

**AGENDA  
PLANNING COMMISSION  
CITY OF ROELAND PARK, KANSAS  
ROELAND PARK  
COUNCIL CHAMBERS  
OCTOBER 17, 2017 6:00 PM**

**I. Roll Call**

**II. Approval of Minutes**

1. Minutes - 9/22/2017

**III. Public Hearing**

1. Eliminate the Redevelopment Committee
2. Rezoning of 5000 Johnson Drive - HOLD
3. Amendment to Special Use Permit Regulations to Include In-Home Day Cares

**IV. Action Items**

**V. Discussion Items**

1. Sustainable Code Audit Discussion

**VI. Other Matters Before the Planning Commission**

**VII. Adjournment**

Scheduled Meeting Dates

Item Number:      Approval of Minutes- II.-1.  
Committee        10/17/2017  
Meeting Date:



**City of Roeland Park**  
Action Item Summary

Date:  
Submitted By:  
Committee/Department:  
Title:                      **Minutes - 9/22/2017**  
Item Type:

**Recommendation:**

**Details:**

Financial Impact

|                             |                  |
|-----------------------------|------------------|
| Amount of Request:          |                  |
| Budgeted Item?              | Budgeted Amount: |
| Line Item Code/Description: |                  |

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

**ATTACHMENTS:**

Description



Minutes 9.19.2017

Type

Cover Memo

**PLANNING COMMISSION MINUTES**  
CITY OF ROELAND PARK  
4600 W 51<sup>st</sup> Street, Roeland Park, KS 66205  
September 19, 2017, 7:00 P.M.

The Roeland Park Planning Commission met on September 19, 2017, in City Hall, 4600 West 51<sup>st</sup> Street.

Chair Nielsen declared a quorum and called the meeting to order.

Present:            Paula Gleason                      Bill Ahrens            Darren Nielsen  
                         Mike Hickey                              Kyle Rogler            Mark Kohles

Staff:                Jennifer Jones-Lacy, Assistant City Administrator  
                         John Jacobson, Building Official  
                         Carly Iverson, City Attorney representative

**I. Roll Call**

Ms. Jones-Lacy called the roll and noted that Commissioner Rogler was absent. (He did arrive after the start of the meeting.)

**II. MINUTES**

**1. August 22, 2017 Planning Commission Meeting Minutes**

Commissioner Gleason asked for a clarification in the minutes for remarks attributed to her that she believed Ms. Jones-Lacy made.

**MOTION:** COMMISSIONER GLEASON MOVED AND COMMISSIONER HICKEY SECONDED TO APPROVE THE AUGUST 22, 2017 PLANNING COMMISSION MEETING MINUTES AS AMENDED. (MOTION CARRIED 5-0)

**III. ACTION ITEMS**

*There were no Action Items to discuss.*

**IV. DISCUSSION ITEMS**

**1. Discussion of In-Home Daycare Regulations and Potential Elimination of Redevelopment Committee**

Ms. Jones-Lacy said if the Commissioners agree with the concepts included in the packet, then there will be a public hearing at the October 17 Planning Commission meeting.

Mr. Nielsen asked if the elimination of the Redevelopment Committee would require a public hearing.

Ms. Jones-Lacy said any changes made to Chapter 16 have to be published and require a public hearing.

Mr. Jacobson said there had been a resident request to evaluate the code on in-home daycare. He expressed concern about the limitation of three children as a maximum in a permitted home occupation daycare, which does not follow the state standard of six children to thirteen children. Mr. Jacobson has drafted updated policy language that follows a special use or a conditional permit process. Included in that are requirements for open space of 100 square feet per child, which would limit the amount of children in a daycare based on lot size. Also required would be a six-foot privacy fence around the open area. The daycares will also be limited to 25 percent of any floor being used for the permitted home occupation. These updates will allow the resident to have a secondary line of income, but it does not allow it to be converted into a commercial use.

He further stated if the resident does not meet any of the criteria or any stipulations specified during the permit process, it can be denied at that time. In the case of a revocation, it would come before the Planning Commission from a staff recommendation. The permits will be valid for five years, at which time it will need to be renewed.

Commissioner Ahrens asked if the floor space area limitations are exclusively to in-home daycare or if that also applies to other home occupations. Mr. Jacobson said they are specific to in-home daycare.

