

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220997, AS AMENDED

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-110, Residential Districts, and enacting in lieu thereof a new section of like number and subject matter for the purpose of creating standards for infill development; repealing section 88-420-04, Exemptions, Reductions and Special Area Standards, and enacting in lieu thereof a new section of like number and subject matter in order to add parking standards for infill residential development; repealing section 88-535, Minor Subdivisions, and enacting in lieu thereof a new section of like number and subject matter to revise the minor subdivision process; amending Section 88-610-03-C, Lot Consolidation; amending Section 88-810, Definitions, to add and revise definitions relevant to new code sections concerning infill development; amending Section 88-505-12 to require public engagement for Minor Subdivisions which propose waivers or modifications pursuant to 88-405-25; and directing the City Manager to cause a review of this Ordinance no later than 18 months after the effective date. (CD-CPC-2021-00214)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending Chapter 88, Code of Ordinances, by repealing and replacing Section 88-110, Residential Districts, and enacting in lieu thereof a new section of like number and subject matter in order to create infill residential development standards, said section to read as follows:

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88-110 RESIDENTIAL DISTRICTS

88-110-01 DISTRICTS

88-110-01-A. LIST

The city's residential zoning districts are listed below. When this zoning and development code refers to "residential" zoning districts or "R" districts, it is referring to these districts.

Map Symbol	District Name
R-80	Residential 80
R-10	Residential 10
R-7.5	Residential 7.5
R-6	Residential 6
R-5	Residential 5

R-2.5	Residential 2.5
R-1.5	Residential 1.5
R-0.75	Residential 0.75
R-0.5	Residential 0.5
R-0.3	Residential 0.3

88-110-01-B. DECIPHERING THE NAMES AND MAP SYMBOLS

The R district names (map symbols) are intended to provide a general indication of what is allowed in the district, with the "R" denoting the residential orientation of the district and the numeral providing a general indication of the allowed density, expressed in terms of the required minimum lot area per dwelling unit (in thousands). The R-7.5 district, for example, is a short-hand reference to a residential district that generally allows one dwelling unit per 7,500 square feet of gross site area.

88-110-02 PURPOSE

Kansas City's residential (R) zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. The R district standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the city's many neighborhoods. In addition, the regulations offer certainty for property owners, developers, and neighbors about the limits of what is allowed.

88-110-03 USES

88-110-03-A. USE TABLE

Uses are allowed in R zoning districts in accordance with Table 110-1, below.

88-110-03-B. USE CLASSIFICATION SYSTEM

For the purpose of this zoning and development code, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in 88-805. The first column of Table 110-1 lists the groups, categories, and types allowed in one or more R districts.

88-110-03-C. PERMITTED USES

Uses identified with a "P" in Table 110-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-110-03-D. SPECIAL USES

Uses identified with an "S" in Table 110-1 may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. Special uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning and development code.

88-110-03-E. PROHIBITED USES

Uses not listed in the table and those identified with a "-" are expressly prohibited.

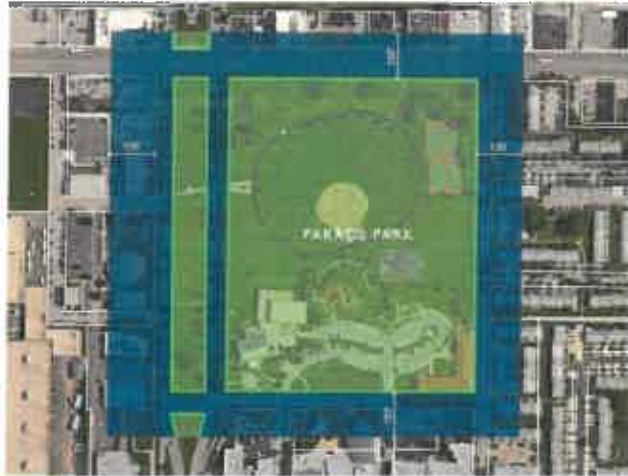
88-110-03-F. USE STANDARDS

The "use standards" column of Table 110-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special use approval.

88-110-03-G. SPECIAL STANDARDS ADJACENT TO AND WITHIN 150 FEET OF PARKS, BOULEVARDS, AND PARKWAYS

Additional regulations and restrictions on uses adjacent to parks, boulevards and parkways are imposed in Table 110-1, as follows:

1. Uses identified with a bracketed numeral one "[1]" are prohibited adjacent to and within 150 feet of any park, boulevard, or parkway.
2. Uses identified with a bracketed numeral two "[2]" require special use permit approval if adjacent to and within 150 feet of any park, boulevard, or parkway. (Refer to special use permit procedures in 88-525).
3. Uses identified with a bracketed numeral three "[3]":
 - a. are prohibited adjacent to and within 150 feet of any park or boulevard or within a development node, and
 - b. require special use permit approval if adjacent to and within 150 feet of any parkway.



Land use restrictions apply to property adjacent to and within 150 feet of parks, boulevards, and parkways. The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway or the property boundary of the park to the nearest property line of the lot occupied by, or proposed to be occupied by, the restricted use type. These restrictions apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the park, boulevard, or parkway.

Further, all uses or development adjacent to and within 150 feet of any boulevard or parkway (not including a park) and within ¼ mile of a development node shall comply with Boulevard and Parkway Standards per 88-323.



Boulevard and Parkway Standards (88-323) apply to property adjacent to and within 150 feet of, boulevards and parkways (not parks). The 150-foot distance is measured from the nearest edge of the right-of-way of the boulevard or parkway to the nearest property line of the lot occupied by, or proposed to be occupied by, the regulated land use. The standards apply only to that portion of the adjacent property (parcel or lot) located within 150 feet of the boulevard or parkway.

**Table 110-1
Residential Districts Use Table**

USE GROUP (refer to 88-805 Use Groups and Categories)		ZONING DISTRICT										Use Standards
Use Category » specific use type	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		
RESIDENTIAL												
Household Living	P	P	P	P	P	P	P	P	P	P	88-110-06-C & 88-323	
Group Living (except as noted below)	-	-	-	-	-	-	S	S	S	S	88-350	
» Group homes	-	-	-	-	-	-	P	P	P	P	88-350	
» Nursing home	S	S	S	S	S	S	P	P	P	P	88-350	
PUBLIC/CIVIC												
Bicycle-Sharing Facilities	P	P	P	P	P	P	P	P	P	P	88-322	
Club, Lodge, or Fraternal Organization	-	-	-	-	-	-	P	P	P	P		
College/University	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365	
Day Care												
» Home-based (1—5)	P	P	P	P	P	P	P	P	P	P		
» Family (up to 10)	P	P	P	P	P	P	P	P	P	P	88-330-01	
» Group (up to 20)	P	S	S	S	S	S	P	P	P	P	88-330-02	
» Center (21+)	P	-	-	-	-	-	-	-	-	-	88-330-02	

Detention and Correctional Facilities	S[1]	-	-	-	-	-	-	-	-	-	88-335	
Halfway House	S	-	-	-	-	-	-	-	-	-	88-352	
Hospital	-	-	-	-	-	-	-	-	S	S		
Library/Museum/Cultural Exhibit	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S	88-365	
Park/Recreation	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365	
» Homes Association Amenities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-805-03-H	
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365	
Safety Service (except as noted below)	S	S	S	S	S	S	S	S	S	S	88-365	
» Fire station	P	P	P	P	P	P	P	P	P	P	88-365	
» Police station	P	P	P	P	P	P	P	P	P	P	88-365	
School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365	
Utilities and Services (except as noted below)	S[1]	S	S	S	S	S	S	S	S	S		
» Basic, minor	P	P	P	P	P	P	P	P	P	P	88-425-08-B	
COMMERCIAL												
Animal Service												
» Shelter or boarding	P	-	-	-	-	-	-	-	-	-	88-315	
» Stable	P	-	-	-	-	-	-	-	-	-	88-315	
» Veterinary Office	P	-	-	-	-	-	-	-	-	-		
Entertainment Venues and Spectator Sports	S	-	-	-	-	-	-	-	-	-		
Funeral and Interment Service												

