kansas City Neighborhood Advisory Council



October 3, 2022

Office of City Planning & Development
City Plan Commission
Councilmembers
City of Kansas City, Missouri

RE: Case # CD-CPC-2021-00214

Dear Commissioners, Councilmembers, and Staff,

Over the 6 months since we last testified on the Residential Infill Development Ordinance, the board members of KCNAC have hosted and/or attended more than 15 meetings, presentations, and workshops. KCNAC hosted 10 workshops attended by well over 50 individuals from Armour Hills, Ward Parkway Homes, Oak Meyer Gardens, Sacred Heart, Westside North, Center Planning & Development, South Kansas City Alliance, Westside Central, Downtown Neighborhood, Maplewood Park, Wing & Steen (49/63), and the Council of Neighborhood Leaders (Center for Neighborhoods.) Key feedback gathered from these engagements includes:

- Lack of clarity on the intent and priorities of the ordinance
- Lack of transparency on the Type 3 Minor Subdivision component
- Focus on detached dwelling units (single-family homes) that doesn't address the need for additional housing types desired by some existing neighborhoods
- Confusion as to how the recently proposed zoning ordinances holistically impact affordable and accessible housing options
- And more recently, how the ADU ordinance aligns with the Infill ordinance

Although the proposed Infill Development Lot and Building Standards language has been discussed several times, specific language within the ordinance will need additional refinement before final actions can be considered. For example, attention is needed to clarify and coordinate building height calculations with the use of tuck-under garages where this type of residential dwelling is appropriate.

The inclusion of the Type 3 Minor Subdivision in this ordinance should be reconsidered to ensure the application beyond the scope of the Infill Lot & Building Standards is clear. Additionally, this scale of development must continue to require public engagement.

Reflecting our commitment to public engagement and healthy neighborhoods, the KCNAC Board of Directors formally recommends that the City Plan Commission's position on Case # CD-CPC-2021-00214 include the following conditions and recommendations.

Conditions:

1. Separate minor subdivision amendments into a separate ordinance to clarify this amendment will apply to all residential lots and is not limited to the 1954 definition of the Infill Lot & Building standards.
 - a. Restate Type 3 to include compliance with the public engagement requirements of 88-505-12.
2. Look back must also include a presentation to the KCNAC board and at a general meeting of the KCNAC.
 - a. Case references in study period must include not only filing status of applicant but whether the subject property was occupied or resold at the completion of the permitted work
3. Evaluate height calculation methodology to establish where height measurement is based.
 - a. Clarify example images to improve readability
4. Restate garage door width restriction to allow tuck-under garages with minimal sidewalk impacts; coordinate language with item #3 to avoid conflict and consider referencing building width and not ground-level façade
5. Remove detached garage restriction; the ADU ordinance allows detached accessory dwelling units on all residential lots, which either creates a conflict or renders this restriction irrelevant
6. Define impervious cover by % of perviousness, not material, i.e. pavers and concrete are available in both pervious and impervious versions, technology is constantly changing
7. Clarify 88-420-04-P to apply to a single lot (i.e. multi-family building) or remove. There is no consensus around removing parking requirements on detached dwelling unit (single-family) lots/building projects.

Recommendations:

1. Implement pilot applications by neighborhood, block, or specific application type
 - a. Design implementation to prioritize empty lots and protect existing housing stock
 - b. Partner with applicant(s) and neighborhood organizations
 - c. Analyze outcomes and incorporate findings to refine code language
2. Waive fees for owner/occupied applications with claw-backs
3. Review ADU language to coordinate housing strategy priorities and eliminate conflicts.

There is considerable work to be done to produce a sustainable residential zoning code that reflects and acknowledges the history of our city, prioritizes equity, stabilizes communities across the socio-economic spectrum, and strategically leverages investment trends that are in the best interest of Kansas City. The KCNAC Board of Directors will continue to advocate for truly inclusive opportunities for constituents to participate in the development and refinement of housing policy in Kansas City.

Sincerely,

Tiffany Moore & Jennie Walters

Tiffany Moore & Jennie Walters
Co-chairs, Kansas City Neighborhood Advisory Council

Rodney Sampson, 3rd District
Linda Brown, 5th District
Carol Winterowd, 6th District



Plan Conditions

Report Date: September 28, 2022

Case Number: CD-CPC-2021-00214

Project: Infill Residential Development Text Amendments

Condition(s) by City Planning and Development Department. Contact Najma Muhammad at (816) 513-8814 / Najma.Muhammad@kcmo.org with questions.

1. The City Planning and Development Director shall review the projects built under the proposed infill residential development standards within the next 7 months and present findings to Council in June of 2023 to assess whether there is a need for changes.