(Commissioner Rogler joined the meeting)

Mr. Jacobson added that this item was first brought to the City Council for discussion. They asked staff to draft generic policy relative to an in-home daycare use. It is a zoning ordinance and a change to the land use element, so it needs to come first before the Planning Commission.

Ms. Jones-Lacy also said that all in-home occupations are regulated under Chapter 5, Business Licensing Code, and is subject to change by the City Council. The Planning Commission only has authority over Chapter 16. Mr. Jacobson had recommended to the City Council this go through a special use permitting process to be approved solely by the Planning Commission. The City Council indicated they do not want to be involved in the permitting process and to delegate it to the Planning Commission, who would then have the authority to approve, deny, or revoke a permit. Currently the code states babysitting no more than three children at any one time. Ms. Jones-Lacy drafted language to state a request for more children are subject to §5-605:

(b) Any proposed babysitting operation with more than three children and up to the maximum allowed by the State of Kansas must seek a Special Use Permit as outlined in Chapter 16-318-16-319.

Ms. Jones-Lacy said as they were going through this they noticed a lot of sections of the code that needed to be amended.

Mr. Nielsen asked how many daycares are currently in existence in the City. Ms. Jones-Lacy said if there are daycares with more than three children, then they do not know about them.

Mr. Jacobson said the state will permit every daycare, but the City is not notified. Therefore, being licensed by the state will be one part of the City's special use permit process.

Ms. Jones-Lacy added the public notification process will be required for permitting in home's surrounding 200 foot area. She also provided the proposed definition for the special use permit:

Sec. 16-318. – Special Use Permit

(a) Definition: are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the

immediate neighborhood and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within this section.

Ms. Jones-Lacy further outlined the requirements listed in the packet.

Mr. Jacobson also noted that the permit applies only to the homeowner and cannot be transferred to a new homeowner. However, if someone purchases the house and wants to operate a daycare, then they will have 120 days in which to apply for a similar use.

Ms. Jones-Lacy said there is also a section requiring landlord consent if the property is a rental.

There was brief discussion to dissolve the Redevelopment Committee due to its redundancy. The Planning Commission agreed.

Ms. Jones-Lacy will work with the City Attorney to formalize something into an ordinance for the Commission to approve in a motion to forward to the City Council. She will also clean up references to the Redevelopment Committee in the ordinance.

## **2. Modification from Final Development Plan for Redevelopment Area 1B – Signage**

Mr. Jacobson stated Price Chopper will be opening a Starbucks in their store and would like to place a 2½' by 2½' sign on their building that has the Starbucks logo. He also recommended if the City should receive additional requests for signs on the shopping center to place a singular tenant sign at the front of the subdivision that could change as tenants change. In the short term he views this sign as inconsequential in the overall scope of the development.

**MOTION:** COMMISSIONER KOHLES MOVED AND COMMISSIONER AHRENS SECONDED TO APPROVE THE MODIFICATION FROM FINANCIAL DEVELOPMENT PLAN FOR REDEVELOPMENT AREA OF AREA 1B - SIGNAGE. (MOTION CARRIED 6-0)

## **3. Sustainable Code Audit Discussion**

Ms. Jones-Lacy said this item was discussed at the last meeting and the consensus was to focus on the items within the audit from Mid-America Regional Council (MARC) that were conflicting, either directly or indirectly, with the sustainable practices within the City's code. There was also a recommendation to focus on housing choice as an option they should review or consider making changes to.

The first one was *Multiple Residence Districts* in that MARC does distinguish between different types of multi-family and Roeland Park requires buffers and relegates the apartment complexes to the perimeter of the community or to specific areas away from single-family residential and other types of development.

The second item is the *three residential districts take a basic approach to regulating residential uses*. MARC states the City has a generic nature to its residential districts and seems to be prescribing a one size fits all approach for three different types of housing, single-family, duplex, and multi-family. They state it ignores ranges of scale, design and types and could present some challenges for in-fill that do not comply.

Mr. Jacobson said in the end all of those residential classifications will come down to density per acre. Instead of creating 30 different residential categories, the City may wish to concentrate on density

and allow the development plan process to encourage some creative thinking for the in-fill parcels like mixed use development which would be suitable for a lot of areas in town.

