

# **ZONING FRAMEWORK**

The purpose of this report is to provide a framework for the update of the North Kansas City Zoning Ordinance to modernize the City's main form of land development policies as well as implement the North Kansas City Master Plan. The recommendations in this framework report are intended to provide general guidance for a future update of the City's zoning without creating a line-by-line dissection. These recommendations are based not only on the development strategies outlined in the Master Plan but also on discussions with City staff, elected officials, appointed planning officials, and stakeholders that represent community interests, all of whom provided insight into the City's current regulations.

The intent of this report is to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and to provide options for improvement. This framework also includes a proposed outline for the new regulations.

It is important to keep in mind that this evaluation does not necessarily identify every issue or individual problem with the existing regulations but tries to focus on broader issues that will need direction prior to the actual text amendments.

## **ANALYSIS OF THE EXISTING ZONING ORDINANCE**

Modernizing the City's zoning ordinance does not necessarily require that the City throw out their existing regulations but rather, focus on some targeted revisions to the district structure, updating the design standards, and improving the usability of the document. All of these issues are discussed further within the individual section discussions below.

### ***Section 17.04.020 – Purpose and Intent***

The purpose and intent statements for the entire zoning ordinance are important to identifying the legislative intent of the document as well as the individual districts. The existing statements will need to be completely rewritten to better reflect the Master Plan Vision and Vision Themes. For example, the existing purpose sentence in 17.04.1020 (B)(3) states that ordinance is set up to "accomplish certain standards and objectives by: preventing the overcrowding of land through regulating and limiting the height and bulk of buildings hereafter erected as related to land area;" This type of language is very common in many ordinances and is often a carryover from historical desires to prevent overcrowding of buildings in very urban cities. While the prevention of overcrowding is still an important purpose, a better statement might be that "this ordinance is designed to help define North Kansas City's vision of a community with compact, walkable neighborhoods that are designed to enhance community character and create a sense of place." This is a purpose statement that can be tied directly back to the Master Plan.

In addition to incorporating more of the Master Plan's vision into the purpose statement, this section should generally be revised to avoid negative language. There are several statements that use the term "limiting" such as "...limiting the building or setback lines...", "...limiting the

intensity of the use...” and “...limiting the powers and duties of the administrative officers and bodies...” While not intentional, this can give a reader the perception that the City is trying to be overly controlling of activities. An example of a revision to the existing language is to replace statement 17.04.1020 (B)(10) that reads

“Defining and limiting the powers and duties of the administrative officers and bodies as provided hereinafter;” with language such as an intent to “establish open and transparent review procedures that streamlined development rules when the proposed activities are compatible with the North Kansas City Master Plan and complies with the requirements of this ordinance.”



### ***Section 17.08.010 – Definitions***

Whenever a community undertakes a comprehensive rewrite of their zoning regulations, it is necessary to also comprehensively rewrite the glossary of definitions. Terms that are no longer used need to be eliminated and new terms will have to be incorporated based on the language that is added as part of the process. Additionally, it is always a good idea to evaluate the definitions that will remain to remove or revise any definitions that are unnecessary or confusing. For example, the term “bulk” is defined in this section as it relates to the scale and massing of buildings. Unfortunately, it is used in a broader manner throughout the ordinance. In some cases it is about buildings but the term is also used in relation to landscaping (i.e., bulk plants) or even to address bulk sales. It will be important to consider where terms need to be defined and/or clarified in this section versus where the City can rely on the standards to be detailed enough to define the term.

### ***Chapter 17.12 – Zoning Districts Designated and the Regulation of Uses***

One of the key reasons for updating the zoning ordinance is to enhance the opportunity for development and reinvestment envisioned by the Master Plan. One of major areas of change needed to accomplish this goal is to evaluate the existing zoning district structure (number and types of districts), where and how uses are allowed, and the specific standards that apply to those districts and uses. The zoning district changes suggested by this framework are summarized in Table 1 and are more fully discussed in the sections for the individual districts.



<b>TABLE 1: SUMMARY OF PROPOSED ZONING DISTRICT CHANGES</b>	
<b>Existing District</b>	<b>Summary of Suggested Changes</b>
P-C Public/Civic District	Maintain with some revisions.
R-1A Low Density Single-Family Residential District	Maintain with revisions to focus on compatibility for infill and redevelopment.
R-1B High Density Single-Family Residential District	
R-2 Two-Family Residential District	Maintain with some revisions.
R-3 Cluster or Garden-Type Residential District	
R-4 Medium Density Apartment District	
R-5 High Density Apartment District	Maintain this district in the zoning ordinance text but make it a discontinued district.
C-0 Non-Retail Business District	Maintain with some revisions.
C-1 Local Business District	Consider eliminating this district.
C-2 Retail Business District	Completely revise to become a new downtown, form-based zoning district.
C-3 Service Business District	Maintain and revise to serve as the City's general business district outside of Downtown and the Burlington Corridor Districts
M-T Industrial Transition District	New District
M-1 Limited Industrial District	Maintain with some revisions.
M-2 General Industrial District	
G-1 Gaming and Amusement District	
Burlington Corridor Overlay District	Change this district from an overlay district to a base zoning district.
Planned Unit Development	Maintain with some revisions.

In addition to the suggested changes to the district structure summarized above, there are two overall improvements that should be addressed in an update to the zoning ordinance. The first is the elimination of an outdated pyramidal scheme of uses that was identified as an implementation strategy in the Master Plan. The second is to update the list of uses permitted, or conditionally permitted, in North Kansas City and then utilize a use table to allow users to easily identify where and how uses are permitted across all zoning districts. Each of these recommendations is discussed more fully below.