CITY PLAN COMMISSION

15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

kcmo.gov/planning

October 12, 2022

Re: **CD-CPC-2021-00214** - Amending Chapter 88, the Zoning and Development Code, as it pertains to 88-535, Minor Subdivisions and 88-110-06, Residential Districts Lot and Building Standards and any other necessary related amendments.

Dear :

At its meeting on October 04, 2022, the City Plan Commission acted as follows on the above-referenced case.

Approved

The Commission's action is only a recommendation. Your request must receive final action from the . All conditions imposed by the Commission, if any, are available on the following page(s).

PLEASE READ CONDITIONS CAREFULLY as some or all of the conditions imposed may require action on your part to proceed to the next step.

- If revised plans are required, you must make such revisions and upload the revised plans prior to proceeding to final action.
- If revised plans are not required, your request will automatically be submitted for consideration.

If you have any questions, please contact me at Najma.Muhammad@kcmo.org or (816) 513-8814.

Sincerely,

A handwritten signature in black ink, appearing to read "Najma Muhammad".

Najma Muhammad
Planner

The following are recommended by Najma Muhammad. For questions, contact Najma Muhammad at (816) 513-8814 or Najma.Muhammad@kcmo.org.

- 1) The City Planning and Development Director shall review the projects built under the proposed infill residential development standards within the next 7 months and present findings to Council in June of 2023 to assess whether there is a need for changes.

88-535 MINOR SUBDIVISIONS

88-535-01. APPLICABILITY

Any subdivision of land meeting the eligibility criteria below may be approved by the city planning and development director. Any subdivision not meeting these criteria shall require approval of a major subdivision pursuant to 88-540.

88-535-01-A. TYPE 1 MINOR SUBDIVISION

Any subdivision which does not result in a net increase in the number of lots (i.e., a lot line adjustment or lot consolidation) regardless of whether the land area included was previously platted, the cumulative number of lots in the subdivision, and the status of public improvements (i.e. whether or not they exist or meet current standards) within and adjacent to the subdivision.

88-535-01-B. TYPE 2 MINOR SUBDIVISION

Any subdivision which results in a net increase in the number of lots (i.e., a lot split) by up to five additional lots, regardless of whether the land area included was previously-platted, the cumulative number of lots in the subdivision, and the status of public improvements (i.e. whether or not they exist or meet current standards) within and adjacent to the subdivision.

88-535-01-C. TYPE 3 MINOR SUBDIVISION

Any subdivision of previously platted land which results in a net increase in the number of lots (i.e., a lot split) by six but no more than 15 additional lots, regardless of the cumulative number of lots in the subdivision, and when the public improvements required of 88-405-03 are present to serve all lots in the proposed subdivision except that the public improvements specified below need not exist to be eligible for a minor subdivision:

- A. Curb
- B. Drive approaches
- C. Sidewalks
- D. Street trees
- E. Storm sewer and stormwater management facilities (for subdivisions in combined sewer areas)

As a condition of approving the minor subdivision, the city planning and development director shall require construction and installation of all the above except storm sewer and stormwater management facilities for subdivisions in the combined sewer areas. The director is authorized to waive or modify these required improvements in accordance with the criteria of 88-405-25-C.

88-535-01-D. TYPE 4 MINOR SUBDIVISION

Any subdivision of a building that meets the definition of a condominium plat contained in 88-810-370.

(Ord. No. 120783, § 1, 10-4-2012; Ord. No. 151013, § A, 12-10-2015)

88-535-02 EXEMPTIONS

Any subdivision meeting the following criteria is exempt from the minor subdivision approval process.

88-535-02-A. RE-ESTABLISHMENT

A subdivision that meets the criteria of a Type 1 Minor Subdivision as stated above (i.e. a lot line adjustment or lot consolidation) or a Type 2 Minor Subdivision (i.e. a lot split resulting in up to five additional lots) which proposes “re-establishing” previously-platted lots shall be exempt from this process and may “re-establish” the previously-platted lots by deed at the appropriate county recorder’s office so long as the previously-platted lots meet the requirements of this zoning and development code.

For the purposes of this section, “re-establishment” shall mean adjusting parcel boundaries such that their legal descriptions and boundaries are consistent with the legal description and boundaries of the underlying lots.

88-535-02-B. CONSOLIDATIONS

A subdivision that meets the criteria of a Type 1 Minor Subdivision as stated above which results in a net reduction in the number of lots (i.e., a lot consolidation) shall be exempt from this process and may combine by deed or tax parcel at the appropriate county recorder’s office so long as the resulting lots meet the requirements of this zoning and development code.

88-535-03 AUTHORITY TO FILE

Minor subdivision applications may be filed only by the subject landowner or the subject landowner's authorized agent.

