

Proposed Amendments to Residential Zoning

Final Draft – Revised 08/29/2018

Drafting Notes: The 8/29/18 draft reflects the following changes from the 7/25/18 draft based on City Council and/or Planning Commission direction:

- **Garages.** Restoring the committees original recommendation to prohibit 3 forward-facing garages, but only in R-1B zoning [note: due to the 40% limit in place throughout the draft, this will only impact any R-1B lots that are 80 to 85' wide or larger, since those are the only ones that could fit the third car garages under the 40% rule).
- **Street trees.** Any needed adjustments to street tree requirements to clarify applicability, coordination / credits for existing trees, any timing or implementation standards, and/or any potential conflicts with the city-wide Bike/Ped plan. [note: no adjustments were deemed necessary; after further review of these issues, staff felt they were adequately addressed in the proposed draft, and/or technical or administrative issues that are worked out in future specific projects. Other necessary adjustments discussed by the City Council and planning commission regarding protection of trees or penalties for damaging trees are appropriate for a broader city-wide ordinance in the City Code, and involves topics not typically addressed in a zoning ordinance. An easy fix is to review and adjust the fine for damaging any street tree, whether associated with development subject to these proposed changes or otherwise.]
- **Foundation Height / Grade.** Adjusting the grade, foundation and first-floor elevation standards in [19.06.025 / 19.08.025]E. Building Foundations, to account for consideration of previous foundation heights and maximum finished grades, without PC review or exceptions.
- **Greenspace.** Re-locating the total lot greenspace standards with all lot development standards, re-characterizing it as “impervious surface coverage limits” and emphasizing it as a stormwater issue rather than neighborhood design issue.
- **Neighborhood Meeting.** Change the neighborhood meeting requirement to notice to be issued to neighbors on forms provided by the City.

[Reformat the current development standards of R-1A and R-1B into a simpler format **with no substantive change**; incorporate lot coverage standards from 19.44.035 here and omit from current location; add the impervious surface limits here (was “greenspace”)]

[19.06.015 / 19.08.015] **Development Standards.**

- A. **General Standards.** In District [R-1a/ R-1b], the following lot and building development standards apply to buildings and structures. For general exceptions, see Chapter 19.44, Height and Area Exceptions. Except for impervious coverage standards identified in sub-section B., any other deviation from these standards shall only be permitted by variances subject to the procedures and criteria of Chapter 19.54.

Table 19.06/19.08 A - Development Standards		
	[R-1a]	[R-1b]
Lot:		
Width	80' minimum	60' minimum
Depth	125' minimum	100' minimum
Building Coverage	30% of lot, maximum	30% of lot, maximum
Impervious Surface Coverage	35% of lot, maximum	35% of lot, maximum
Building Setbacks:		
Front	30' minimum	30' minimum
Side	7' minimum each side; 20% of lot width minimum between both sides; and at least 14' between adjacent buildings	6' minimum each side; 20% of lot width minimum between both sides; and at least 12 between adjacent buildings
Street Side	15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.	15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.
Rear	25' minimum	25' minimum
Height		
Height	35' maximum, measured from the top of foundation to the highest point of the roof structure.	29' maximum, measured from the top of foundation to the highest point of the roof structure
Story Limit	2.5 stories	2 stories

B. Lot Impervious Coverage Applicability and Exceptions.

1. *Applicability.* The total lot impervious surface coverage standard shall only apply to the following situations:
 - a. any new residential structure on a vacant lot;
 - b. a tear down of an existing residential structure and rebuild of a new residential structure.
 - c. any remodel of an existing residential structure that adds more than 200 square feet to the existing footprint or tears down more than 10% of the existing structure associated with new construction; and
 - d. any future development activity on any lot that has been subject to this standard according to a., b., or c.
2. *Exceptions.*
 - a. Any lot 10,000 square feet or less may have an unenclosed and uncovered deck or patio encroach up to 300 square feet that does not count to the impervious coverage standard.
 - b. The Planning Commission may grant exceptions to the total lot impervious coverage standard based on the process and criteria in [19.06.025 / 19.08.025]F. and provided a drainage study has been approved by Public Works.