The final item pertains to the *dimensions to single-family residential districts*. Ms. Jones-Lacy said the code states any new property has to be minimally 7,500 for a lot. MARC feels the City's single-family district is requesting space just for the sake of space and that the landscape plan is not to add aesthetical value, but to create more space, and is not, therefore, a sustainable practice.

Mr. Jacobson said he believed lowering the lot size to 6,000 and adding a couple of designations, and then relying on the densities and the development plans to allow some lateral mobility to make decisions based on the parcel and its location. He also said there is no easy way to transition new construction next to 1930s to 1950s construction.

Staff recommended to the Planning Commission to focus on the second and third point as they believed the first one would be an uphill battle.

Mr. Jacobson said he believed that they could accomplish all three by doing the last two, but the last one is a logical starting place. They also believe there will be several discussions over density based on future land use plan.

The Planning Commission was in consensus with staff's recommendation.

Ms. Jones-Lacy provided an update from the last meeting's discussion on the Building Sustainable Places grant and using the funding for a comprehensive plan. The group only funds smaller corridor type plans. She asked the Commission if they could think of some type of plan that would be a good candidate to let them know. The application process will begin again in 2018.

Mr. Jacobson added that in the City's current comprehensive plan there are several sub-planning areas and it is a great tool to have in a community like Roeland Park. It gives the City something to go to when a developer wants to begin a project, they can share the City's vision them.

## **V. OTHER MATTERS BEFORE THE PLANNING COMMISSION**

Ms. Jones-Lacy informed the Commission that they would be getting a rezoning application for 5000 Johnson Drive. The developer is requesting a mixed use as they want to have two different retail uses on the bottom level and offices on top. They are looking to move quickly and would like a public hearing next month on the 17<sup>th</sup> of October.

Mr. Nielsen asked as he is a mayoral appointee will he continue to serve on the Planning Commission when the new mayor comes in. Ms. Jones-Lacy said he would remain, but the mayor could choose their own appointment.

## **VI. ADJOURNMENT**

**MOTION:** COMMISSIONER NIELSEN MOVED AND COMMISSIONER GLEASON SECONDED TO ADJOURN. (MOTION PASSED 6-0)

(Roeland Park Planning Commission Meeting Adjourned)

Item Number: Public Hearing- III.-1.  
Committee 10/17/2017  
Meeting Date:



## City of Roeland Park

### Action Item Summary

---

Date: 10/17/2017  
Submitted By: Jennifer Jones-Lacy  
Committee/Department:  
Title: **Eliminate the Redevelopment Committee**  
Item Type: Presentation

#### Recommendation:

**To review and consider making a recommendation to the City Council to eliminate the Redevelopment Committee from the City's Redevelopment process.**

#### Details:

The Redevelopment Committee consists of two Council members and two members of the Planning Commission. The purpose of the Committee is to review redevelopment concepts prior to going before the Planning Commission at the Preliminary Development stage. Meeting with the committee generally takes place after the applicant meets with staff to discuss the project and answer questions. Meeting with the Redevelopment Committee appears to be an unnecessary step in the development process. Any feedback the developer needs prior to submitting a preliminary or final development plan can be achieved by the initial meeting with staff which can also include the Chair of the Planning Commission and a Council member. The City currently has a Redevelopment Ad Hoc Committee. If the Council were to make that more of a permanent committee, I would recommend the chair of that committee be invited to the informal meeting with staff and the developer. By inviting a representative from Planning Commission and City Council, the Redevelopment Committee becomes redundant and unnecessary.

Attached are the recommended code changes which removes the Redevelopment Committee from the development process.

Financial Impact

---

|                             |                  |
|-----------------------------|------------------|
| Amount of Request:          |                  |
| Budgeted Item?              | Budgeted Amount: |
| Line Item Code/Description: |                  |

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

| Description                                                    | Type    |
|----------------------------------------------------------------|---------|
| <input type="checkbox"/> Redevelopment Committee Code Language | Exhibit |

Sec. 16-317. - Rezoning Applications—Submission Requirements.