» Cemetery/columbarium/mausoleum	S	S	S	S	S	S	S	S	S	S	S	88-345	
» Crematory	S	S	S	S	S	S	S	S	S	S	S	88-345	
» Undertaking	-	-	-	-	-	-	-	-	-	S	S		
Lodging													
» Bed and breakfast	S	-	-	S	S	S	S	S	S	S	S	88-320	
» Recreational vehicle park	S[1]	-	-	-	-	-	-	-	-	-	-		
» Short term rental	Refer to 88-321												
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	S	S	88-360	
Office, Administrative, Professional or General	-	-	-	-	-	-	-	S	S	S	S		
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	S	S	S	S	S	S		
Sports and Recreation, Participant	S	-	-	-	-	-	-	-	-	-	-		
INDUSTRIAL													
Mining and Quarrying	S[2]	-	-	-	-	-	-	-	-	-	-		
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	-		
» Composting facility	S[1]	-	-	-	-	-	-	-	-	-	-	88-328	
» Demolition debris landfill	S[1]	-	-	-	-	-	-	-	-	-	-	88-380	
OTHER													

Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	*Chapter 14	
Agriculture, Crop	P	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-312-01	
Agricultural, Urban												
» Home Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-A	
» Community Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-B	
» Community Supported Agriculture (CSA)	P	S	S	S	S	S	S	S	S	S	88-312-02-C	
ACCESSORY SERVICES												
Wireless Communication Facility												
» Freestanding	P	-	-	-	-	-	-	-	-	-	88-385	
» Co-located antenna	P	P	P	P	P	P	P	P	P	P	88-385	

88-110-04 RESIDENTIAL BUILDING TYPES

88-110-04-A. RESIDENTIAL BUILDING TYPES ALLOWED

The residential uses allowed in R districts must be located in residential buildings. The following residential building types are allowed in R districts. Many residential building types are subject to supplemental standards, as referenced in 88-110-06-C.

Building Type	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
Detached house	P	P	P	P	P	P	P	P	P	P
Zero lot line house	P	P	P	P	P	P	P	P	P	P
Cottage house	-	-	P	P	P	P	P	P	P	P
Attached house										
Semi-attached										
on corner lots	-	P[1]	P[1]	P[1]	P	P	P	P	P	P
in other situations	-	-	-	-	P	P	P	P	P	P

Townhouse	-	-	-	-	P	P	P	P	P	P
Two-unit house										
on corner lots	-	P[1]	P[1]	P[1]	P	P	P	P	P	P
in other situations	-	-	-	-	P	P	P	P	P	P
Multi-unit house	-	-	-	-	-	S	P	P	P	P
Colonnade	-	-	-	-	-	-	P	P	P	P
Multiplex	-	-	-	-	-	-	P	P	P	P
Multi-unit building	-	-	-	-	-	-	P	P	P	P

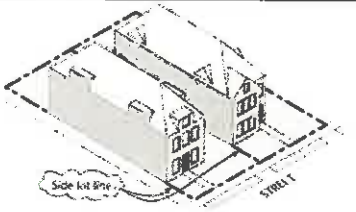
P = permitted building type - = prohibited building type

S = special use permit required

[1] Permitted only in approved open space development or conservation development; subject to 88-110-06-C.4

88-110-04-B. RESIDENTIAL BUILDING TYPES DEFINED AND REGULATED

Definitions and regulations for residential building types are as follows:

Detached House	A detached house is a principal building containing one dwelling unit located on a single lot with private yards on all sides. Detached houses are subject to the lot and building standards of 88-110-06-B (Table 110-2). No more than one detached house may be located on a single lot.	
Zero Lot Line House	A zero lot line house is a principal building containing one dwelling unit located on a single lot. The building is shifted to one side of the lot so that there is a more usable side yard on one side of the house and very little or no private yard on the other side. Zero lot line houses are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the zero lot line standards of 88-110-06-C. No	

	more than one zero lot line house may be located on a single lot.	
Cottage House	A small detached house that is grouped with other cottages around a shared open space. Cottage houses are subject to the lot and building standards of 88-110-06 (table 110-2) except as modified or supplemented by the cottage house development standards of 88-110-06-C. Multiple cottage houses may be located on a single lot, subject to the limitation of 88-110-06-C.	
Attached House	A building containing multiple dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance. There are two types of attached houses: semi attached houses and townhouses. Attached houses are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the attached house standards of 88-110-06-C. No more than one attached house may be located on a single lot.	
	A semi-attached house is an attached house building containing 2 dwelling units, divided by a vertical plane.	
	A townhouse is an attached house building containing 3 or more dwelling units, divided by a vertical plane.	

Two-unit House	A two-unit house is a building containing 2 dwelling units, both of which are located on a single lot or parcel (also referred to as a "duplex" or "two-flat"). The dwelling units are attached and may be located on separate floors or side-by-side. Two-unit houses are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the two-unit house standards of 88-110-06-C. No more than one two-unit house may be located on a single lot.	
Multi-unit House	A multi-unit house is a building containing 3 to 8 dwelling units located on a single lot. Multi-unit houses appear as large detached houses and have only one entrance visible from the street. Multi-unit houses are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the multi-unit house standards of 88-110-06-C. More than one multi-unit house may be located on a single lot, subject to compliance with all applicable lot and building standards.	
Colonnade	A colonnade is typically a two- to four-story masonry building with two prominent multi-story colonnade porches, open or enclosed, located on the primary facade. The number of porch levels matches the number of stories of the building. A colonnade contains two units per floor, opening onto a central hall. More than one colonnade may be located on a single lot, subject to compliance with all applicable lot and building standards.	

Multiplex	A multiplex is a building containing 3 to 8 dwelling units, each of which has its own external entrance. Multiplexes are subject to the lot and building standards of 88-110-06-B (Table 110-2). More than one multiplex may be located on a single lot, subject to compliance with all applicable lot and building standards and subject to site plan review	
Multi-unit building	A multi-unit building is a building containing 3 or more dwelling units (other than a multiplex or multi-unit house) that share common walls and/or common floors/ceilings. Multi-unit buildings are typically served by one or more common building entrances. Multi-unit buildings are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the Multi-unit building standards of 88-110-06-C. More than one multi-unit building may be located on a single lot, subject to compliance with all applicable lot and building standards.	

88-110-05 DEVELOPMENT OPTIONS

Different development options are offered in R districts to accommodate a variety of community and lifestyle choices. Open space development and conservation development standards apply only to properties meeting the standards of 88-410. In all other cases conventional development standards apply.

88-110-05-A. CONVENTIONAL DEVELOPMENT

"Conventional development" is any development that is not part of an approved open space development or conservation development. Lot and building standards for conventional development can be found in 88-110-06-B (Table 110-2).

88-110-05-B. OPEN SPACE DEVELOPMENT

The open space development option allows smaller lots and other flexible lot and building standards in exchange for the provision of common open space that is not typically provided in a conventional development. Lot and building standards for open space development can be found in 88-110-06-B (Table 110-2). Additional open space development standards are included in 88-410.

88-110-05-C. CONSERVATION DEVELOPMENT

The conservation development option allows even greater flexibility in exchange for the provisions of a greater amount of common open space than required for open space developments. Lot and building standards for conservation development can be found in 88-110-06-B (Table 110-2). Additional conservation development standards are included in 88-410.

88-110-06 LOT AND BUILDING STANDARDS

88-110-06-A. GENERAL

This section establishes basic lot and building standards for development in R districts, except for development on infill residential lots, which are governed by the lot and building standards set forth in Section 88-110-07. The standards vary based on zoning classification, building type and development type. These standards are not to be interpreted as a guarantee that allowed densities and development yields can be achieved on every lot. Other factors, such as off-street parking requirements, central water and wastewater service availability, and others may limit development more than these standards.

88-110-06-B. BASIC STANDARDS

All residential and nonresidential development in R districts, except for development on infill residential lots, must comply with the lot and building standards of Table 110-2, unless otherwise expressly provided by the building type-specific standards of 88-110-06-C. Nonresidential development in R districts must comply with the "conventional" development standards of Table 110-2. General exceptions to lot and building standards and rules for measuring compliance can be found in 88-820.