[19.06.020 / 19.08.020] Accessory Buildings and Structures

[a collection of existing standards in various other sections, located here for better formatting, organization and interpretation. Some modifications made to clear up current issues and conflicts. 19.44.020.E; 19.34.020.A; 19.34.020.E.]

- A. **Residential Uses.** All lots used for residential buildings may have the following accessory buildings.
1. One minor accessory storage building not exceeding 120 square feet for lots under 10,000 square feet, 200 square feet for lots over 10,000 square feet and no taller than 10 feet high. The building shall be setback at least 3 feet from the side and rear lot line, and located behind the principal building.
 2. One major accessory building not exceeding 576 square feet and subject to the following design standards:
 - a. The height shall be no more than 20 feet, or no taller than the principal structure, whichever is less.
 - b. The building shall be designed compatible with the principal structure, including materials, windows and doors, roof form and pitch, and architectural style and details.
 - c. The building shall be setback at least 60 feet from the front lot line, and at least 20 feet from any street side lot line.
 - d. The building shall be setback at least 3 feet from the side and rear property line, except that any portion of the structure above 10 feet shall be set back a distance of at least 1/3 the height. For a pitched roof structure, portions of the structure may be up to 3 feet from the property, provided they are under 10 feet high; however, any portion between 10 feet and 20 feet must be stepped back at least 1/3 the height.
- B. **Non-residential Uses.** Non-residential uses permitted in residential districts shall be allowed one accessory building for each 1 acre of lot area, up to a maximum of three structures. These buildings shall be limited to 300 square feet and 16 feet tall, provided they meet all principal building setbacks and are not visible or are screened from the right of way by landscape. All other buildings shall be considered principal buildings and designed and approved subject to principal building standards, or as otherwise permitted through Special Use Permits according to Chapter 19.28.
- C. **Building Coverage.** All accessory buildings and structures over 30 inches high shall count towards the overall 30% building coverage limit.

[Add the following new section to R-1A and R-1B (as 19.06.025 and 19.08.025 respectively)]

[19.06.025 / 19.08.025] Neighborhood Design Standards.

- A. **Design Objectives.** The design objectives of the Neighborhood Design Standards are to:
1. Maintain and enhance the unique character of Prairie Village neighborhoods.
 2. Promote building and site design that enhances neighborhood streetscapes.

3. Reinforce the existing scale and patterns of buildings in neighborhoods for new construction.
4. Manage the relationship of adjacent buildings and promote compatible transitions.
5. Enhance the quality, aesthetic character and visual interest within neighborhoods by breaking down larger masses and incorporating human scale details and ornamentation.
6. Locate and orient buildings to maintain the existing grade of the street, block, and lot frontages, and design them in a manner that reduces the perceived massing from the streetscape and abutting lots.

B. **Applicability.** These Neighborhood Design Standards shall be applicable to the following situations:

1. Any new residential structure.
2. Construction activity that adds more than 200 square feet of building footprint to an existing residential structure.
3. Construction activity that alters the form or massing of the front elevation or roof of a residential structure.
4. Any future development activity of any scale on property that has been subject to paragraphs 1., 2, or 3. above.

With the exception of the street tree standards, the neighborhood design standards shall only apply to the extent of the proposed construction activity, and any portion of a building or site that does not conform to these standards but is existing and not part of the application may remain.

C. **Landscape and Frontage Design.** The following landscape and frontage design standards promote the character and quality of streetscapes, improve the relationship of lots and buildings to the streetscape, and provide natural elements and green space to compliment development.