## **1. Eliminate the Pyramidal Scheme of Permitted Uses**

As stated in the Master Plan, the City's current zoning ordinance is based on an outdated pyramidal scheme of permitted uses where, with few exceptions, the industrial districts are the most permissive, allowing for all uses in the more restrictive zoning districts including any residential and commercial uses permitted across the City. While a modern zoning ordinance must embrace flexibility and provide for a broader mixture of uses, allowing too broad of a mix poses a significant risk of eroding the industrial base in the City if more residential, office, and commercial uses begin to encroach into the industrial areas. At the other end of the spectrum, because the residential and low-intensity commercial districts only allow for limited types of uses, there is difficulty in embracing a mixture of residential and commercial uses where it is appropriate. An update to the zoning ordinance should focus on creating vibrant places but also ensure the long-term viability of the City's residential and industrial cores through the review and update of the list of permitted uses based on the vision of the individual character areas within the City.

## **2. Utilize a Use Table to Identify Permitted Uses**

We recommend that the City include a use table in any zoning ordinance update to illustrate where and how uses are permitted within each zoning district. The City currently utilizes a form of a use table within the Burlington Corridor Overlay District when identifying distinctions between the different areas of the corridor; however, the table does not identify a comprehensive list of uses but rather identifies where there are differences with the base zoning districts. With all the other zoning districts, there is simply a list of permitted uses in each district's section of the ordinance. This is then supplemented by a list of uses that may be considered as conditional uses in Chapter 17.84, making it very difficult to consider how and where a particular use is permitted in any individual district, let alone across all districts. Utilizing tables to illustrate allowed uses within each district is an effective method of illustrating uses both in a single district and in district-to-district comparisons.

As part of the development of a use table, the City should also use the update of a zoning ordinance to reevaluate the list of uses allowed in the City and consider if the uses are too broadly defined or too specific. For example, in the C-O District, there is a list of "other offices" allowed in the district that identifies the types of professional offices permitted but the way the language is written, it is very restrictive in that the offices allowed are limited to those in the list. The problem occurs when you consider common office users that fall outside of the list. For example, the list includes architects but not planners, interior designers, landscape architects, or other related professions. This is an example when the list of uses may be too restrictive and the City would be better off identifying "professional offices" with a strong definition of what that includes with some allowances for consideration of similar or related uses.

TABLE 1222-3: PERMITTED PRINCIPAL USES

Use Category and Use Type		Base Zoning Districts											Use-Specific Standards in Section:	
Use Category	Use Type	A-1	R-1A, R-1B, R-1C, or R-1D	R-2	R-3	O-1	B-1	B-2	B-3	I-1	I-2	P-1		PUD
<b>Agricultural Uses</b>														
Agriculture and Agricultural Services	Agriculture (Raising of Crops)	P	P	P	P	P	P	P	P	P	P	P	P	
	Agriculture (Livestock)	PS	---	---	---	---	---	---	---	---	---	---	---	1222.05(b)(1)
	Community Gardens	PS	PS	PS	PS	---	---	---	---	---	---	PS	PS	1222.05(b)(2)
	Farm Implement Sales and Service	C	---	---	---	---	---	---	C	---	---	---	---	
	Greenhouses and Nurseries	PS	---	---	---	---	---	---	P	---	---	---	P	1222.05(b)(3)
<b>Residential Uses</b>														
Group Living	Small Residential Facilities	PS	PS	PS	PS	---	---	---	---	---	---	PS	PS	1222.05(c)(1)
	Large Residential Facilities	---	---	PS	PS	---	---	---	---	---	---	PS	PS	1222.05(c)(1)
	Dormitories	---	---	---	---	---	---	---	---	---	---	P	P	
	Fraternal or Sororities	---	---	---	C	---	---	---	---	---	---	P	P	
	Skilled Nursing or Personal Care Facilities	---	---	---	C	C	C	---	C	---	---	PS	PS	1222.05(c)(2)
Household Living	Dwelling, Multi-Family (Apartment Building with 9 or more units)	---	---	---	PS	---	---	---	---	---	---	PS	1222.05(c)(3)	
	Dwelling, Multi-Family (Apartment House with 4 to 8 units)	---	---	---	PS	---	---	---	---	---	---	PS	1222.05(c)(3)	
Household Living	Dwelling, Multi-Family (Attached up to 6 units)	---	---	---	PS	---	---	---	---	---	---	PS	1222.05(c)(3)	
	Dwelling, Single-Family	P	P	P	P	---	---	---	---	---	---	P		
	Dwelling, Three-Family	---	---	---	P	---	---	---	---	---	---	P		
	Dwelling, Two-Family	---	---	P	P	---	---	---	---	---	---	P		
	Narrow Lot Developments	---	C	C	C	---	---	---	---	---	---	PS	1222.05(c)(4)	
	Permanently Sited Manufactured Homes	PS	PS	PS	PS	---	---	---	---	---	---	PS	1222.05(c)(5)	

Partial sample of a use table identifying the permitted residential and agricultural uses along the right side and all of the districts across the top.

