

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 190506

Amending Chapter 88, the Zoning & Development Code, by repealing Section 88-610-03., Nonconforming Lots, and enacting a new section of like number and title in lieu thereof; deleting Section 88-820-01-B., Exceptions; and enacting Section 88-110-06-D., Exceptions, to permit construction of a single family-dwelling on an area of land legally created. (CD-CPC-2019-00060)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Section 88-610-03. Nonconforming Lots is hereby repealed and a new section of like number and title is enacted, to read as follows:

88-610-03 NONCONFORMING LOTS

88-610-03-A. DESCRIPTION

A nonconforming lot is 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.

88-610-03-B. USE OF NONCONFORMING LOTS

1. In residential zoning districts, a nonconforming lot may be developed with a detached house.
2. In nonresidential zoning districts, a nonconforming lot may be developed with a use allowed within the subject zoning classification. If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.

88-610-03-C. LOT CONSOLIDATION

- ~~1. If two or more abutting lots (or portions of abutting lots), one or more of which are nonconforming, are in single ownership, the land involved will be deemed a single lot for purposes of determining compliance with lot size requirements, and no portion of the lot may be sold or used in a manner that diminishes compliance with lot size requirements.~~
- ~~2. In cases where 2 or more abutting lots of record are under single ownership and are deemed a single lot as set forth in paragraph 1 above, the city planning and development director may allow re-establishment of a lot previously combined with an abutting lot in order to accommodate a detached house, provided both of the following conditions are met:~~

~~(a) granting of the request results in compatible infill development that is in keeping with the pattern of development on the subject block; and~~

~~(b) the lot split will not result in the creation of any lot that is less than 30 feet in width.~~

88-610-03-~~DC~~. DIMENSIONAL STANDARDS

Development on nonconforming lots must comply with the bulk and density standards of the subject zoning classification unless otherwise expressly stated.

Section B. That Section 88-820-01-B, Exceptions, is hereby repealed.

~~88-820-01-B. EXCEPTIONS~~

~~1. A single family dwelling, wherever permitted as an allowable use, may be erected on any area of land in separate ownership that was in existence at the time of the passage of the original Ordinance No. 45608, passed June 4, 1923, or any subsequent amendment thereto that causes the area of land in separate ownership to contain less area than required to house one family in the district in which it is located, provided all setback, height, and parking requirements of this zoning and development code are met. For purposes of this section, separate ownership means any lot previously established by a recorded subdivision plat or any lot established by a recorded conveyance made prior to March 1, 1954, or made in conformance with subdivision regulations of this code, or as otherwise lawfully established.~~

~~2. A single family dwelling, wherever permitted as an allowable use, may be erected on any area of land established by an approved lot split or subdivision plat.~~

Section C. That Section 88-110-06-D, Exceptions, is hereby enacted, with said new section to read as follows:

88-110-06-D. EXCEPTIONS

1. A single-family dwelling, wherever permitted as an allowable use, may be erected on any area of land in separate ownership that was in existence at the time of the passage of the original Ordinance No. 45608, passed June 4, 1923, or any subsequent amendment thereto that causes the area of land in separate ownership to contain less lot width or less lot area than required to house one family in the district in which it is located, provided all setback, height, and parking requirements of this zoning and development code are met. For purposes of this section, separate ownership means any lot previously established by a recorded subdivision plat or any lot established by a recorded conveyance made prior to March 1, 1954, or made in conformance with subdivision regulations of this code, or as otherwise lawfully established.

2. A single-family dwelling, wherever permitted as an allowable use, may be erected on any area of land established by an approved lot split or subdivision plat.

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Section D. That the Council finds and declares that before taking any action on the proposed amendments to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

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:

Sarah Baxter
Assistant City Attorney