The following items shall be submitted in support of any application for rezoning:

- (a) Legal description of the property.
- (b) A statement of the reasons why rezoning is being requested.
- ~~\_(c) The written comments of the redevelopment committee on the concept plan, if applicable pursuant to Section 16-320.~~
- (c) A preliminary development plan, except for rezonings to a single-family residence district and duplex residence district.
- ~~(d)~~ All studies as may reasonably be required pursuant to Section 16-304.
- ~~(e)~~ Assurances of adequate public facilities as required by Section 16-305.

Sec. 16-318. - Special Use Permit.

- (a) Any of the use restrictions provided for in this article may be waived in hardship cases provided that a written application for a special use permit is made to the Governing Body.
- (b) Communications Facilities (Towers, Base Stations and Antennas).
  - (1) The definitions in Section 16-1102 shall apply to Special Use Permits for Communications Facilities.
  - (2) Each Application for a Special Use Permit for Communications Facilities shall follow the process and submit the required information listed in Section 16-1105.
  - (3) A Special Use Permit for Communications Facilities shall be subject to the performance standards listed in Section 16-1107.
  - (4) A Special Use Permit for Communications Facilities shall be for a term not less than ten (10) years.
  - (5) A denial of a Special Use Permit for Communications Facilities shall comply with the requirements of Section 16-1108.

(Ord. No. 944, § 4, 11-21-2016)

Sec. 16-319. - Special Use Permit Applications—Submission Requirements.

- (a) The following items shall be submitted in support of an application for a special use permit requested pursuant to subsection 16-319(a).
  - (1) Legal description of the property that is covered by the application for a special use permit.
  - (2) A statement of the reasons why the special use permit is being requested.
  - ~~\_(3) The written comments of the redevelopment committee on the concept plan required pursuant to Section 16-319.~~
  - (4) If the application is for a communication antenna, either a site plan or a preliminary development plan, whichever is, in the opinion of the Building Inspector, necessary in order for the City staff, Planning Commission and Governing Body to properly evaluate the application. If a preliminary development plan is not required, the Building Inspector shall specify in writing the information to be included on the required site plan. Notwithstanding a determination by the Building Inspector that only a site plan is required, the Planning Commission or Governing Body may require the submission of a preliminary development plan prior to taking action on the application.

(54) With respect to applications for special use permits for a communication antenna or a communication tower, a statement that alternative sites or communication towers within one-half mile radius of the subject site are not available due to one or more of the following reasons, when the reasons are applicable.

- (i) Unwillingness of the owners of the alternate sites, or owners of existing or approved communication towers or structures capable of accommodating applicant's planned equipment to entertain applicant's communication facility proposal.
- (ii) Topographic limitations of alternate sites.
- (iii) Impediments adjacent to existing or approved communication towers that would obstruct adequate transmission.
- (iv) Physical site constraints that would preclude the construction of a communication tower.
- (v) Technical limitations of the communications transmission system.
- (vi) The applicant's planned equipment would exceed the structural capacity of existing and approved communication towers and facilities and structures generally capable of accommodating a communications transmission system, considering existing and planned use of communication towers and facilities and structures.
- (vii) The applicant's planned equipment would cause radio frequency interference with other existing or planned communication towers or facilities that cannot be reasonably prevented.
- (viii) Existing or approved communication towers or facilities do not have space on which applicant's planned equipment can be placed so it can function effectively and reasonably.
- (ix) The applicant demonstrates that there are other limiting factors that render existing communication towers and facilities and structures unsuitable.
- (x) The owner's facilities and transmission demands on structures.

(56) All studies as may reasonably be required pursuant to section 16-304.

(67) Assurance of adequate public facilities as required by section 16-305.

(b) Each application for a special use permit for a communication tower shall be accompanied by the following information:

- (1) A preliminary development plan.
- (2) A report from a licensed professional engineer that describes the communication tower's proposed capacity, including the number and type of communication antennas it can accommodate.
- (3) A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing structures and communication towers in excess of 100 feet and properties on which communication towers are permitted by right or by special use permit. The Building Inspector, the Planning Commission or the Governing Body may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site to host a communication facility and the reasons why the site was excluded from consideration.
- (4) A photo simulation of the proposed facility of a type and quality that is determined by the Building Inspector to be appropriate.
- (5) A map showing the service area of the proposed tower and an explanation of the need for the tower to maintain the integrity of the system.
- (6) A signed statement from the applicant indicating its intention to share space on the communication tower with other providers at reasonable costs and its acknowledgment that the special use permit will be issued subject to the condition that the applicant make good faith efforts to offer space on the communication tower at reasonable costs and that the Governing Body shall

have the right to revoke the special use permit if it determines at a public hearing that offers to share space at a reasonable cost are not made.