### Chapter 17.14 – P-C, Public/Civic District

Many communities maintain a district specific for public, civic, and other institutional uses to allow for areas of the City for these sometimes large scale or multi-building/multi-use public-oriented uses. The City does not currently have any areas zoned for this district but it is appropriate to maintain it if there is potential for such uses. However, we recommend revising the language to:

- Reconsider how the uses are allowed in other districts compared to this district. If a public use is allowed in another zoning district with little to no development standards, there is little incentive to request this zoning district. It may be more appropriate to make the uses permitted by-right in this zoning district but conditionally permitted in other districts, as allowed by law.
- The design guidelines are too vague with language like “encouraged,” “dominant,” and “should” without any additional guidance as to how that language may be interpreted so the City can end up not having the ability to say no to certain proposals because of the lack of clear and predictable standards. The guidelines need to be revised to provide more objective requirements for things like buffering, traffic impacts, and parking.

### ***Chapter 17.16 – R-1A, Low Density Single-Family Residential District***

The R-1A District should be retained for the purposes of protecting existing residential neighborhoods in the City, particular those with a density similar to the River Forest subdivision. Some modifications to consider in an effort to link the district more closely to the Master Plan include:

- Adjust zoning district boundaries to cover those areas classified as the Suburban Neighborhood Character Area in the Master Plan. This adjustment of the zoning district boundary may not precisely follow the character area boundary due to the existence of higher density development or existing PUDs.
- The City might also consider renaming the district Suburban Neighborhood to more closely align it with the applicable area.
- Incorporate neighborhood compatibility standards for any infill development that will require any new homes retain the scale and massing of existing homes and sites within the same block. This will help retain the character of the neighborhood. However, the City should also allow for the possibility of the complete redevelopment of an entire block without being subject to the compatibility standards.

### ***Chapter 17.20 – R-1B, High Density Single-Family Residential District***

The R-1B District should also be retained for the purposes of protecting existing residential neighborhoods but with more of a focus around those areas within the Traditional Neighborhood Character Area of the Master Plan. Like the R-1A District recommendations, the City should consider adjusting the boundaries to focus on areas such as the Avenues while allowing other areas, such as Northgate, City View, and areas zoned as R-2, to retain that existing zoning. This district should also contain similar neighborhood compatibility standards as identified in the R-1A District.

### ***Chapter 17.24 – R-2, Two Family and Rooming House Residential District***

The R-2 District is only located in one area of the City but it does provide for a housing option that is not necessarily available elsewhere and as such, the City should retain this district with minimal changes. In updating the zoning ordinance, the City might consider renaming the district as the R-2 Two Family Residential District as it does not appear that rooming houses are permitted, let alone encouraged, and so there is no need to incorporate the use in the name of the district. Within this district, the City might consider incorporating the neighborhood compatibility standards suggested for the single-family residential districts but such regulations should allow for both single-family or two family housing options.

### ***Chapter 17.28 – R-3, Cluster or Garden-Type Residential District***

Like the R-2 District, the R-3 District only applies to one area of the City and that is the Sunny Hills development. The district is set up like many of the other base zoning districts with a list of permitted uses and related site development standards but the final requirement of the district states that any development will require a PUD review, essentially ruling out any by-right development under the district requirements. For this reason, the City consider revising the



district to allow for a number of low-intensity, multi-family residential uses by-right with stronger design standards. These standards may establish the specific types of multi-family structure types that would be allowed in the district including the possibility of cottage homes, apartment houses, rowhouses, or other similar types of multi-family residential building types (See illustrative examples below) provided they meet some enhanced design standards. This will allow for the removal of the PUD requirements and will give the City some predictability of what types of multi-family residential uses could be constructed on the site if Sunny Hills was to be redeveloped without mandating a PUD.



*The top left image illustrates a cottage development with multiple small homes on a single lot, organized around a common green space. The top right image is a multi-family apartment house that has the appearance of a large single-family home but contains multiple dwelling units. The bottom image illustrates a low-density townhome development.*

### **Chapter 17.32 – R-4, Medium Density Residential District**

The R-4 District should be retained as it provides for an important intensity of housing necessary to promote the goals of population growth in North Kansas City. The City should consider some minor changes to the district including:

- Providing more definition to what “medium-density apartment buildings” means. There is no definition of such use in the ordinance with only the term “apartment” defined. The City might incorporating the multi-family housing type examples shown in the examples above as part of a permitted use table and then identifying which of those housing types are allowed in the R-4 District as well as any related design standards. Furthermore, the maximum density should be stated to ensure clear and predictable standards.

- Eliminate references to housing specific for senior citizens. The City should encourage the development of housing for seniors by ensuring that the uses and housing types allowed in this district would provide that opportunity but there is no need to call that out as a separate use because the City would like to attract people of all ages.
- In general, the City can eliminate any standards such as the one under Section 17.32.030 that states “all buildings exceeding two and one-half stories shall be equipped with elevators.” This is something that should be dictated by the applicable building code or at the developer’s initiative rather than as a zoning requirement.

### ***Chapter 17.36 – R-5, High Density Residential Apartment District***

The R-5 District is currently only applied to the site of the Northland Lofts, which is one of the highest density residential developments in the City. The Master Plan recommendations prioritize residential density around the Burlington Street Corridor or in and around Downtown North Kansas City rather than other areas of the City and this calls into question the need for the R-5 District to be maintained.



Instead of eliminating the district, which would make the Northland Lofts a nonconforming use, the City should consider maintaining the text of the district but making the district a discontinued zoning district that would not be permitted to be used in any other area of the City after the effective date of any zoning amendment. This would allow the lofts as a conforming use, that could be rebuilt or expanded in accordance with the R-5 District but would prevent additional R-5 zoning in other areas of the City not so envisioned in the Master Plan.