Table 110-2
Lot and Building Standards

	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
CONVENTIONAL DEVELOPMENT										
Lot Size										
» Min. lot area (sq. ft.)	80,000	10,000	7,500	6,000	5,000	4,000	3,000	3,000	3,000	2,500
» Min. lot area per unit (sq. ft.)	80,000	10,000	7,500	6,000	5,000	2,500	1,500	750	500 ²	300
» Min. lot width (ft.)	150	85	50	50	45	40	30	30	30	25
Front Setback¹										

» Minimum (% of lot depth)	25	25	25	25	25	25	15	15	15	15
» Min. garage (% of lot depth)	25	25	25	25	25	25	20	20	20	20
» Maximum required (ft.)	40	30	30	30	25	25	20	20	20	20
Rear Setback¹										
» Minimum (% of lot depth)	25	25	25	25	25	25	25	25	25	25
» Maximum required (ft.)	50	30	30	30	30	25	25	25	25	25
Side Setback¹										
» Min. each side (% lot width)	10	10	10	10	10	10	10	10	10	10
» Maximum required (ft.)	8	8	8	8	8	8	8	8	8	8
» Min. abutting street (ft.)	15	15	15	15	15	15	15	15	15	15
Height (ft.)										
» Maximum	35	35	35	35	35	40	45	60	164	235
OPEN SPACE DEVELOPMENT										
Overall Site										
» Min. open space (% of site)	30	30	30	30	30	30	30	30	30	30
» Min. lot area per unit (sq. ft.)	72,000	9,000	6,750	5,400	4,500	2,000	1,350	900	450	270

Lot Size										
» Min. lot area (sq. ft.)	12,000	7,500	6,000	5,000	3,750	3,000	2,500	2,500	2,500	2,500
» Min. lot width (ft.)	100	75	50	45	35	25	25	25	25	25
Front Setback¹										
» Minimum (% of lot depth)	20	15	15	15	15	15	15	15	15	15
» Min. garage (% of lot depth)	25	25	25	25	25	20	20	20	20	20
» Maximum required (ft.)	25	25	25	25	25	20	20	20	20	20
Rear Setback¹										
» Minimum (% of lot depth)	25	25	25	25	25	25	25	25	25	25
» Maximum required (ft.)	50	30	30	30	30	25	25	25	25	25
Side Setback¹										
» Min. each side (% lot width)	10	10	10	10	10	10	10	10	10	10
» Maximum required (ft.)	8	8	8	8	8	8	8	8	8	8
» Min. abutting street (ft.)	15	15	15	15	15	15	15	15	15	15
Height (ft.)										
» Maximum	35	35	35	35	35	50	60	60	120	200
CONSERVATION DEVELOPMENT										

Overall Site										
» Min. open space (% of site)	60	60	60	60	60	60	60	60	60	60
» Min. lot area per unit (sq. ft.)	64,000	8,000	6,000	4,800	4,000	2,000	1,200	800	400	240
Lot Size										
» Min. lot area (sq. ft.)	9,600	3,200	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
» Min. lot width (ft.)	85	50	45	35	30	25	25	25	25	25
Front Setback¹										
» Minimum (% of lot depth)	20	15	15	15	15	15	15	15	15	15
» Min. garage (% of lot depth)	25	25	25	25	25	20	20	20	20	20
» Maximum required (ft.)	25	25	25	25	25	20	20	20	20	20
Rear Setback¹										
» Minimum (% of lot depth)	25	25	25	25	25	25	25	25	25	25
» Maximum required (ft.)	50	30	30	30	30	25	25	25	25	25
Side Setback¹										
» Min. each side (% lot width)	10	10	10	10	10	10	10	10	10	10
» Maximum required (ft.)	8	8	8	8	8	8	8	8	8	8

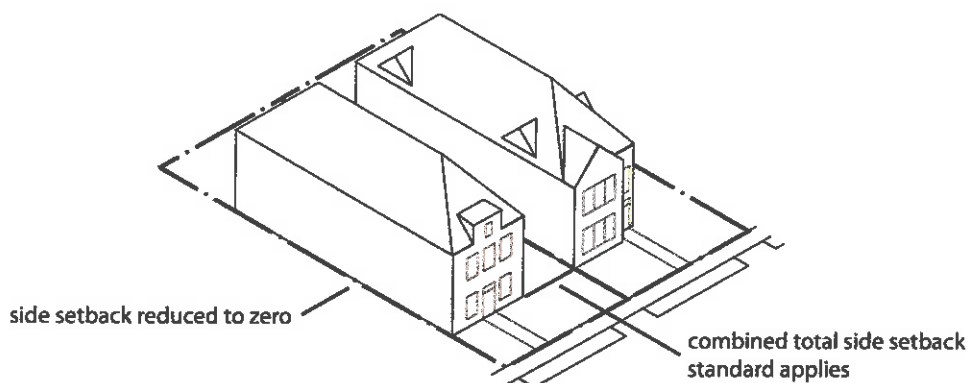
» Min. abutting street (ft.)	15	15	15	15	15	15	15	15	15	15
Height (ft.)										
» Maximum	35	35	35	35	35	50	60	60	120	200
¹ Required building setback shall be per this table or the platted building line, whichever is greater.										
² Any residential unit having less than 350 sq. ft. per unit as of January 1, 2011, shall be considered conforming.										

88-110-06-C. BUILDING-TYPE SPECIFIC STANDARDS

1. ZERO LOT LINE HOUSES

Zero lot line houses are subject to the standards of 88-110-06-B (*Table 110-2*), except as expressly modified by the following zero lot line house standards:

- (a) Zero lot line building arrangements require that the planning for all house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site planning is possible, while ensuring that neighborhood character is maintained.
- (b) The side setback on one side of the lot may be reduced to as little as zero. The zero-setback side may not abut a street or a lot that is not part of the zero lot line development. The minimum combined side setback requirements of 88-110-06-B apply on the "non-zero" side, which means that a lot with a zero side setback on one side must provide a setback equal to at least 20% of the lot width on the opposite side of the lot.



- (c) Eaves on the side of a house with a reduced setback may project over the abutting lot line only if a perpetual eave overhang easement at least 5 feet in width is provided on the lot abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The

easement must be shown on the plat and incorporated into each deed transferring title on the property.

- (d) When the zero lot line house's exterior wall or eaves are set back less than 2 feet from the abutting side lot line, a perpetual maintenance easement at least 5 feet in width must be provided on the lot abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be shown on the plat and incorporated into each deed transferring title on the property. This provision is intended to ensure the ability to conduct maintenance and upkeep activities on the zero lot line house.
- (e) Windows or other openings that allow for visibility into the side yard of the lot abutting the zero-setback side lot are not allowed on zero lot line houses. Windows that do not allow visibility into the side yard of the abutting lot, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

2. COTTAGE HOUSE

Cottage house developments are subject to the standards of 88-110-06-B (*Table 110-2*), except as expressly modified by the following cottage house development standards:

(a) DEVELOPMENT SIZE

Cottage house developments must contain at least 4 and no more than 12 cottage houses. A development site may contain more than one cottage house development.

(b) LOT SIZE

- (1) In the R-7.5, R-6 and R-5 districts the minimum required lot area per cottage unit is 50% of the minimum lot area per unit standard of 88-110-06-B (*Table 110-2*).
- (2) In the R-2.5 district the minimum required lot area per cottage unit is 75% of the minimum lot area per unit standard of 88-110-06-B (*Table 110-2*).
- (3) In the R-1.5, R-0.5 and R-0.3 districts the minimum lot area per unit standard of 88-110-06-B (*Table 110-2*) applies.

(c) FLOOR AREA

- (1) The total floor area of each cottage may not exceed either 1.5 times the area of the main floor or 1,250 square feet, whichever is less. Attached garages are counted in the calculation of total floor area.

- (2) The maximum main floor area for cottages is 850 square feet. For the purposes of this calculation, the area of interior stairways may be allocated between floors served.