(Ord. No. 151013, § A, 12-10-2015)

Editor's note(s)—Ord. No. 151013, § A, adopted December 10, 2015, amended the code by renumbering former 88-535-02—88-535-06 as new 88-535-03—88-535-07.

88-535-04 APPLICATION FILING

Complete applications for minor subdivisions must be filed with appropriate personnel in the city planning and development department. Minor subdivision surveys must contain all graphical submittal data as required for final plats.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-03. See editor's note, 88-535-03.

88-535-05 REVIEW AND DECISION—CITY PLANNING AND DEVELOPMENT DIRECTOR

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4. That proposed lots which are greater than one acre in area do not exceed a lot depth to lot width ratio of 3:1; and
5. Dedication of rights-of-way and easements, if required, are made by separate instrument, and accepted by the City Council as required by this zoning and development code prior to recording the minor subdivision; and
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88-535-05-B. REVIEW CRITERIA FOR TYPE 4 MINOR SUBDIVISIONS

The city planning and development director is authorized to approve a Type 4 Minor Subdivision (condominium plat) when it complies with all the following requirements:

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(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-04. See editor's note, 88-535-03.

88-535-06 RECORDING

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(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-05. See editor's note, 88-535-03.

88-535-07 APPEALS

88-535-07-A. If the city planning and development director disapproves the minor subdivision or approves the minor subdivision with conditions or modifications, the applicant may appeal the city planning and development director's decision to the city plan commission by filing a notice of appeal with the city planning and development director. Appeals must be filed within 15 calendar days of the date of the city planning and development director's decision.

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(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-06. See editor's note, 88-535-03.

88-110-07 INFILL RESIDENTIAL DEVELOPMENT STANDARDS

88-110-07-A. PURPOSE

- 1) The purpose of these standards is to
 - a. Ensure that residential development in established neighborhoods is generally consistent with the form, bulk, placement, and scale of the existing residential buildings of the same building type, as defined in 88-110-04; and
 - b. Stimulate investment in established neighborhoods; and
 - c. Provide sufficient flexibility to allow incremental evolution of established neighborhoods to meet the community's changing needs.
- 2) The city planning and development director is authorized to interpret and apply this section in any manner which furthers these purposes.

Conflict with Other Provisions

1. If any provision contained herein conflicts with another provision of this zoning and development code, the provisions contained herein shall carry.
2. Other applicable provisions of this zoning and development code shall apply where this section is silent.

88-110-07-B. APPLICABILITY

- a. Infill residential development shall mean any residential development (whether existing, new construction, or modification to an existing residential structure) on an infill residential lot. Such development shall follow the standards of this section.

88-110-07-C. INFILL RESIDENTIAL CONTEXT AREA

These standards aim to ensure that proposed development generally conforms to the context of established neighborhoods. To accomplish this a context area shall be established for the property upon which the development is proposed. That area shall be all lots lying in whole or in part within 200 feet of the subject property and located on the same block face, excluding any lot zoned nonresidential, developed with a nonresidential building, or a residential building type not allowed by the zoning of the subject property.



Image depicting the Infill Residential Context Area

Infill residential lots on block faces with 2 or fewer developed lots, shall follow the conventional development standards reduced by 25%. For example, if the conventional development standard in question is the minimum side yard setback at 10% of the lot width, the applied setback will be 7.5% of the lot width.

88-110-07-D. LOT AND BUILDING STANDARDS

1. GENERAL

- a) The following standards shall apply to all residential districts – R-80, R-10, R-7.5, R-6, R-5, R-2.5, R-1.5, R-0.75, R-0.5, and R-0.3.
- b) Required building setback shall be per this table or the platted building line, whichever is greater.

2. LOT DIMENSIONAL STANDARDS

- a) Lot area is to be between 75% - 150% of the average of all lots in the infill residential context area.
- b) Lot width shall be 75% - 150% of the average of all lots in the infill residential context area.

3. BUILDING DEPTH DIMENSIONAL STANDARDS

- a) FRONT SETBACK - The front setback shall be no lesser than nor greater than that provided by the existing residential buildings in the infill residential context area.

Insert Image

- b) REAR SETBACK - 25% of the lot depth or a maximum required 30 feet.

Insert Image

4. BUILDING WIDTH DIMENSIONAL STANDARDS

- a) SIDE SETBACK – The side setback shall be 10% of the lot width or 5 feet, whichever is less.

Insert Image

- b) BUILDING WIDTH – The building width shall not exceed 125% of the widest of the two nearest buildings in the infill residential context area. The width of an existing structure shall be measured by the average width of the building at the front building line.