### ***Chapter 17.40 – C-0, Non-Retail Business District***

The C-0 District is currently the zoning that applies to the hospital site. Per its name, the district is focused on allowing for non-retail uses such as professional or administrative offices, hospitals, and other medical uses. With the City’s pyramidal zoning, the district even allows for most of the types of residential housing permitted in the residential districts. This type of non-retail district is a good zoning option to maintain as it supports business development, particularly for larger scale developments such as the hospital. The City should consider some minor revisions, such as using somewhat broader definitions for the different types of office uses allowed in the district. This will likely be addressed if the City utilizes a use table and undertakes a comprehensive evaluation of the uses allowed in the community. Additionally, while this district is focused on non-retail uses, the City should also consider allowing up to 10% to 15% of any building’s square footage to be used for retail purposes to allow for cafes, banks, or other similar uses that might serve the daily needs of employees or visitors.



### ***Chapter 17.44 – C-1, Local Business District***

The City should consider eliminating the C-1 District. There are only a few small areas zoned C-1 and the vast majority of the areas are within portions of the City that will be covered by the Burlington Corridor or Downtown zoning districts. In addition to the zoning not necessarily being relevant or necessary anymore, the list of permitted uses is so detailed that it could end up being limiting for uses that fall outside of the list. For example, the list of permitted uses include shops that sell artist and hobby supplies but does not appear to allow the sale of art unless staff were to classify art as “novelties.”

### ***Chapter 17.48 – C-2, Retail Business District***

The C-2 Retail Business District currently serves essentially as the City’s Downtown zoning district. For this reason, it seems appropriate to utilize this district as the foundation for a zoning district to address the recommendations for change outlined in the Master Plan including those areas designated as the Expanded Downtown Focus Area. The recommendations for change within this district are substantial as the Master Plan suggests with a change to focus more on the form of the development (e.g., relationship to the street, scale, massing, density, etc.) rather than uses and general design guidelines. The following is a summary of the significant changes needed to implement the plan for the area:



- Given that the district will be designed for a very specific area of the City, the district should be renamed appropriately. If this area is going to be known as the Downtown area, even though it will extend much further south than the existing zoning, then it should be renamed as such. It will help from the standpoint of usability when reading the code.
- This will be a much larger area than the existing district with a wide mixture of existing building styles, existing uses, and general site layouts, let alone recommendations for future redevelopment typologies (See Master Plan.). For this reason, the district might incorporate either 1) a regulating plan based on the individual streets, a plan common to many true form-based codes; or 2) a series of sub-districts that will break the district down a bit further for the purposes of defining the character of development rather than uses. For example, the treatment of development that faces Armour Road is likely to be treated differently than development along Swift Street or the portion of Burlington Street that falls within the focus area. For each of these major areas, how the building is built in relation to the main corridor may vary both in setback and height. A regulating plan or sub-district approach can treat these differently but still regulate the area as a whole. In the same manner, the treatment of side streets and alleys is likely going to be different so one of the two approaches offers a method of evaluating the character designed for these sub-street types.

- While the regulation of land uses should not be the primary focus of zoning regulations in this district, they will still need to be addressed. For example, most residential uses should be focused on the second floor, at least along the major corridors. Additionally, while the City should encourage a wide range of active uses in this area, there are likely some industrial uses and auto-oriented uses (e.g., drive-throughs) that the City should prohibit or strictly regulate within the entire district.
- The design guidelines found in the existing C-2 District will need to be revised and reorganized. Many of the guidelines, such as the one stating to avoid long, monotonous walls, are standards that should apply to most nonresidential buildings except industrial buildings. These types of universal architectural and design standards should be moved to the chapter proposed for architectural standards or site development standards, as applicable. The City should focus more on establishing the building envelope and some basic building requirements (e.g., façade variations, transparency, building orientation, etc.) and avoid mandating a singular architectural style. The purpose behind this is to allow for some flexibility in design of the buildings. Additionally, provisions should be added to encourage the preservation of older building facades where such facades contribute to the unique character of North Kansas City.
- It will be important that all development standards and guidelines be crafted to require pedestrian compatibility as a part of promoting walkable neighborhoods. To the maximum extent feasible, access to parking lots and loading activities should be funneled along the side streets and alleys so that pedestrian activity is focused along the primary street corridors.



### ***Chapter 17.52 – C-3, Service Business District***

With the elimination of the C-1 District and revisions to the C-2 District to serve Downtown, the C-3 District should remain to serve as the City’s general business district that may serve both pedestrians and auto-oriented traffic. The list of uses should be reconsidered as part of an overall evaluation of uses because like the C-1 District, the list of permitted uses is so detailed as to be restrictive. The current district completely prohibits residential dwellings and in doing so would prevent any mixed use buildings such as apartments on the second floor above retail or live/work units. While the Master Plan envisions those types of mixed uses primarily in Downtown and along the Burlington Corridor, allowing for mixed uses in other districts allows for more housing options. As is highlighted in the next section on the proposed zoning framework, any development with the C-3 District should be subject to enhanced design standards for parking, landscaping, signage, and architectural to ensure quality design for the City’s commercial areas.

### ***New Chapter – M-T, Industrial Transition District***

In order to fully implement the recommendations of the Master Plan, the City will need to incorporate one new zoning district to designate areas for industrial transition uses. These areas are where there is a significant amount of existing industrial uses and buildings but, due to its location near Downtown, may also be an appropriate use for more transitional uses such as office, business support uses, or research and development. The existing M-1 District can serve as a basic foundation for the creation of this new district with allowances for a broader list of land uses and enhanced design standards that will make this area a blend of the extended Downtown and nearby industrial areas.