(d) **SETBACKS AND BUILDING SEPARATION**

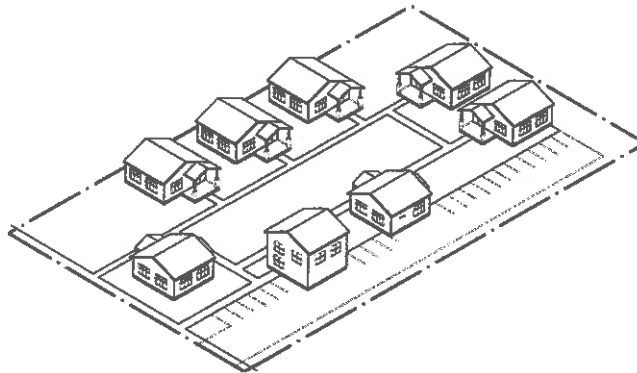
All structures within cottage house developments must be set back at least 15 feet from property lines abutting streets and 10 feet from other property lines along the outer perimeter of the cottage house development site. When vehicular access to a cottage housing development is from an alley, a 4-foot minimum rear setback is allowed. All buildings within the cottage house development must be separated by a minimum distance of 10 feet.

(e) **BUILDING HEIGHT**

Cottage houses may not exceed 18 feet in height, except that pitched roofs with a minimum pitch of 6:12 may extend up to 25 feet in height. All parts of a roof above 18 feet in height must be pitched.

(f) **OPEN SPACE**

200



Each cottage unit must have 150 square feet of private, contiguous, usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident. Such private open space must be oriented toward the common open space as much as possible, with no dimension less than 10 feet.

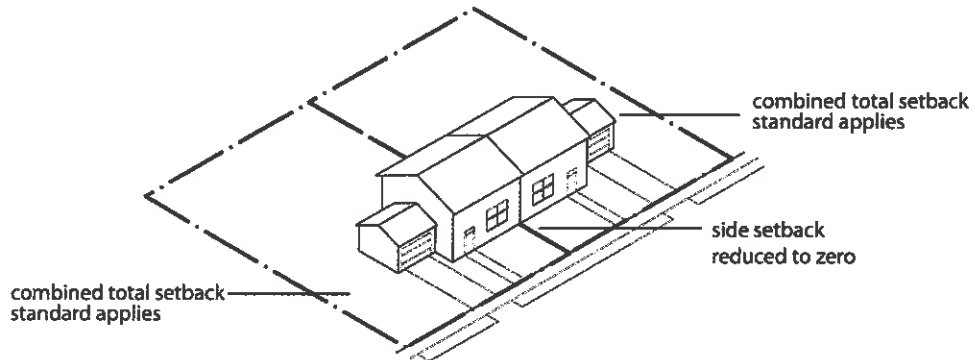
All cottages must have a roofed porch at least 80 square feet in area with a minimum dimension of 8 feet on any side.

3. **ATTACHED HOUSE**

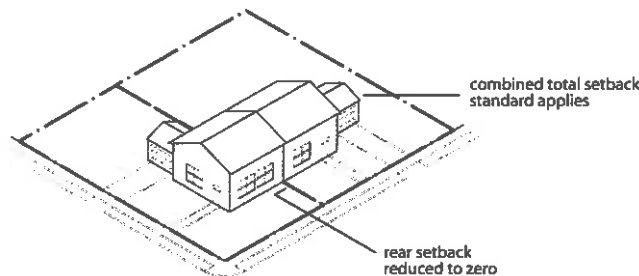
Attached houses are subject to the standards of 88-110-06-B (*Table 1102*), except as expressly modified or supplemented by the following attached house standards.

- (a) The minimum lot width for an attached house is 18 feet.

- (b) The minimum lot area per unit requirements of 88-110-06-B (*Table 110-2*) apply to attached house projects on a project-wide basis, meaning that the total area of the attached house site, including common areas comprising up to 20% of the overall site, may be counted as lot area. Common areas may include commonly owned open space, access drives and parking areas. Such common areas may also be included in setback calculations.
- (c) No side setback is required for common or abutting walls. The minimum total (combined) side setback standard of 88-110-06-B (*Table 110-2*) applies along the sides of the building that do not have common or abutting walls.



- (d) Common or abutting walls must be shared for at least 50% of their length.
- (e) On corner lots, either the rear setback or side setback may be reduced to zero. However, the remaining side or rear setback must comply with the standards of 88-110-06-B (*Table 110-2*).



- (f) The minimum total (combined) side setback standard of Section 88-110-06-B (*Table 110-2*) applies along the sides of the building that do not have common or abutting walls.
- (g) The front facade of any attached house may not include more than 40% garage wall area.
- (h) Townhouse buildings may not contain more than 9 attached dwelling units.

4. TWO-UNIT HOUSES AND SEMI-ATTACHED HOUSES ON CORNER LOTS

Under the conventional development option, two-unit houses and semi-attached houses are subject to the standards of Section 88-110-06-B (*Table 110-2*). In approved open space or conservation developments two-unit houses and semi-attached houses are allowed on corner lots in all R districts except R-80. In R-10, R-7.5 and R-6 districts they are subject to the following additional standards.

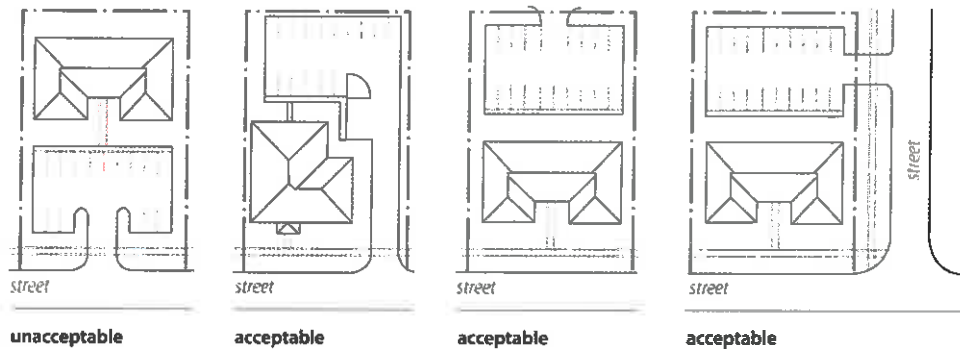
- (a) Two-unit houses and semi-attached houses are allowed on corner lots in situations in which such building types would not otherwise be allowed because they can be designed so each unit is oriented towards a different street. This gives the two-unit house and the semi-attached house the overall appearance of a detached house when viewed from either street.
- (b) The corner lot must comply with the minimum lot area standard of the subject zoning district. No lot with less than 3,000 square feet of lot area may be used for the corner lot option.
- (c) Each dwelling unit within the two-unit house or semi-attached house must have its address and main entrance oriented towards a separate street frontage. Conversion of an existing detached house may provide one main entrance with internal access to both units.

5. MULTI-UNIT HOUSE (includes Multiplex)

Multi-unit houses are subject to the standards of Section 88-110-06-B (*Table 110-2*) except as expressly modified or supplemented by the following standards.

- (a) The street-facing façade of a multi-unit house may have only one visible entrance to the building. If the building is located on a corner lot, one building entrance may be visible from each street.
- (b) Visible building entrances must be clearly emphasized by any one of the following means:
 - (1) covered porch or canopy;
 - (2) transom and sidelight windows;
 - (3) pilasters and pediment; or
 - (4) other significant architectural treatment that emphasizes the entrance. (Simple trim around the doorway does not meet this standard.)
- (c) Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.

- (d) A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.
- (e) Surface parking and parking within accessory structures must be located behind the front building line and otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required side setback area. Surface parking and the edge of the driveway from the right-of-way to any parking area or structure must be landscaped in accordance with 88-425-05 and 88-425-06.



- (f) The front facade of new multi-unit houses may not exceed 40 feet in width. Buildings may exceed this limitation if the street-facing plane of the building is broken into horizontal modules that comply with the following standards:
- (1) Each module must be no greater than 30 feet and no less than 10 feet in width and must be distinguished from adjacent modules by a change in the wall plane of at least 16 inches in depth. For buildings that are 3 or more stories in height, the width of the module may be increased to 40 feet.
 - (2) Each module must have a corresponding change in the roofline.
 - (3) Each module must be distinguished from the adjacent module by at least one of the following means:
 - a. changes in material colors, types or textures;
 - b. changes in the building and/or parapet height;
 - c. changes in the architectural details such as decorative banding, reveals, stone, or tile accents;
 - d. change in window pattern; and

e. the use of balconies and recesses.