1. *Street Trees.* All lots shall have at least one street tree. Lots with over 80 feet of street frontage shall have at least one tree per 50 feet to maintain an average spacing between 30 and 50 feet along the streetscape.
 - a. Existing trees in the right of way or within the first 20 feet of the front lot line may count to this requirement provided the tree is healthy, and is protected from any damage during construction activity.
 - b. Street trees shall be selected from the latest version of *Great Trees for the Kansas City Region*, large street tree list, or other list officially adopted by the Tree Board.
 - c. Street trees shall be at least 2.5-inch caliper at planting.
 - d. Street trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, the following locations, where applicable and in order of priority.
 - (1) On center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - (2) 4 feet to 8 feet from the back of curb where no sidewalk exists; or

- (3) Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
 2. **Green Space.** Lots shall maintain at least 60% of the lot between the front building line and the front lot line as green space - permeable areas planted with trees, shrubs, vegetative ground cover, or ornamental plants.
 - a. Exceptions. Any lot less than 70 feet wide and fronting on a collector or arterial street as designated in Section 13-203 of the City Code may reduce the frontage greenspace to 50% to allow for safe access and parking, provided the total lot impervious surface limit is maintained.
- D. **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.
 1. **Windows and Entrances.** All facades shall have window and door openings covering at least:
 - a. 15% on all front facades or any street facing side facade; and
 - b. 8% on all other side facades; and
 - c. 15% on all rear facades.Any molding or architectural details integrated with the window or door opening may count for up to 3% of this percentage requirement.
 2. **Wall Planes:** Wall planes shall have varied massing by:
 - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:
 - (1) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
 - (2) Off-sets of the building mass such as step backs or cantilevers of at least 2 feet.
 - (3) Single-story front entry features such as stoops, porticos or porches.
 - (4) No projections shall exceed the setback encroachment limits of Section 19.44.020.
 - b. No elevation along the side lot line shall be greater than 800 square feet without at least 4 feet additional setback on at least 25% of the elevation.
 3. **Garage Limits.** The following garage door standards maintain a human scale for front facades, create a relationship between the façade and the streetscape, and limit the expression of the garage as the primary feature at the building frontage.

- a. Garage doors shall not exceed more than 9 feet wide for single bays, or 18 feet wide for double bays, and 8 feet high.
- b. Garages expressed as a separate mass on the front elevation shall be limited based on the width of the front facade as follows:

Table 19.06/19.08 B – Garage Mass Limits	
Front Facade Width	Maximum width of garage mass
Under 48'	50% of elevation
48' to 60'	24'
Over 60'	40% of elevation

- c. Any lot or building configuration that permits more than two front garage entries shall require at least one of them to be off-set by at least 2 feet, or require side orientation of the garage entrances. [R-1a only]
- c. No more than 2 bays (2-single or 1 double door) shall be permitted on the front elevation. Any site or building configuration that permits three or more garage bays shall require side orientation or rear access for anything beyond 2 bays. [R-1b only]
- d. Front-loaded garage wall planes shall be limited based on its position in relation to the main mass as follows

Table 19.06/19.08 C – Garage Placement Limits	
Placement in relation to main mass	Mass / wall plane limits
In front up to 4'	Front wall plane for the garage mass shall be limited to 360 s.f. max.
More than 4' but less than 12' in front	Overall wall planes for the garage mass shall be limited to 360 s.f.; The wall planes with the garage door shall be limited to 216 s.f. max.; Any upper level gables, dormers or other wall planes shall cantilever or be offset at least 2' from the garage door plane; A front entry feature shall be established along at least 12' of the front elevation, and in front of or no more than 4' behind the garage entry.
12' or more in front	Prohibited, unless side oriented doors. Then, subject to a wall plane limit of no more than 360 square feet.
All others (flush or setback from the main mass)	Limited to same standards as main mass in Section D.2. (i.e. 500 s.f. max elevations)

- e. *[this is a current standard from 19.34.020.A. relocated here for better formatting and simplified for interpretation; existing 19.34.020.A should be removed.]* On corner lots, an attached garage constructed as an integral part of the principal structure may have a minimum rear setback of 18 feet, provided the driveway entrance is off the side street, the garage is setback at least 25 feet from the side lot line, and the footprint of the garage is no more than 576 square feet.