### ***Chapter 17.56 – M-1, Limited Industrial District and Chapter 17.60 – M-2, General Industrial District***

Both the M-1 and M-2 Industrial Districts should be carried forward as part of any update to the zoning ordinance. Given the overall zoning enhancements discussed in other parts of this report, these districts require few other changes to continue to serve as the zoning for the City's industrial areas.

### ***Chapter 17.64 – G-1, Gaming and Amusement District***

The G-1 District was designed to specifically serve as the zoning for the Harrah's Casino. The district should be carried forward with only minor revisions so that it may be integrated into the larger zoning update.

### ***Chapter 17.66 – Burlington Corridor Overlay District***

The Burlington Corridor is a key gateway and corridor for the City, one that has been difficult to address because of the wide variety of buildings, uses, and access along the full length of the corridor. Over the years, the City has undertaken numerous studies of the corridor that ultimately led to the current overlay district. While the overall intent of the existing district is fairly clear, the regulations are complicated and in some cases, seem to conflict. Furthermore, several of the standards are so detailed that they potentially prevent creative development that would otherwise meet the purpose of the district. In order to address this, the City should consider the following changes:

- Change the overlay district into a base zoning district – Given that the overlay is subdivided into three sub-areas, it would be quite simple to change this to a base zoning district and treat it as a unique area of the City and as such, simplify how development is regulated along this corridor. The new district should maintain some distinction between the three different areas (north, central, and south) but the areas should be further refined, especially since a portion of the corridor lies within the Master Plan's Downtown Focus Area and may ultimately be addressed in a revised C-2 Downtown District. Undertaking this recommendation will mean that a potential developer will not have to consider the requirements of two zoning districts.

- Incorporate the new base district within the use table so it is clear what uses are allowed within each of the areas, again, without having to go back and forth between a base zoning district and overlay zoning district.
- Completely reevaluate all of the building standards and design guidelines – A major part of the confusion with this district is that there is an early section on site and building standards followed immediately by design guidelines, which also address site and building design issues. In some cases, these standards and guidelines seem to conflict depending on the interpretation of the language. An example of this is that Section 17.66.060 (D) establishes building standards for transparency (windows and doors) that talks about ratios of the front façade that have to be transparent between two feet and eight feet in height above street level. This standard is fairly complicated in and of itself but as you continue to go through the chapter, there is Section 17.66.070 (design guidelines) that also has transparency requirements that first states “that street level facades **should** include **significant** proportions of transparent display windows” (discretionary language in bold) and then states that windows starting at a level greater than 3.5 feet above street level do not count toward the transparency requirement. These two regulations ultimately say the amount of windows you are required to have are based on the height of the façade between two and eight feet above street level but you can’t count windows within some of that area toward the transparency. There are other examples of these conflicts and use of discretionary standards that make it difficult to understand any specific requirements. Any update for this district needs to take a comprehensive look at all of the requirements.
- As mentioned above, there is a significant amount of discretionary language that could lead to a variety of interpretation issues as to whether a development even meets certain standards or guidelines because of the lack of definitions or other quantifying information. For example, in Section 17.66.070 (A), there is a statement that “all buildings shall be placed on the lot to shape **positive public space** in the Burlington Corridor...” The section goes on to suggest consulting with an adopted plan but there is no description of what is meant by the term positive public space. One person might interpret that to mean that the space enhances the corridor while another might interpret it to mean that there is a break in the line of building façade to create a public space. In reevaluating the standards, the City needs to give a lot of thought to what are the clear and predictable standards that should be applied to the corridor and focus on those standards. Discretionary language should only be used when additional information is given to make it fairly clear what the City envisions with the guideline.
- In order to provide as much flexibility in the design of new buildings, the focus of the design in the corridor should be on the building scale, height, location relation to the street, and general massing requirements. In some cases, such as the requirements for transparency, the requirements may be so detailed that it prevents reasonable redevelopment options or the possibility of creative architectural designs. As with the C-2 District revisions, the standards related to the form of the development may be varied based on the sub-areas if there is still a need to make such a distinction based on the vision of this corridor.

- Some of the standards, such as those for landscaping and screening, should be updated and then considered for application to more areas of the City than just the Burlington Corridor. The current landscaping requirements for the rest of the City are minimal and there is a need to provide at least some basic requirements for other parts of North Kansas City.

### ***Chapter 17.68 – Mobile Homes and Mobile Home Parks***

If the City wants to continue to allow for the possibility of mobile homes and mobile home parks with North Kansas City, the language of this chapter should be incorporated within the use table and use-specific standards discussed earlier.

### ***Chapter 17.70 – Planned Unit Development***

The City’s current regulations for PUDs are fairly modern and should be carried forward within any zoning ordinance update with some minor revisions including:

- There is no real reason to refer to conditional uses within a PUD given the level of review the district already receives. The language in Section 17.70.030 should be revamped to simply state that any uses proposed as part of a PUD will be reviewed during the sketch plan and rezoning application review.
- The City might need to reconsider its definition of a Mixed Use PUD because with the revisions proposed as part of this framework, there will be zoning districts that already allow for a mixture of uses such as residential, office, and commercial so it will be difficult to set the threshold of a Mixed Use PUD as “two land uses which are not allow together in any other single zoning district.” Instead, a Mixed Use PUD should simply include two different uses from a set of categories that may include residential, office, commercial, industrial, public, or institutional.
- The existing review procedure should be carried forward as it reflects the most common PUD review procedure when a rezoning is required.