(g) Architecture of the multi-unit house shall be designed in context with and reflect the predominant characteristics of other residential buildings within 500 feet of the exterior property lines of the multiunit house, in regard to scale, roof pitch, material, ingress/egress, and fenestration.

6. COLONNADE BUILDING

A colonnade building is subject to the standards of 88-110-06-B (*Table 110-2*) except as expressly modified or supplemented by the following standards.

- a. The street-facing facade of a colonnade building may have only one visible entrance to the building. If the building is located on a corner lot, one building entrance may be visible from each street.
- b. Visible building entrances must be clearly emphasized by any one of the following means:
 1. covered porch or canopy;
 2. transom and sidelight windows;
 3. pilasters and pediment; or
 4. other significant architectural treatment that emphasizes the entrance. (Simple trim around the doorway does not meet this standard.)
- c. Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.
- d. A colonnade building must have porches available to each unit of the building. The porch must be a minimum of 5 feet in depth. On the main street-facing facade, porches must be located on each side of the main entrance, extending the full height of the building. If the building is on a corner lot, additional porches may be located on the side facade. Basement units are not required to have a porch.
- e. Cladding must be of brick, stone, or acceptable materials. Stucco may also be used on the upper stories of secondary facades.
- f. The main roof of a colonnade building must be flat, with a parapet that may include a hipped roof element.

- g. A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.
- h. Surface parking and parking within accessory structures must be located at the rear of the building and otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required side setback area. Surface parking area, and the edge of the driveway from the right-of-way to any parking area or structure, must be landscaped in accordance with 88-425-05 and 88-425-06.
- i. The front facade of a new colonnade building may not exceed 40 feet in width. Buildings may exceed this limitation if the street-facing plane of the building is broken into horizontal modules that comply with the following standards:
 - 1. Each module must be no greater than 30 feet and no less than 10 feet in width and must be distinguished from adjacent modules by a change in the wall plane of at least 16 inches in depth. For buildings that are 3 or more stories in height, the width of the module may be increased to 40 feet.
 - 2. Each module must have a corresponding change in the roofline.
 - 3. Each module must be distinguished from the adjacent module by at least one of the following means:
 - i. changes in material colors, types or textures;
 - ii. changes in the building and/or parapet height;
 - iii. changes in the architectural details such as decorative banding, reveals, stone, or tile accents; and
 - iv. change in window pattern.
- j. Architecture of the colonnade building shall be designed in context with and reflect the predominant characteristics of other residential buildings within 500 feet of the exterior property lines of the building, in regard to scale, roof pitch, material, ingress/egress, and fenestration.
- k. Colonnade buildings shall be designed in accordance with one of the following types:
 - 1. Classical Colossal Column Porch distinctive for Neoclassical styling featuring smooth or fluted Colossal columns of the Classical Order that rise the full height of the dark brick facade;



2. Combined Column Porch featuring columns that extend more than one story in height and support a smaller column of different material and design or the reverse — columns that extend one story and support columns that extend upward for several stories;



3. Square Brick Column Porch, a simpler version comprised of square brick columns;



4. Transitional Enclosed Colonnade, this version retains the design of the original porch projections, but are enclosed and integrated with the interior living space.



1. Courtyard Colonnaded Apartments: Colonnaded courtyard apartment are sets of three to seven buildings arranged in a U-shaped pattern around a courtyard with the courtyard opened to the street. The main facades of the buildings fact onto the courtyard.

7. **MULTI-UNIT BUILDING**

Multi-unit buildings (i.e., buildings containing 3 or more dwelling units, other than multi-unit houses) are subject to the standards of 88-110-06-B (*Table 110-2*) except as modified or supplemented by the following standards.

- (a) Visible building entrances to dwelling units on the ground floor must be clearly emphasized by any one of the following means:
 - (1) covered porch or canopy;
 - (2) transom and sidelight windows;
 - (3) pilasters and pediment; or
 - (4) other significant architectural treatment that emphasizes the entrance. (Simple trim around the doorway does not meet this standard.)
- (b) Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.
- (c) A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.
- (d) Surface parking and parking within accessory structures must be located behind front building line or otherwise screened from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required side setback area. Surface parking and the edge of the driveway from the right-of-way to any parking area or structure must be landscaped in accordance with 88-425-05 and 88-425-06.

- (e) Street-facing walls that are greater than 50 feet in length must be articulated with bays, projections, recesses or other design elements that effectively break-up the mass of the building.

88-110-06-D. A lot shall be occupied by only one principal building and any customarily accessory uses, unless otherwise approved.

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.

88-110-07-B. APPLICABILITY

Infill residential development shall mean any residential development (whether existing, new construction, or modification to an existing residential structure) on an infill residential lot as defined in this zoning and development code. 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.

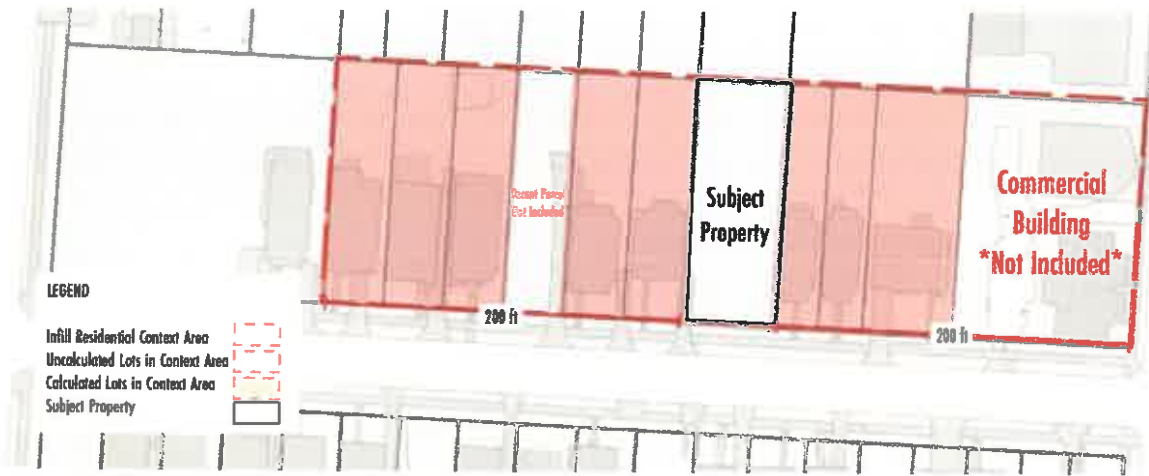


Image depicting the Infill Residential Context Area

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 pursuant to this section or the platted building line, whichever is greater.

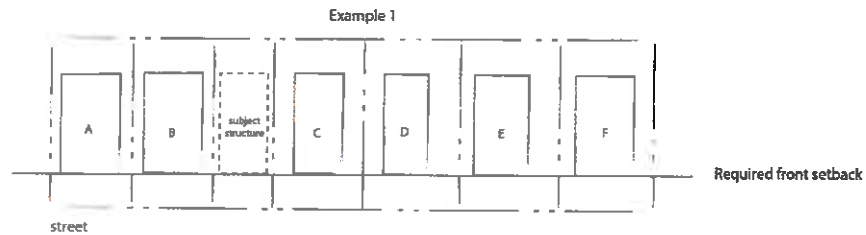
2. LOT DIMENSIONAL STANDARDS

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

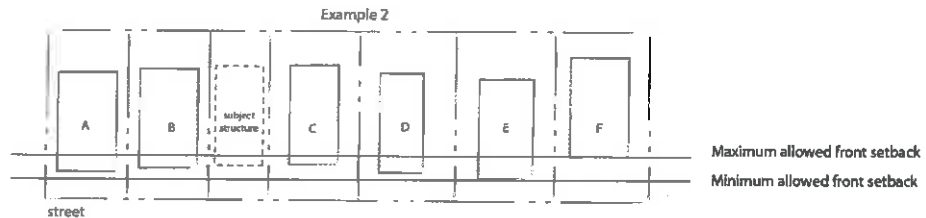
3. BUILDING DEPTH DIMENSIONAL STANDARDS

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

The front setback for the subject property in the first example would be equal to the front setbacks of the properties in the infill residential context area, as they are all uniform. Lots A - F show no deviation.