E. **Building Foundations.** *[this is the current standard in 19.44.030, to be relocated here for better formatting and interpretation; it has been amended as shown below to address*

concerns raised in the public open houses, City Council discussions, and Planning Commission discussions, and existing 19.44.030 would be deleted.]

1. ~~_____~~ New residential structures shall establish the top of foundation between 6 inches and 24 inches above the finished grade along the front facade. ~~The top of foundation measurement shall be limited to 6 inches above the highest point of the finished grade in situations where there is a significant grade change along the front facade (i.e. slope or hill) that results in more than 24 inches of foundation exposure at any point.~~
2. ~~No new residential structure may be built with a top of foundation more than 12 inches higher than the top of foundation of a previous existing home, or the height allowed by sub-sections 1., whichever is less.~~
23. New residential structures or additions may raise the top of foundation an additional 6 inches for every additional 5 feet over the minimum side setback that the building sets back from both side property lines, up to 36 inches above the finished grade along the front facade.
- 4 ~~Any elevation that has more than 24 inches of foundation exposed due to grade changes shall cover the foundation by extending the siding to within 24 inches of finished grade, or by covering the foundation with decorative materials such as stone or brick that compliments the principal materials of the building.~~
5. New residential structures or additions not meeting paragraphs 1., ~~or 2 through 4.~~ above shall be submitted to the Planning Commission for review. The Planning Commission may grant an exception based on the following criteria:
 - a. The design of the building elevations, and, specifically any design details that reduce the scale and massing of the building compared to what could otherwise be built under the zoning standards.
 - b. The relationship of the proposed dwelling to existing structures, and whether their grading, elevation, and design is appropriate for the context.
 - c. Any special considerations of the lot with respect to existing grades, proposed appropriate grades and the drainage patterns in relation to adjacent properties and the proposed structure.

F. **Exceptions.** The Planning Commission may grant exceptions to the Neighborhood Design Standards in this section [19.06.025 / 19.08.025] through the site plan review process, based upon the following criteria:

1. The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;
2. Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
3. The placement and orientation of the main mass, accessory elements, garages and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.
4. Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
5. The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards – primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.

6. The exception will equally or better serve the design objectives stated in ~~Section~~Section [19.06.025 / 19.08.025] A and the intent stated for the particular standard being altered.

[19.06.045 / 19.08.040] Parking Regulations. [no changes]

[19.06.050 / 19.08.045] Site Plan Approval and Public Notice. [no changes; except recommend requiring a Public Notice with any teardown and/or new structure to go over construction logistics and demonstrate standards will be met; although site plan approval by PC will still not be required unless going for exception in sub-section 025.F above.]

- A. All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family dwellings, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with Chapter 19.32 Site Plan Approval prior to the issuance of a building permit.
- B. [new provision] Any teardown of an existing residential structure and any new principal residential structure on a vacant lot shall send notice to all property owners within 200 feet of the lot, excluding rights-of-way. Notice shall be sent by certified mail, return receipt requested, on a form provided by the City indicating the action requested, that plans are on file with the City for review, the contact information of the property owner, and the main contact for the proposed construction. The City shall not issue any permits until provided evidence that notice has been sent.
- C. If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the Building Official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the Planning Commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

Associated Changes to Chapter 19.44 – Height and Area Exceptions

19.44.020 Yard Exceptions.

- A. In districts R-1a through R-4 inclusive, where at least 5 lots or lots comprising forty (40) percent or more of the frontage, whichever is greater, on the same side of a street between two intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such

front yards shall establish the minimum front yard depth for the entire frontage; except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, yet is less than the established setback for the block as provided above, such setback line shall apply.