### ***Chapter 17.72 – Height and Area Requirements***

This chapter contains some general provisions for how to measure height and various setback and area calculations. These types of regulations may need some minor modifications or additions based on the updated zoning districts and design standards but should generally be maintained in any zoning ordinance update.

### ***Chapter 17.76 – Parking and Loading Requirements***

The City has a set of parking and loading requirements that are very common to similar communities. The standards establish minimum ratios of parking requirements based on the size or intensity of the use. The City even goes so far as setting up a very complicated table of parking requirements related to shared parking that appears to be very difficult to administer given the potential for different interpretations of the land uses. As an alternative, the City should consider eliminating all of the parking ratio requirements with the exception of parking requirements for residential uses. Instead, the City should incorporate requirements that states

that the applicant is required to illustrate how the amount of parking they propose is sufficient based on the availability of on-street parking, proximity to any public parking lots, and the estimated need for parking based on the proposed use. First, most property owners don't want to risk a lack of parking for their building as it poses a risk for gaining financing as well as attracting tenants. Furthermore, there are a number of resources available to City staff related to best practices in parking to provide staff with the authority they would need to deny an application if it is truly under parked. Finally, the staff should also have the authority to deny applicants who have too much parking surface unless they propose a shared parking approach. This is almost similar to the City's approach to loading activities currently located in Section 17.76.050 where the City simply requires that there be adequate loading facilities for nonresidential uses.

In addition to the above alternative approach to parking, the City should update the landscaping and screening requirements for parking areas to promote natural stormwater treatment as well as the use of native landscaping. Any landscaping or screening requirements that incorporate vegetation should really be moved to the overall landscaping requirements as suggested in the next section of this report.

Keep in mind that the Master Plan contains recommendations for a larger parking management plan for the entire City so it may be necessary to consider additional zoning revisions related to those plans.

### ***Chapter 17.78 – Landscaping and Screening***

The current landscaping and screening chapter is overly broad in that it simply requires the submittal of a landscaping plan with no real standards for the amount required or the location of the landscaping. The City should develop more detailed landscaping standards that sets out some basic requirements for on-site landscaping, facilities that need to be screened (e.g., dumpsters, certain parking lots, mechanical equipment, etc.), and landscaping of large parking areas. The standards should be designed for a compact urban environment but should also include options for complying with the standards to allow for some flexibility in the design.



*Urban buffering standards allow for appropriate screening of certain uses within a more compact setting.*

### ***Chapter 17.70 – Nonconformities***

The City's current regulations for address nonconforming uses, lots, and structures are in good shape and make an excellent distinction between the different types of nonconformities. Such language should be carried forward into any zoning ordinance update.



### ***Chapter 17.84 – Conditional Uses***

A conditional use review is a very flexible tool for the City to retain. It offers the City the ability to consider certain land uses on a case-by-case basis after considering the individual site. However, instead of setting these out in an entirely separate chapter, as the City currently does, those uses that the City might allow with conditional use approval should be incorporated within the use table described earlier. By doing that, the City can establish if a use is permitted by-right (without a conditional use review) in any given district or if it is permitted as a conditional use all within the same table. Additionally, any of the use-specific standards identified in this chapter should be updated and consolidated with all other use-specific standards found throughout the existing ordinance.

### ***Chapter 17.88 – Accessory Uses***

This chapter contains most of the City's regulations related to accessory uses for all zoning districts. The regulations reflect fairly common treatment of accessory uses such as garages, and pools. The City should carry forward these regulations with consideration given to the following recommendations:

- As with the principal uses, the City should incorporate a use table for illustrating where and how accessory uses are permitted across all zoning districts. This approach will ensure consistency in the use of terms and standards regardless of the zoning district.
- The City currently addresses some of the most common accessory uses but should consider expanding the regulations to address newer uses such as outdoor dining areas, outdoor bulk sales, outdoor displays, and community gardens.

### ***Chapter 17.96 – Zoning Applications and Procedures***

This chapter establishes all of the review procedures necessary for the administration of the zoning ordinance and, for the most part, the City's procedures allow for staff level review for most site plan applications and only require board level reviews for discretionary or legislative decisions. This approach is quite typical of modern ordinances because it takes the approach of making it simple to develop a project when in compliance with the City's zoning. In updating the zoning ordinance, the City should consider some of the following enhancements:

- **Remove the Lists of Submittal Requirements**  
There are several areas of the existing ordinance that include long lists of the exact number of plans and information required as part of a specific review procedure. Not only does this add to the length of the regulations, it complicates matters when the City wants to amend the submittal requirements because the lists are part of the adopted text and any change requires a text amendment. We recommend the specific application submittal requirements be removed from the new regulations and maintained as a checklist outside of the zoning ordinance. This makes the zoning less cumbersome, and ensures changes in application submittal requirements can be easily made without formal amendments to the ordinance.