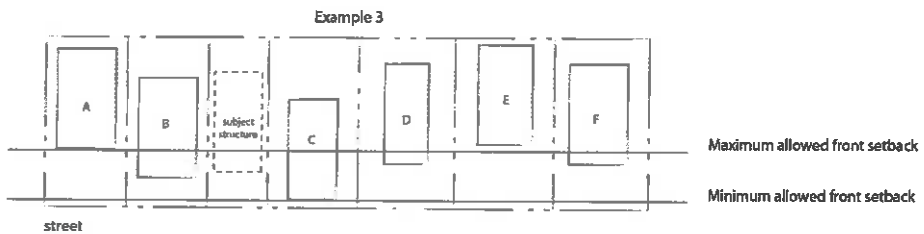


The front setback for the subject property in the second example would be allowed a range between that provided by lot E and lot F.



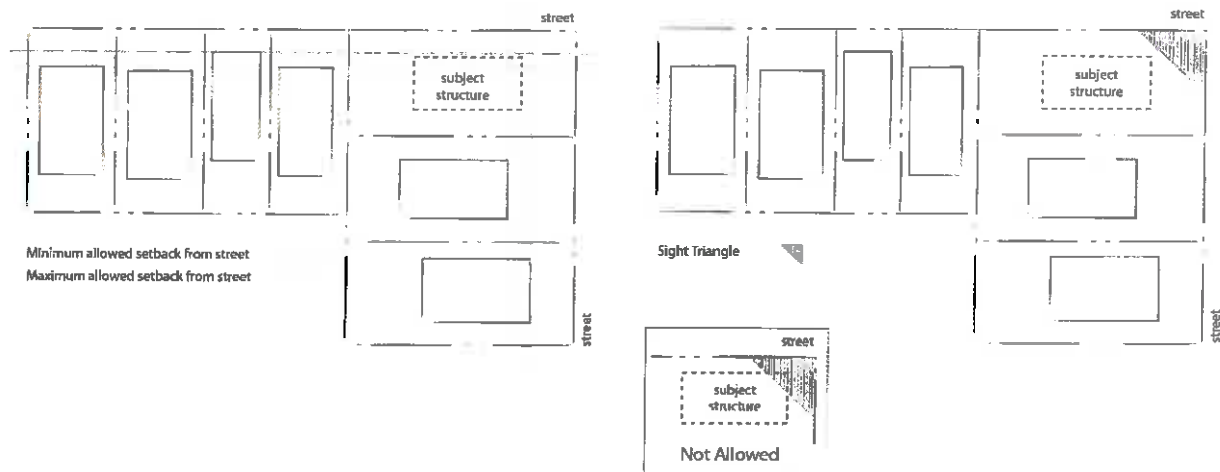
The front setback for the subject property in the third example would be allowed a range between that provided by lot A and lot C.

Lot E in example 3, would not be permitted, as it sits outside of the range set by lots A and C.

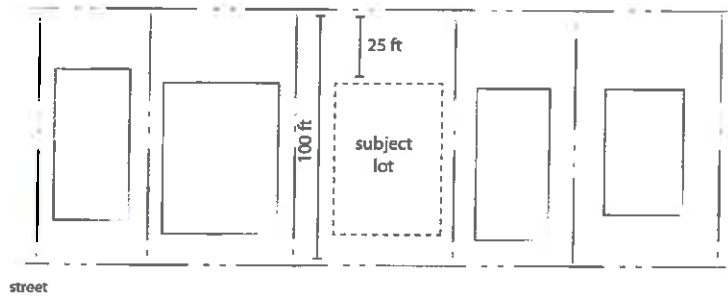


- b) **FRONT SETBACK RANGE FOR CORNER LOTS** - On corner lots, a building shall be setback no lesser than nor greater than that provided by the existing residential buildings on both block faces (Figure 1); however, in no case shall it encroach the sight triangle (Figure 2).

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.



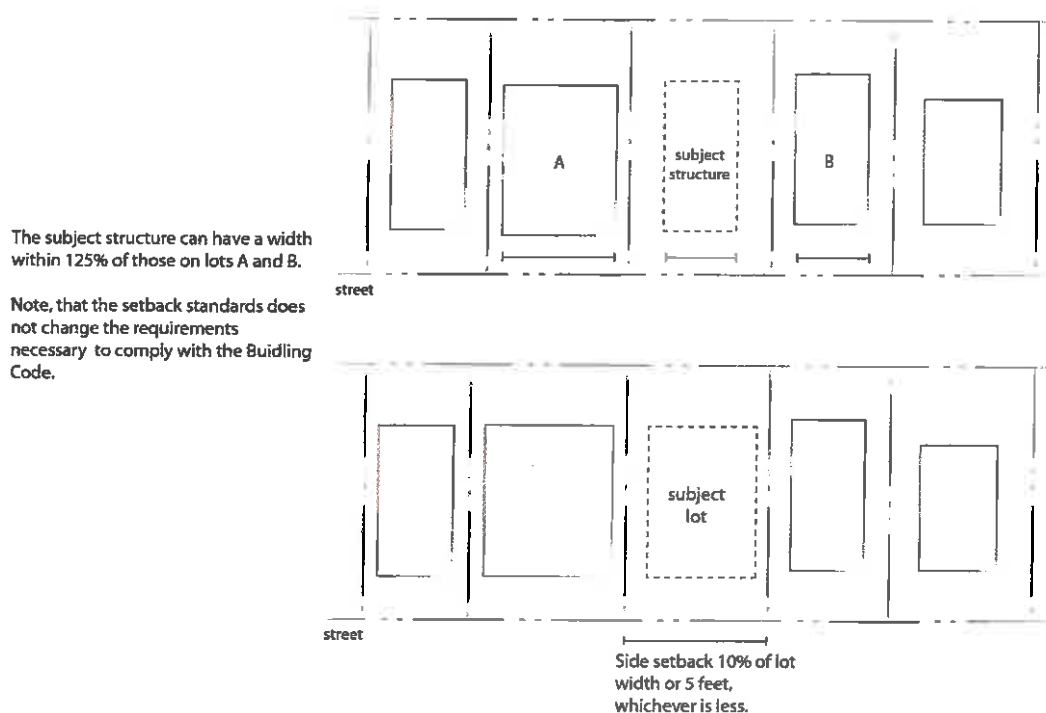
- c) **MINIMUM REAR SETBACK** - 25% of the lot depth or a maximum of 30 feet, whichever is less.



4. BUILDING WIDTH DIMENSIONAL STANDARDS

- a) **MINIMUM INTERIOR SIDE SETBACK** – The side setback shall be 10% of the lot width or 5 feet, whichever is less.
- b) **MAXIMUM 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 as the 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 apply. In all other circumstances, the maximum building width applies.