- B. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest wall of the building.
- C. In all use districts, portions of buildings may project into required yards as follows:
1. ~~Bay~~Chimneys, bay, bow, oriel, dormer or other projecting windows and stairway landings; other than full two or more story windows and landings may project into required yards not to exceed three (3) feet, provided they are limited to no more than 20% of the total building elevation;
 2. Miscellaneous architectural features, including balconies, eaves, cornices, sills, belt courses, spoutings, ~~chimneys~~, brackets, pilasters, grill work, trellises and similar projections for purely ornamental purposes may project into required yards not to exceed four (4) feet;
 3. Window wells ~~Any vestibule, not more than one (1) story in height,~~ may project into required yards ~~not more than three (3) up to four (4) feet~~;
 - ~~Unenclosed porches, ported cocheres, marquees and canopies may project into required front or rear yards not to exceed twelve (12) feet, and on corner lots may project into required side yards on the side streets not to exceed ten (10) feet;~~
 4. Structures associated with the front entrance to the principal building, such as porches, stoops, canopies or porticos, may encroach up to 12 feet into the front setback, and up to 10 feet into any street side setback, provided:
 - a. Any roof structure shall be single story, establishing an eave line between 7 feet and 9 feet above the top of foundation, and no gable or other part of the structure shall exceed 14 feet.
 - b. The entry feature shall remain unenclosed on all sides encroaching into the setback, except for railings or walls up to 3 feet above the structures surface.
 - c. The entry feature shall be integrated with the design of the principal structure including materials, roof form and pitch, and architectural style and details.Provided that the
 5. All projections permitted in Subdivisions 2, 3 and 4 above by this sub-section shall not project into required side yards a distance greater than one-half the required minimum width of side yard;
 4. ~~There shall be no limitation on the projection of open (uncovered) porches, decks, terraces or patios into required yards;~~
- D. Open and uncovered porches, decks or patios less than 30 inches high may encroach into the required side or rear yards up to 3 feet from the property line, but are subject to the impervious surface coverage limits. If these structures are 30 inches high or more they shall meet all setback, building coverage, and greenspace lot impervious coverage requirements. ~~An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four feet from the building. Fire escapes, solid-floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.~~
- E. ~~In any district a detached garage or carport shall not exceed twenty-four feet or two stories in height, or in any case shall not be higher than the main building and the area shall not be more than twenty percent of the required rear yard.~~

- E. In R-1a and R-1b, when applying the development and design standards, the building official may determine corner lots be oriented as follows, based on any prevailing patterns of the adjacent lots and blocks:
1. *Standard corner.* The building orients to the same front as all other buildings along the same street and the front setback and design standards apply to this street. The expanded street side setback applies to the other street, the side and rear setbacks apply to the remaining sides.
 2. *Reverse corner.* The building orients to the short side of the block, different from other lots on the interior of the block, and the front setback and design standards apply to this street. The expanded side setback applies to the other street and the side and rear setbacks apply to the remaining sides.
 3. *Intersection orientation.* The building orients to both streets and the front setback and design standards apply to each street. The interior side setbacks apply to both abutting lot sides, and no rear yard setback applies.
- F. A through lot having one end abutting a limited access highway with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- G. Accessibility to the rear portion of all lots in a district C-O to C-2 inclusive, for four-wheeled vehicles from and to a public street, alley or way shall be provided unless waived by the Planning Commission.

19.02 Definitions

[the following definitions are added or changed to correspond with the above changes.]

19.02.306-087 Let-Building Coverage. “Let-Building coverage” means that portion of a lot, which is covered by a structure or structures, excluding the first four (4) feet of projecting roof eaves and excluding open, unenclosed and uncovered decks or other structures 30 inches or less in height. (Ord. 2019, Sec. I, 2001; Ord. 2048, Sec. II, 2003)

19.02.287. Impervious Surface Coverage. “Impervious surface coverage” means that portion of the lot, which is covered by a structure, material, or other fixed physical element that does not allow the infiltration of ground water at the same rate of flow under natural conditions as undisturbed property and cannot be planted with landscape materials. Impervious area includes but is not limited to building footprint, driveways, sidewalks, patios, decks, pools, and sheds.

19.02.436 Story Above Grade Plane. “Any story having its finish floor surface entirely above grade plane, except that a basement shall be considered a story where the finished surface of the floor above the basement is: 1. More than six feet above grade plane; or 2. More than 12 feet above the finished ground level at any point the foundation is exposed above grade on the front elevation to any extent not permitted by these standards or authorized exceptions.”