



**City Planning and Development Department
Development Management Division**

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STAFF REPORT **June 18, 2019** **(2)**

Re: **CD-CPC-2019-00060**

Applicant: Jeffrey Williams, AICP, Director of City Planning & Development

Request: Amending Chapter 88, Zoning & Development Code by deleting 88-610-03-C. LOT CONSOLIDATION; deleting 88-820-01-B. EXCEPTIONS; and adding 88-110-06-C. EXCEPTIONS to permit construction of a single family-dwelling on an area of land legally created

Prior Hearing: The City Plan Commission on June 4, 2019, continued the case to today's hearing to allow further revisions to proposed text.

Required Quorum: As testimony was given on June 4, a quorum consisting of Archie, Burnette, Baker-Hughes, Cowl, Henderson, and May was established.

KCNAC: Staff presented the proposed text amendment to Kansas City Neighborhood Advisory Committee on June 10, 2019.

Purpose:

To clarify that a single-family dwelling may be erected on any area of land in separate ownership, subject to certain provisions

Issue:

The City Council has expressed the intent to enable infill development within the city, particularly on vacant lots within the urban core where transportation and utility services are available.

Certain text within Chapter 88 that was adopted with the new code in 2011 has been determined to be problematic in allowing single-family dwellings to be erected, particularly in the case of infill development on vacant lots.

Many lots within the city were platted either prior to adoption of the first zoning ordinance in 1923 or enactment of subdivision regulations in 1954. Additionally, many lots were platted under various county regulations, prior to annexation into the city.

Although legally created at the time, subject lots were platted with less lot width or lot area than currently required by Chapter 88. For example, many lots within the urban core are platted with 25 or 30 ft. lot width. Current minimum lot width requirements range from 150 to 25 ft., with 50 ft. required for the typical single-family districts R-7.5 and R-6.

Staff has consistently issued building permits for single-family homes on these lots, in accordance with “EXCEPTIONS” language, which states:

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 88-610-03-B. USE OF NONCONFORMING LOTS states that in residential zoning districts, a nonconforming lot “may be developed with a detached house.”

The subsequent section, 88-610-03-C. LOT CONSOLIDATION (Item 1.) addresses abutting, nonconforming lots under single ownership and states that the land involved is considered a single lot in determining lot size requirements. However, (Item 2.) allows the city planning and development director to reestablish the underlying lot previously combined with the abutting lot, to allow construction of a detached house. Reestablishment is subject to two conditions.

- The first is that the granting of the request results in compatible infill development, in keeping with the pattern of development on the subject block.
- The second condition, which is problematic in enabling infill development, requires that “the lot split will not result in the creation of any lot that is less than **30** feet in width.”

Staff proposes revision to:

- 88-610-03-C.1. to remove the clause stating that “no portion of the lot” (when abutting lots under single ownership are deemed a single lot) “may be sold or used in a manner that diminishes compliance with lot size requirements.”
- 88-610-03-C.2 to allow a single family home to be constructed on the 25, rather than 30, ft. wide lot.

It should be noted that lots must have been legally created in accordance with provisions. Additionally, all setback, height, and parking requirements of the code remain applicable, unless varied by the Board of Zoning Adjustment or approved by City Council in conjunction with a development plan.

Text Revision:

Affected text shown in **red font with yellow highlight**. Text to be deleted is **struck through**, and text to be added is **underlined**.

- Text currently codified as 88-820-01-B. EXCEPTIONS (under 88-820-01 LOT AREA)
 - would be deleted from this section
 - then placed under new subsection 88-110-06-C. EXCEPTIONS (under 88-110 RESIDENTIAL DISTRICTS; 88-110-06 LOT AND BUILDING STANDARDS).
- New subsection 88-110-06-C. is a more fitting location within the code for this provision
- Clarification to add lot “width” in addition to lot area

DELETING “EXCEPTIONS” FROM CURRENT LOCATION:

88-820-01 - LOT AREA

88-820-01-A. MEASUREMENT

The total land area contained within the property lines of a lot.

~~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.~~

ADDING "EXCEPTIONS" TO NEW LOCATION WITHIN CHAPTER 88:

88-110 - RESIDENTIAL DISTRICTS

88-110-06 - LOT AND BUILDING STANDARDS

88-110-06-C. 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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- Subsection 610-03-C. LOT CONSOLIDATION is to be revised as follows:
 - Remove prohibition against sale of lot
 - Change required lot width from 30 to 25 ft.

REVISING "LOT CONSOLIDATION" (REESTABLISHMENT) PROVISIONS:

88-610 - NONCONFORMITIES

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 25** feet in width.

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.

Recommendation:

Staff recommends approval of revisions to Chapter 88, Zoning & Development Code, as noted.

Respectfully Submitted,

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