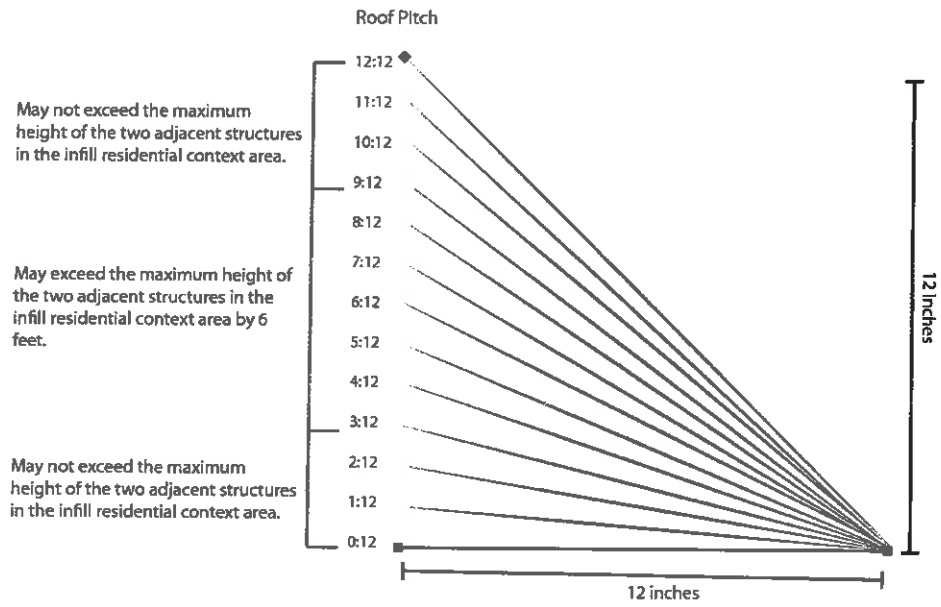
5. LOT COVERAGE STANDARDS

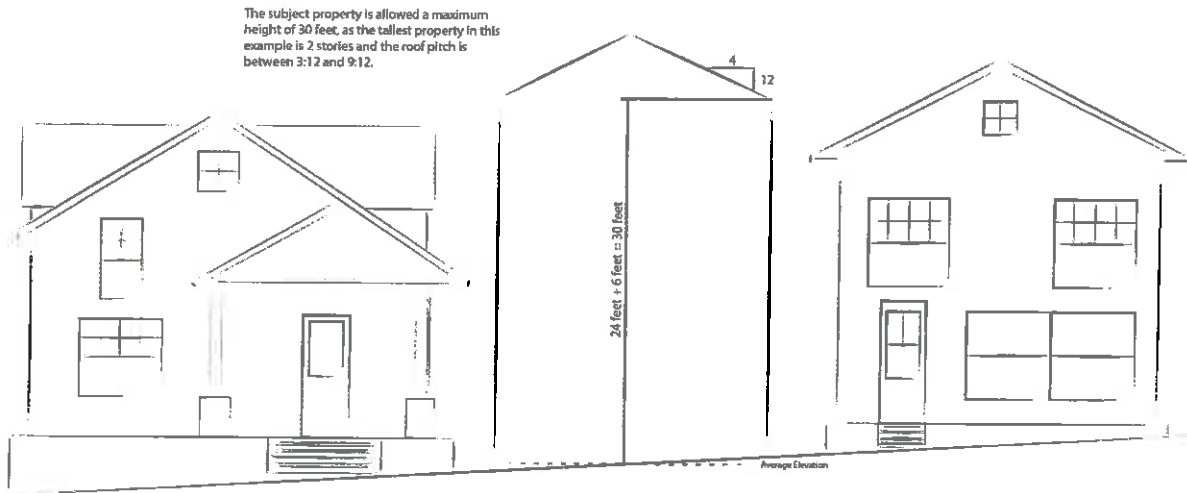
- a) **MAXIMUM BUILDING COVERAGE** – 50% of the lot area.

- b) **MAXIMUM IMPERVIOUS SURFACE COVERAGE** – The maximum impervious surface coverage shall not exceed 75% of the lot area.

6. HEIGHT

- a) Residential buildings with a roof pitch between 0:12 and 3:12 and between 9:12 and 12:12 may not exceed the height, in full (not partial) 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 considered 12 feet high and the number of stories shall be determined as viewed from the street. For example, whether the tallest of the two adjacent residential buildings, as viewed from the street, appears to be 2 full stories or 2 ½ stories 24 feet shall be the maximum height permitted on the subject property..
- b) All other residential buildings shall not exceed the height, in full (not partial) stories , of the greater of the two nearest buildings of the same building type on the same block face, based upon said their number of stories, plus 6 feet. 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, whether the tallest of the two adjacent residential buildings, as viewed from the street, appears to be 2 full stories or 2 ½ stories 30 feet shall be the maximum height permitted on the subject property..
- c) The height of the proposed 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. **DRIVEWAYS** – When an improved alley is present, driveways from the street are prohibited. When an improved alley is not present, driveways from the street shall be permitted only when 51% or more of the homes in the infill residential context area have a driveway from the same street. The city planning and development director is authorized to allow driveways from streets where fewer than 51% of the homes in the infill residential context area have them only when such a driveway is shared with at least one adjacent home, any garage the driveways lead to is not visible from the street, the driveway does not exceed 12 feet in width in the front yard, and subject to recording a cross-access easement. 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 visible from the street shall be permitted only when 51% or more of homes in the infill residential context area have attached garages visible from the street.
- c. When attached garages are visible from the street the garage door shall not occupy more than 40% of the width of the ground-level façade. 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.
- 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-F. OTHER USE STANDARDS

- a. The city planning and development director shall have discretion to approve any proposed project which falls within 10% or less than a foot, whichever is less, of any requirement contained in these infill residential development standards.

Section 2. Repealing section 88-420-04 and enacting in lieu thereof a new section of like number and subject matter in order to add parking standards for infill residential development, said section to read as follows:

88-420-04 EXEMPTIONS, REDUCTIONS AND SPECIAL AREA STANDARDS

88-420-04-A. DC ZONING DISTRICT

No off-street parking is required in the DC (Downtown Core) zoning district.

88-420-04-B. DX ZONING DISTRICT

Nonresidential uses in the DX district outside of the Crossroads area are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in

which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

88-420-04-C. CROSSROADS AREA

1. Retail sales-related uses in the Crossroads area are not required to provide off-street parking for the first 4,000 square feet of gross floor area. For purposes of this paragraph, "retail sales-related uses" include general retail sales, food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.
2. Restaurants in the Crossroads area are not required to provide off-street parking spaces for the first 2,000 square feet of gross floor area, per building.

88-420-04-D. BROOKSIDE BUSINESS DISTRICT AREA

There are no minimum nonresidential parking requirements or residential parking requirements for residential units in mixed-use structures in the Brookside Business District Area. Individual non-residential uses may not provide more than 1.5 times the minimum parking requirements of 88-420-06 on the same lot or on a combination of the same and contiguous lots in any zoning district, provided however, any individual use that would require 4 or fewer spaces may provide up to 6 parking spaces. Multiple tenants in a common structure or structures sharing a common wall will be considered an individual use for purposes of this calculation. Mixed-use structures may provide a maximum of one parking space per dwelling unit for purposes of this calculation.

88-420-04-E. DOWNTOWN LOOP

Uses within the Downtown Loop are not required to provide off-street parking or loading.

88-420-04-F. B1 ZONING DISTRICT

Nonresidential uses in the B1 district are not required to provide off-street parking unless such uses exceed 2,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 2,000 square feet.

88-420-04-G. PEDESTRIAN-ORIENTED OVERLAY DISTRICT

Nonresidential uses that are subject to the P/O district regulations of 88-230 are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

88-420-04-H. LANDMARKS AND HISTORIC DISTRICTS

1. No off-street parking or loading spaces are required for rehabilitation or reuse of an official local or national historic landmark.
2. No off-street parking or loading spaces are required for rehabilitation or reuse of an existing contributing building within an official local or national historic district.

88-420-04-I. WESTPORT AREA

Restaurants in the Westport Area must provide off-street parking at a minimum rate of 2.5 spaces per 1,000 square feet.

88-420-04-J. RAPID TRANSIT STOPS

Special parking regulations apply to uses on lots located within 1,000 feet of a rapid transit stop, as follows.

1. Office and manufacturing uses are not required to provide off-street parking spaces for the first 10,000 square feet of gross floor area.
2. The following uses are not required to provide off-street parking for the first 4,000 square feet of gross floor area: artist work or sales space, food and beverage retail sales, personal improvement service, and retail sales. Uses may not exceed otherwise applicable minimum off-street parking requirements by more than 3 spaces or 33%, whichever is greater, unless such "extra" spaces are provided in a parking garage.
3. Restaurants are not required to provide off-street parking for the first 2,000 square feet of gross floor area per building.
4. The above exemptions may be used in combination with any other exemption, reduction, or special area standards.

88-420-04-K. EFFECT OF VEHICLE PARKING REDUCTION OR EXEMPTION ON BICYCLE PARKING REQUIREMENTS

The bicycle parking requirements of 88-420-09 apply regardless of any vehicle parking exemptions and reductions authorized in this section (88-420-04).

88-420-04-L. DOWNTOWN STREETCAR AREA

Uses within the Downtown Streetcar Area are not required to provide off-street parking.

88-420-04-M. AFFORDABLE HOUSING

For a multi-unit building with more than 10 units, when at least twenty percent (20%) of the total number of units is provided as affordable housing, parking shall be required in the amount of 0.5 space per dwelling unit. However, if required parking is less than 0.5 space per dwelling unit due to other provisions of this section 88-420-04, the lesser requirement is applicable.