- (7) An engineer's certification that anticipated levels of electromagnetic radiation to be generated by communication facilities on the site, including the effective radiated power (ERP) of the communications antenna, shall be within the guidelines established by the Federal Communications Commission.

~~Sec. 16-320. Concept Plans—Submission Requirements, Contents and Meeting With Redevelopment Committee.~~

~~(a) Prior to the submission of all applications for rezoning, pursuant to section 16-317, except applications for rezoning to a single-family residence district and a duplex residence district, and for a special use permit pursuant to section 16-318, a concept plan shall be submitted to the Building Inspector for his review and comment and for distribution to and review by the redevelopment committee.~~

~~(b) The purposes of concept plan review are to, at an early stage in the development review process, familiarize the redevelopment committee with proposed projects, provide an opportunity for an exchange of views on project characteristics that are of mutual concern, ensure the project's compliance with Chapter XVI and policies embodied in the comprehensive plan, and ensure that proposed projects comply with fundamental planning and design principles and are compatible with adjacent development in the City.~~

~~(c) Five copies of the concept plan review shall be submitted to the City Engineer. Within three working days of the date the Building Inspector deems the concept plan complete pursuant to section 16-306, the Building Inspector shall provide the members of the redevelopment committee with copies of the concept plan. The Building Inspector, and when requested, the City Engineer shall review the concept plan and prepare written comments and recommendations on the plan.~~

~~(d) Within seven working days from the date the concept plan is deemed complete, the Building Inspector shall coordinate with the members of the redevelopment committee and contact the applicant to schedule a date for a meeting between the applicant and the redevelopment committee to discuss the concept plan. Unless requested in writing by the applicant, the concept plan review meeting shall take place within 14 working days of the date the concept plan is deemed complete.~~

~~(e) The concept plan shall contain the following information provided the Building Inspector may waive or modify submission of items deemed unnecessary:~~

~~(1) A plot plan evidencing the location of the property, adjacent streets, the zoning designation of the subject property and adjacent properties within 300 feet, and generally where all proposed buildings and parking areas are to be located;~~

~~(2) Preliminary estimate of the total square footage of buildings proposed;~~

~~(3) Site photos;~~

~~(4) Name, address and phone number of the property owner;~~

~~(5) Date and signature of applicant, who, if not the owner, shall provide legally sufficient evidence that the applicant is the authorized agent of the owner;~~

~~(6) A narrative statement of what the applicant proposes to develop on the property; and~~

**Formatted:** Left, Indent: Left: 0 pt, First line: 0 pt, Space After: 10 pt, Line spacing: Multiple 1.15 li

(7) — Evidence, satisfactory to the City Engineer, of the applicant's ability to comply with the adequate public facilities and services requirements of section 16-305.

(f) — At the concept plan review meeting, the chairperson of the redevelopment committee shall describe the requirements of the review process and the members of the redevelopment committee shall:

(1) — Ask questions of the applicant to clarify their understanding of the applicant's intent; and

(2) — State their concerns based upon preliminary review of project plans and materials.

Within three working days after the meeting, the Building Inspector shall forward the written comments and recommendations of the redevelopment committee to the applicant.

(g) — The applicant may submit written responses to the redevelopment committee's comments within seven working days of the date of the committee's written responses, but in no event later than two days before any scheduled public hearing on the subject application. If written responses to the redevelopment committee comments are filed with the Building Inspector, these responses shall be included in the information submitted to the Planning Commission for consideration at the public hearing held pursuant to section 16-314.