- **Maintain the Complete Application Requirements**

Some of the City’s zoning requirements already reflect some modern techniques. One of these is the complete application requirement that specifies that no application can move forward without the applicant having submitted all the relevant information. This allows staff and City boards to have all information needed to make good decisions and prevents information from being submitted at the last minute. The City should maintain this requirement in any update.
- **Consider an Alternative Review Procedure**

The City currently has provisions for considering variances where an applicant can request a reduction or lowering of an established standard. The City should also consider the addition of an alternative review procedure that would allow an applicant to propose an alternative to an established standard that equals or exceeds the original standard. This can be a valuable tool for development where the City is open to new ideas for development that were not envisioned as part of the zoning ordinance update but that would be a better approach than the zoning requirement. It allows for unique alternatives to development without going through a variance, that requires a practical difficulty to approve, or without going through the more complicated PUD process. An example of how this procedure could be used is, as an example, where the landscaping standards require a vegetative screening of any surface parking lots, an applicant could propose an alternative screen that perhaps uses an art installation, a non-traditional fence/wall material, or some other alternative that will bolster the purpose of the zoning but without reducing the standard.
- **Relocate the Master Plan Amendment Procedure**

In the summary table within this chapter, the City identifies the review boards involved in a master plan amendment request but there is no formal procedure included in this chapter. Information on the plan amendment process is located in Section 2.40.130, under the chapter regarding the Planning Commission. In order to streamline the overall ordinances, it may be more appropriate to move the master plan amendment process to the same chapter as all other related development procedures so they are all in one place and easy to locate.
- **Update the Review Criteria for Each Procedure**

The City establishes review criteria for some of its review procedures, such as variances, where the City sets out what the applicable review board (e.g., Planning Commission, BZA, etc.) should consider when making a decision. These types of review criteria are not established for each procedure so it is not always clear what the review boards will take into consideration when making a decision. For example, it is unclear what criteria the Planning Commission or City Council use when making a decision on zoning map amendments. The City should establish a clear set of review criteria for each procedure to provide for a more transparent process.

## ***Chapter 17.100 – Administration and Enforcement***

The provisions in this chapter is language that should be carried forward as part of any zoning ordinance update. The only change the City should consider is to expand the language to provide additional information on the actual review procedure for building permits, land use permits, and certificates of occupancy and consolidate those procedures with the City's other review procedures discussed earlier. This change provides clear information to a user about which staff person or board is reviewing the permit and the process by which it is reviewed.

## **RECOMMENDATIONS RELATED TO REGULATIONS OUTSIDE THE ZONING ORDINANCE**

The zoning ordinance is not the only ordinance that regulates development and redevelopment in the City. As part of any zoning ordinance update related to the Master Plan, the City should also reevaluate the following Chapters of its Code of Ordinances:

- **Title 2: Administration and Personnel** – Per an earlier section, the master plan amendment procedure that is located in this title should be relocated to a single chapter covering all review procedures related to planning and zoning. Additionally, if the City updates the zoning ordinance including adding new procedures and revamping existing procedures, this title should be checked to ensure that there are no conflicts between this title and the updated zoning ordinance.
- **Title 12: Street, Sidewalks, and Public Places** – The Master Plan, along with other plans adopted by the City, make a number of recommendations related to street and sidewalk design as well as the overall public spaces. While this chapter does not get into precise design standards, this title should be reviewed as part of a comprehensive update to ensure that there is nothing that would prevent implementation of the adopted plans as well as remove any conflicts.
- **Chapter 15.44: Signs, Billboards, Awnings, and Street Clocks** – The City's sign ordinance is not located within the zoning ordinance. This is not entirely unusual as a number of communities do this for an ease of enforcement, but there are close ties between the sign regulations and zoning. For this reason, especially given the proposed changes to the zoning district structure as well as redevelopment typologies in the Master Plan, this chapter should be evaluated alongside any zoning ordinance amendments.

## FRAMEWORK FOR A MODERN ZONING ORDINANCE

As described in the first part of this report, the City’s existing zoning ordinance provides a good foundation for the creation of a modern set of zoning regulations. While the first part of the report focused on the issues with the existing ordinance, this section provides a framework for an updated ordinance in the form of an annotated outline of such future ordinance. The annotations related back to the recommendations from the first part of the report supplemented by information on additional elements that City should incorporate with their zoning regulations.

The following is a proposed outline for an updated North Kansas City Zoning Ordinance that reflects the reorganization and major substantive changes discussed in this report.

<b>Title 17 – Proposed North Kansas City Zoning Ordinance Outline</b>	
<b>Chapter</b>	<b>Chapter Name</b>
17.04	General Provisions
17.08	Zoning Districts and Principal Uses
17.12	Accessory and Temporary Use Regulations
17.16	Site Development Standards
17.20	Architectural Standards
17.24	Open Space Standards
17.28	Landscaping and Buffering
17.32	Parking, Access, and Mobility
17.36	Additional Development Standards
17.40	Administration and Enforcement
17.44	Review Procedures
17.48	Nonconformities
17.52	Definitions

### ***Chapter 17.04: General Provisions***

This chapter will reflect much of the same language in the City's existing general provisions chapter (existing Chapter 17.04) that will include basic provisions for the entire ordinance. This section is not intended to include any development standards or substantive regulations but will specify that compliance with the ordinance is mandatory. Some of the major sections within this chapter should include, at a minimum, the following sections:

- **Purpose and Intent** – a revised purpose statement as described in the previous section of this report.
- **Title**
- **Authority**
- **Applicability**
- **Relationship with the North Kansas City Master Plan** – a provision that establishes how zoning and development should be in compliance with the Master Plan
- **Relationship with Other Laws** – a common provisions that addresses how the City deals with conflicts between the zoning ordinance and any other adopted laws, including state or federal laws.
- **Interpretation**
- **Severability**

### ***Chapter 17.08: Zoning Districts and Principal Uses***

This section will identify where and how uses are per permitted in all of the zoning districts through incorporate of a use table as described earlier. In addition to the use table, this chapter should also include any district specific standards that might not fall within the category of other chapters, and any use-specific standards. The latter are the standards currently found scattered through the ordinance including, but not limited to, standards that apply to mobile homes, telecommunication towers, etc. As with the existing Chapter 12.12 (Zoning Districts Designated and Regulation of Uses), this chapter should also include the language that designates the zoning districts (with any changes), establishes the zoning map, and rules for interpretation of zoning district boundaries.