88-420-04-N. SINGLE FAMILY OR DUPLEX STRUCTURE

For any detached house or semi-attached house on a lot platted prior to September 10, 1951, no off-street parking shall be required.

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 apply. 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.

Section 3. Repealing Section 88-505 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

88-505-12 PUBLIC ENGAGEMENT

88-505-12-A. PURPOSE.

The public engagement process described in this section provides a framework for the notification and meeting process for applicants and registered neighborhood/civic organizations and nearby property owners to provide an opportunity for applicants to provide information and answer questions and hear any concerns about a land use development proposal which may impact the adjacent area.

88-505-12-B. APPLICABILITY.

The public engagement process described in this section is required in conjunction with the following application types and major amendments to said application types:

1. 88-515 Zoning Map Amendments, including:
 - a. 88-260 Urban Redevelopment Districts;
 - b. 88-520 Master Planned Developments;
2. 88-517 Development Plan Approvals;
3. 88-260 UR Preliminary Development Plans and 88-520 MPD Preliminary Development Plans;
4. 88-525 Special Use Permits;
5. 88-545 Preliminary Plats which propose waivers or modifications pursuant to 88-405-25.
6. 88-535 Minor Subdivisions which propose waivers or modifications pursuant to 88-405-25.

88-505-12-C. PUBLIC ENGAGEMENT PROCESS

1. If a subject property is located within the boundaries of only one registered neighborhood organization or civic organization, the applicant shall send notice of application to that registered neighborhood organization or civic organization prior to facilitating the required public meeting.

The notice must be sent not later than seven calendar days after filing any application referenced in 88-505-12B by non-signature certified mail and email (if available) to the contact of record on the City's website of registered neighborhood and civic organizations. Notification shall occur on the form provided by the city planning and development director. The notice shall describe the application and provide the recipient with the option to host a meeting on the application. A copy of the notice shall be provided to the city planning and development department. The registered neighborhood and/or civic organization shall respond to the applicant and city staff in writing, via email within 10 calendar days of the postmark date of the notice or date of electronic transmission to confirm which party will host a public meeting, as well as the date, time and location of the meeting.

2. If a subject property is located within the boundaries of more than one registered neighborhood organization or civic organization, or is not located within the boundaries of any registered neighborhood and/or civic organization, the applicant shall hold a meeting in accordance with the criteria in 88-505-12-C-3.

3. **Required Public Meeting**

- a. At least one public meeting shall be required for all application types listed in 88-505-12-B and must meet the following criteria:
 - i. Be held at least seven calendar days prior to the first scheduled public hearing;
 - ii. Be open to the public and, if held in-person, hosted in an accessible building as defined by the Americans with Disabilities Act;
 - iii. If held in person, not be located in the applicant's office or any place of business affiliated with the applicant;
 - iv. If held in person, not be located in a residential unit;
 - v. Be held at a time outside of normal business hours (normal business hours are defined as 9:00 a.m. to 5:00 p.m., Monday through Friday), unless otherwise agreed to by the applicant and the registered neighborhood and/or civic organizations; and
 - vi. If held in-person, be located within three miles of the subject property unless there is no public building with accessible space

located within three miles of the subject property, and agreed to by the registered neighborhood and/or civic organizations.

Although additional meetings may be held, the applicant is not required to follow the criteria set out above.

b. Required Public Meeting Notice

Notice of the required public meeting shall be sent via regular mail, in the form provided by the city planning and development director, to all property owners within 300 feet of the subject property and to each contact of record for the registered neighborhood and/or civic organizations whose boundaries include the subject property. Said notice shall be postmarked a minimum of ten calendar days prior to the required public meeting date. A copy of said notice shall also be provided to the city planning and development department by the same date or the case will be removed from the docket by staff.

c. Meeting Information Required

The applicant shall provide to the city planning and development department documentation of the required public meeting including date, time, location, internet link and/or dial-in information if the meeting will be held virtually, and a copy of the attendance sheet, in the form provided by the city planning and development director. Said documentation shall be provided to the city planning and development department at least six calendar days prior to the first scheduled public hearing.

A summary may be provided to city planning and development staff by the applicant or any attendee; it must be received at least six calendar days prior to the first scheduled public hearing. Anyone wishing to submit written testimony to the board of zoning adjustment is advised to comply with the rules and regulations of the board of zoning adjustment, and the admission of any such testimony is subject to the discretion of the board of zoning adjustment.

88-505-12-D. FAILURE TO COMPLY

Failure to comply with anything required in this section may be cause for continuance by the city plan commission.

88-505-12-E. MEETING FORMAT

Meetings may be held virtually, in-person, or in a hybrid format. Nothing in this ordinance shall be construed as requiring one or the other; however, when a registered neighborhood or civic organization is present and expresses preference for a particular format within the time frame allotted them in 88-505-12-C-1 the applicant is strongly encouraged to comply with the request.

Section 4. Repealing Section 88-535 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

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 total 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 total 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 total 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 public improvements except storm sewer and stormwater management facilities for subdivisions in the combined sewer areas and completion of the public engagement procedures as required of 88-505-12. The City Plan Commission is authorized to waive or modify the 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.

88-535-01-E. SUCCESSIVE APPLICATIONS AND CONCURRENT REVIEW

- A. Successive applications resulting in a net increase of 16 or more new lots shall be prohibited. For the purposes of this section, a successive application shall be any Type 2 or Type 3 Minor Subdivision for a tract of land which lies contiguous to a previously-approved Type 2 or Type 3 Minor Subdivision when the owner on both applications is the same.
- B. Minor subdivisions may be reviewed concurrently with any companion development plan, project plan, special use permit, or preliminary development plan in District UR and District MPD or final development plan in the same districts.

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, do not result in water or sanitary sewer service lines crossing the resulting lot lines, and that the deed is provided to the city planning and development director for mapping purposes prior to recording.

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 at the appropriate county recorder’s office so long as the resulting lots meet the requirements of this zoning and development code, and that the deed is provided to the city planning and development director for mapping purposes prior to recording.

88-535-03 AUTHORITY TO FILE

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

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.

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; 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.

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.

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.

Section 5. Amending Chapter 88, Code of Ordinances, by repealing and replacing Section 88-610-03, Nonconforming Lots, in order to clarify that infill residential lots are not subject to lot consolidation, said section 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.
3. This subsection shall not apply to infill residential lots, as defined in this zoning and development code.

88-610-03-D. DIMENSIONAL STANDARDS

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

Section 6. Amending Section 88-810, Definitions, by adding and inserting definitions applicable to the new code sections established by Section 1 of this ordinance; and repealing Section 88-810-980, nonconforming lot, and enacting in lieu thereof a section of like number and subject matter, such definitions to read as follows:

DEFINITIONS

88-810-705 IMPERVIOUS COVER

The total amount of a lot's impervious surface.

88-810-706 IMPERVIOUS SURFACE

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

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.

88-810-713 INFILL RESIDENTIAL CONTEXT AREA

Any lot lying in whole or in part within 200 ft of an infill residential lot and located on the same block face as an infill residential lot.

88-810-748 LOT, INFILL RESIDENTIAL

Any lawfully created lot that is zoned residential and meets one or more of the following criteria:

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

Infill residential lots are not subject to the lot consolidation provisions contained in Section 88-610-03-C of this zoning and development code.

88-810-980 - NONCONFORMING LOT

For lots that are not infill residential lots, 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. An infill residential lot that either exceeds or does not meet the minimum lot area or lot width range of the relevant infill residential context area is a nonconforming lot.

Section 5. That the City Manager is directed to cause a review of this ordinance and report back to the City Council no later than 18 months after the effective date of this ordinance.

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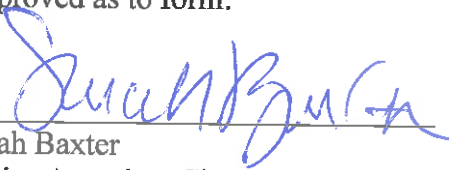
Section 7. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

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:



Sarah Baxter
Senior Associate City Attorney



Authenticated as Passed



Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

JAN 05 2023

Date Passed