**Formatted:** Left, Indent: Left: 0 pt, Line spacing: Multiple 1.15 li

**Formatted:** Left, Indent: Left: 0 pt, First line: 0 pt, Space After: 10 pt, Line spacing: Multiple 1.15 li

Item Number: Public Hearing- III.-2.  
Committee 10/17/2017  
Meeting Date:



## City of Roeland Park

Action Item Summary

Date:  
Submitted By:  
Committee/Department:  
Title: **Rezoning of 5000 Johnson Drive - HOLD**  
Item Type:

### Recommendation:

### Details:

#### Financial Impact

| Amount of Request:          |                  |
|-----------------------------|------------------|
| Budgeted Item?              | Budgeted Amount: |
| Line Item Code/Description: |                  |

#### Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Public Hearing- III.-3.  
Committee 10/17/2017  
Meeting Date:



## City of Roeland Park

Action Item Summary

---

Date: 10/17/2017  
Submitted By: Jennifer Jones-Lacy  
Committee/Department:  
Title: **Amendment to Special Use Permit Regulations to Include In-Home Day Cares**  
Item Type: Presentation

### Recommendation:

**To review changes to Chapter 16-313 through 16-322 regarding Special Use Permit Requirements to allow for in-home daycares.**

**To recommend staff recommended changes along with any amendments by the Planning Commission, to City Council for adoption.**

### Details:

At September's Planning Commission meeting, staff explained that a resident who wishes to have an in-home daycare reached out to Council to change the City's business license code regarding in-home daycares. Chapter 5 of the City Code currently only allows up to a maximum of three children at any given time. The state of Kansas allows up to 10 children depending on the ages.

John Jacobson, Building Official, suggested implementing a Conditional Use Permitting process whereby the applicant would go through a public hearing and notification of their neighbors for the daycare. Because Roeland Park uses a Special Use Permitting process within the Zoning Code, the suggested code changes are in 16-318 of the City Code. These suggestions are in the attached document. The approval of in-home daycare SUPs would be at the Planning Commission's discretion and would not go before Council for final approval.

The changes described above would require code changes in both Chapters 5 and 16. Chapter 5 regulates businesses including in-home businesses. While the suggested changes to this chapter are included in the attached document, they are only there for reference as the Planning

Commission only focuses on Chapter 16 regarding Planning and Zoning.

If approved by the Planning Commission, the changes would be put into an ordinance for consideration by City Council for consideration and possible adoption, modification or denial.

Financial Impact

|                             |                  |
|-----------------------------|------------------|
| Amount of Request:          |                  |
| Budgeted Item?              | Budgeted Amount: |
| Line Item Code/Description: |                  |

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

| Description                                                                                           | Type    |
|-------------------------------------------------------------------------------------------------------|---------|
|  Daycare Draft SUP | Exhibit |

• **Sec. 5-603. - Permitted Occupations.**

The following are permitted home occupations providing they do not violate any of the provisions of [section 5-602](#):

- (a)  
Accountant;
- (b)  
Architect;
- (c)  
Artist, painter, sculptor;
- (d)  
Babysitting, no more than three children at any one time, requests for more children are subject to 5-605(b)
- (e)  
Chiropractor;
- (f)  
Clergyman;
- (g)  
Computer programmer;
- (h)  
Dentist;
- (i)  
Dressmaker, seamstress, tailor;
- (j)  
Engineer;
- (k)  
Firearms dealer, provided that gross sales do not exceed \$5,000.00 per year, that every person dealing firearms has a current valid federal firearms license and that not more than 12 transactions occur at the residence during any calendar year;
- (l)  
Home cooking and preserving;
- (m)  
Home crafts, model making, rug weaving, lapidary, woodwork, cabinet work;
- (n)  
Insurance agent;
- (o)  
Lawyer;
- (p)  
Osteopath;

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

Formatted: Indent: Left: 6 pt, Right: 12 pt

(q)  
\_Photographer;  
(r)  
\_Physician;  
(s)  
Psychologist;  
(t)  
Psychiatrist;  
(u)  
Real estate agent;  
(v)  
Telephone answering;  
(w)  
Typist;  
(x)  
Teacher—Tutor, with no more than three students taught at any one time;  
(y)  
Foster family care;  
(z)  
Beauty parlors, cosmetologists;  
(aa)  
Barber shops; and  
(bb)  
Short-term rentals.