When the required minimum building width is wider than what the side setback permits, the side setback requirement shall have precedence. In all other circumstances, the maximum building width takes precedence.

Insert Image

- c) CORNER LOTS - On corner lots, a building shall be setback no lesser than nor greater than that provided by the existing residential buildings on both block faces (Figure 1); however, in no case shall it encroach the sight triangle (Figure 2).

For this section, the sight triangle shall be that area from the inside of the intersecting property lines away from and along the said property lines a distance of 15 feet in both directions then connecting these points with a line.

Insert Image

5. LOT COVERAGE STANDARDS

- a) LOT COVERAGE – The maximum lot coverage shall not exceed 50% of the lot area.

Insert Image

- b) IMPERVIOUS COVER – The maximum impervious cover shall not exceed 75% of the lot area. (This includes the principal structure and all other impervious structures and uses.)

Insert Image

6. HEIGHT

- a) Residential buildings with a roof pitch between 0:12 – 2:12 and 9:12 – 12:12 may not exceed the height, in stories, of the greater of the two nearest residential buildings of the same building type on the same block face. For this provision, a full story shall be 12' high and the number of stories shall be determined as viewed from the street. For example, if a residential building, as viewed from the street, appears to be 2 full stories, then 24' shall be considered its height for this provision.

Insert Image

- b) All other residential buildings shall not exceed the height, in feet, of the greater of the two nearest buildings of the same building type on the same block face, based upon said buildings' number of stories, plus 6 feet. This encompasses residential buildings with roof pitches between 3:12 – 8:12. For this provision, a full story shall be 12' high and the number of stories shall be determined as viewed from the street. For example, if the subject property is surrounded, on either side by a 2-story building then the maximum building height allowed on the subject property shall be 30 feet.

Insert Image

- c) The height of the residential building shall be measured from the average grade at ground level to the top of the main wall below the roof's eave. For buildings with dormers on the front façade, the top of the wall below the eave of the dormer shall be included in the height, if the dormer exceeds 50% of the width of the façade.

88-110-07-E. INFILL VEHICULAR USE STANDARDS

- a. When an improved alley is present, driveways from the street are prohibited. In such scenarios, when driveways from the street are proposed they shall only be permitted when at least 50% of the homes in the infill residential context area have a driveway from the same street. When two or more homes are proposed to be constructed on adjacent properties under common ownership and driveways are proposed, the city planning and development director is authorized to require shared driveways. For this section, improved shall mean paved with a hard surface or gravel. It shall not mean that such alleys must be improved to current Public Works Department standards.
- b. Attached garages are permitted if at least 50% of homes in the infill residential context area have them.
- c. Attached garages visible from the street shall not occupy more than 40% of the ground-level façade width. This applies to garages under the main floor level as well as garages adjacent to the main floor level. Where the garage is below the main floor level, measurements to determine the maximum façade percentage shall be at the grade closest to the main floor level.
- d. Detached garages shall be in the rear yard.

Insert Images

88-110-07-F. OTHER USE STANDARDS

- a. If an applicant falls within 10% or less than a foot, of the requirement, the city planning and development director has the authority to waive the requirement for a variance and approve a project for permits.

88-420-04-O. INFILL RESIDENTIAL DEVELOPMENT STANDARDS

See 88-110-07 for special parking and loading standards that apply to infill residential development. If the standards of this section conflict with those in 88-110-07, the standards of 88-110-07 shall carry. All other standards of this section shall apply to infill residential development.

88-420-04-P. INFILL RESIDENTIAL DEVELOPMENT PARKING STANDARDS

Any infill residential development of 8 or fewer units is exempt from the minimum parking requirement.

DEFINITIONS

88-810-712 INFILL RESIDENTIAL DEVELOPMENT

Infill residential development shall mean any residential development (whether existing, new construction, or modification to an existing residential structure) on an infill residential lot (See 88-810-748).

88-810-748 LOT, INFILL RESIDENTIAL

Any lot zoned residentially and meeting one or more of the following criteria:

- 1) Described by deed or plat recorded prior to January 1, 1954, or
- 2) Annexed into the corporate limits of Kansas City prior to January 1, 1954

88-810-749 INFILL RESIDENTIAL CONTEXT AREA

Any lot lying in whole or in part within 200 ft of the subject property and located on the same block face of the subject property.

88-810-7XX IMPERVIOUS COVER

The total amount of a lot's impervious surface.

88-810-7XX IMPERVIOUS SURFACE

Any area covered by a roof, concrete, or asphalt surface.

88-810-980 - NONCONFORMING LOT

A lawfully created lot, shown on a plat or survey map recorded in the appropriate recorder of deeds office that does not comply with the most restrictive minimum lot area or lot width standards of the zoning district in which the lot is now located.