In developing a use table, the City should avoid being too detailed in its list of uses. It is not necessary to list out every potential type of retail use (e.g., book store, clothing store, grocery store, etc.) or there is a risk that the City may inadvertently prohibit uses. Instead, the use table should try to list uses by common groupings and categories unless it is necessarily to make special distinctions (e.g., residential out-patient treatment centers). Each of those uses or common groupings should then be defined in the updated definitions chapter with those definitions including example lists – not exhaustive lists – of use types. For example, the use table may include the term "retail and service uses" and then the definition for that term would be "establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses." Additionally, the new

ordinance should include a similar use provision that allows staff to evaluate each use and if it is not specifically listed in the use table, determine if it is similar enough in character and intensity to be regulated as a listed use. This will give the City a lot more flexibility in the regulation of uses.

### ***Chapter 17.12: Accessory and Temporary Use Regulations***

This chapter will contain all regulations related to accessory and temporary use regulations. The City should consolidate these into a single chapter because they tend to be used separately from other regulations. For example, it is common for a resident to want to look up the regulations for fencing or detached garages without having to look through all of the other standards of the zoning ordinance that tend to be focused on larger-scale development.

### ***Chapter 17.16: Site Development Standards***

This chapter should consolidate all the site development standards found within each of the zoning districts include, but not limited to, minimum lot area, setbacks, build-to-lines, minimum and/or maximum height requirements, as well as the rules for measuring any of these standards. The information could be assembled with a site development table that quickly illustrates the requirements for all districts, much in the same fashion as the proposed use table.

### ***Chapter 17.20: Architectural Standards***

The City currently only has general architectural standards for portions of Downtown and the Burlington Corridor Overlay District. As the City looks to update its zoning regulations, it will be simple enough to consolidate all architectural standards within a single chapter. Furthermore, in order to further the goal of creating quality places within North Kansas City, the City should consider implementing general architectural design standards for all nonresidential uses and not just those along the Burlington Corridor or in Downtown. The standards do not have to be extensive but they can elevate the quality of development so that there is a cohesive character of development within the City.

### ***Chapter 17.24: Open Space Standards***

The Master Plan speaks to the need to have open spaces and trails as integral parts of any development in the City as it contributes greatly to the feel of a space as much as the quality of life. In order to fully implement this concept, the City should incorporate open space requirements as part of any zoning ordinance update. The standards should first specify the amount of open space required within each development, based on the scale of development, as well as specific design standards for improvement. Such standards should take into account the location of the site (e.g., gateway area versus a development with a block, etc.) so that open spaces near gateway areas can be improved in a method that serves as a welcome point into the City or as a transition to a different area of the City. If the development is more internally located, the open space design standards should require the creation of urban plazas that might have seating areas, gathering spots, public art, or even recreational equipment such as playsets, chess/checkers tables, or similar enhancements. These types of requirements will



ensure that developments are not just focused on the establishment of buildings but are intended to incorporate areas of connection with the public realm along the sidewalks and streets.

### ***Chapter 17.28: Landscaping and Buffering***

As stated earlier, the current landscaping and screening chapter could benefit from the creation of Citywide standards to clarify where landscaping and screening is required and what materials can be used for screening, in particular.

### ***Chapter 17.32: Parking, Access, and Mobility***

Per the recommendations for treatment of parking outlined in the previous section, regulations for parking, loading, access, and general mobility should be completely modernized in an effort to be more flexible in the accommodation of parking and help implement a vision of walkable neighborhoods.

### ***Chapter 17.36: Additional Development Standards***

This chapter will be where we recommend the City group a number of standards that are small enough that they do not generate a need for individual chapters but are important nonetheless. Standards that could be incorporated within this chapter include, but are not limited to:

- General performance standards that are currently buried in some of the district language. An example of these standards are the performance standards that apply to industrial districts currently located in the existing Section 17.56.020.
- Outdoor lighting standards that address issues related to lighting in parking areas or building lighting. These standards are intended to ensure a sense of safety in areas such as parking lots as well as prevent conflicts between nonresidential areas adjacent to residential dwellings.

### ***Chapter 17.40: Administration and Enforcement***

This chapter will carry forward most of the language that is now found in the existing Chapter 17.100 including information on the staff members responsible for staff level review and the enforcement procedures for violations.

### ***Chapter 17.44: Review Procedures***

This section will summarize all of the review procedures in a step-by-step method similar to the existing Chapter 17.96. Per the earlier recommendations, this section should include the additional alternative equivalent review procedure as well as consolidate other procedures for land use permits, certificates of occupancy, etc.

### ***Chapter 17.48: Nonconformities***

Per the earlier recommendations, the City should carry forward its current regulations for nonconforming uses, nonconforming structures, and nonconforming lots with only minor revisions.

### ***Chapter 17.52: Definitions***

This chapter should consolidate all definitions for the zoning ordinance with appropriate updates based on the revised language. This chapter should also contain any rules of construction that are currently found in the separate general provisions chapter.