(Ord. No. 639, § 1; Ord. No. 925, § 3, 1-4-2016)

#### • Sec. 5-604. - Prohibited Occupations.

The following are prohibited as home occupations:

- ~~—(a)~~  
(a) Dance studios;  
~~—(b)~~  
(b) Veterinary clinics, animal hospitals, stables, kennels;  
~~—(c)~~  
(c) Funeral homes, mortuaries;  
~~—(d)~~  
(d) Nursery schools, in-home daycares are permitted as described in Sec. 16-318;  
(e)  
\_Private clubs;  
(f)

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

**Formatted:** Font: Open Sans, 10.5 pt, Font color: Custom Color(49,51,53)), Expanded by 0.1 pt

**Formatted:** List Paragraph, Indent: Left: 30 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted:** List Paragraph, Indent: Left: 30 pt, Right: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted:** Font: Open Sans, 10.5 pt, Font color: Custom Color(49,51,53)), Expanded by 0.1 pt

**Formatted:** List Paragraph, Indent: Left: 30 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted:** List Paragraph, Indent: Left: 30 pt, Right: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted:** Font: Open Sans, 10.5 pt, Font color: Custom Color(49,51,53)), Expanded by 0.1 pt

**Formatted:** List Paragraph, Indent: Left: 30 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted:** List Paragraph, Indent: Left: 30 pt, Right: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted** ... [1]

**Formatted** ... [2]

**Formatted** ... [3]

**Formatted** ... [4]

**Formatted:** Indent: Left: 6 pt, Right: 12 pt

- Automotive repair or paint shops;
- (g) Appliance or equipment repair shops;
- (h) Boarding houses.

(Ord. No. 481, § 4; Ord. No. 925, § 4, 1-4-2016)

• **Sec. 5-605. - Conditional Uses.**

(a) Any proposed home occupation which is neither specifically permitted by [section 5-603](#) or specifically prohibited by [section 5-604](#), shall be considered a conditional use, and be granted or denied by the Governing Body upon consideration of those standards contained in [section 5-602](#).

(b) Any proposed in-home daycare operation with more than three children and up to the maximum allowed by the State of Kansas must seek a Special Use Permit as outlined in Chapter 16-318-16-319.

(Ord. No. 481, § 5)

**Formatted:** Font: Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

**Formatted:** List Paragraph, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

**Formatted:** Font: Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

**Sec. 16-313. - Notices to Surrounding Property Owners.**

(a)

Unless otherwise specifically provided in this chapter, whenever notice to surrounding property owners is required for consideration of an application, the notice shall be given as follows. The applicant shall mail notices at least 20 days prior to the hearing to all owners of record of lands located within at least 200 feet of the property which is the subject of the application, thus notifying the property owner of the opportunity to be heard. The mailed notice shall be given by certified mail, return receipt requested, and shall be in letter form

stating the time and place of the hearing, a general description of the proposal, the general street location of the property subject to the proposed change, a statement that a complete legal description of the property is available for public inspection at City Hall, and a statement explaining that the public may be heard at the public hearing. Newspaper clippings of the publication notices shall not be used for the mailed notice. Mailed notices shall be addressed to the owners of record of the property. When the notice has been properly addressed and deposited in the mail, failure of any party to receive mailed notice shall not invalidate any action taken on the application. Mailed notice may be waived provided that a verified statement specifically indicating the waiver is signed by all property owners within the notification area and filed with the secretary of the Planning Commission, or the Board of Zoning Appeals, as the case may be, at least two business days prior to the hearing. Prior to the public hearing, the applicant shall file with the secretary of the Planning Commission, or the Board of Zoning Appeals, as the case may be, the returned receipts from the certified mailings and an affidavit stating the names and addresses of the persons to whom notice was sent; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing.

(b)

In the case of rezonings and **special use** permits, with the exception of in-home daycares, the applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning proposed changes in use. The sign shall be furnished by the City to the applicant, and the applicant shall maintain the sign for at least 20 clear days between the date of posting and the date set for the public hearing. The sign shall be firmly affixed and attached to a wood or metal backing or frame and placed within five feet of the street right-of-way line in a central position on the lot, tract or parcel of land so that the sign is free of any visual obstructions surrounding the sign. If a lot, tract or parcel of land is larger than five acres, a sign as required herein shall be placed so as to face each of the streets abutting thereto. The size, style, coloring and wording of signs for rezonings and **special** use permits may be determined by the Governing Body by resolution. The applicant shall file an affidavit with the Planning Commission at the time of the public hearing verifying that the sign has been maintained and posted as required by this chapter and applicable resolutions; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing. The sign may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application. It shall be a public offense for any person to remove, deface or destroy any sign provided for in this subsection, except in compliance with this subsection.

## **Sec. 16-316. - Consideration of Zoning Text Amendments.**

(a)

*Public hearing required.* Consideration of zoning text amendments shall require a public hearing before the Planning Commission following publication notice as provided in [section 16-312](#).

(b)

*Action by Planning Commission.* A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval, approval with conditions or denial of the zoning text amendment to the Governing Body. The Planning Commission's recommendation shall include a statement of the reasons for the recommendation.

(c)

*Governing Body action upon Planning Commission recommendation-.*

(1) In the case of a special use permit for in-home daycares, Governing Body approval is not required. Final approval will be by the Planning Commission with the Governing Body operating as the appeal board.

~~(21)~~

When the Planning Commission submits a recommendation to approve a zoning text amendment and the Governing Body approves that recommendation, then the Governing Body shall adopt the submitted ordinance. When the Planning Commission submits a recommendation to disapprove a zoning text amendment and the Governing Body approves that recommendation, no further action need be taken by the Governing Body and the application shall be deemed terminated.

~~(32)~~

Upon receipt of a recommendation of the Planning Commission which the Governing Body disapproves, the Governing Body may either return the recommendation to the Planning Commission for further consideration, together with a statement specifying the basis for disapproval, or may override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the Governing Body. A failure to obtain a vote necessary to approve the Planning Commission's first recommendation shall constitute a disapproval. Requests, for amendments or modifications which constitute substantial changes, or requests for clarification by the Planning Commission, shall be treated as disapprovals for purposes of these procedures.

(d)

*Applications returned to Planning Commission.* Upon receipt of an application returned by the Governing Body, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit a new or amended recommendation. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's statement specifying disapproval, the Governing Body may consider the course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. Reconsideration by Governing Body. Upon receipt of the Planning Commission's recommendation after reconsideration, the Governing Body, by

a simple majority thereof, may adopt or may revise or amend and adopt the recommendation by ordinance, or it need take no further action thereon.

HOME OCCUPATIONS: Home occupations shall be permitted in the (\_\_\_\_\_) Districts

a. Restrictions and Limitations:

- (1) The home occupation shall be incidental and subordinate to the principal use of the premises and **not more than twenty-five percent (25%) of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.**
- (2) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
- (3) No alteration of the exterior of the principal residential building shall be made which changes the character thereof as residence.
- (4) No sign shall be permitted unless required by state statutes and, if so required, shall not exceed two (2) feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one half the distance of the front yard, unless otherwise required by state statutes.
- (5) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his or her residence.
- (6) No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
- (7) The off street parking regulations set forth in Article 7 shall apply to home occupations. In no event shall fewer than two (2) off street parking spaces be required.

• **Sec. 16-318. – Special Use Permit**

(a) Definition: ~~Conditional uses~~ are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within ~~this~~ this section.

Permitted Home Occupations: Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of sections (1) through (7) above.

- (1) Art, dancing, and music schools provided that instruction is limited to five (5) pupils at one time.
- (2) Aerobics or exercise instruction, provided that instruction is limited to five (5) pupils at one time.
- (3) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
- (4) Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
- (5) Watch, clock, and jewelry repair services.
- (6) Radio, television, phonograph, recorder, and small appliance repair services.
- (7) Day care nurseries caring for six (6) or less unrelated children or adults for less than twelve (12) hours per day. (Ord. 423, Sec. 3)
- (8) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
- (9) Tailoring, alterations, and seamstresses.
- (10) Tool sharpening and filing.

Formatted: Indent: Left: 0 pt

Formatted: Font: Bold

Formatted: Font: Bold, Italic

~~(11) Barber and beauty shops.~~

~~(b)~~ Any of the use restrictions provided for in this article may be waived in hardship cases provided that a written application for a special use permit is made to the Governing Body.

~~(c)~~

Communications Facilities (Towers, Base Stations and Antennas).

(1)

The definitions in [Section 16-1102](#) shall apply to Special Use Permits for Communications Facilities.

(2)

Each Application for a Special Use Permit for Communications Facilities shall follow the process and submit the required information listed in [Section 16-1105](#).

(3)

A Special Use Permit for Communications Facilities shall be subject to the performance standards listed in [Section 16-1107](#).

(4)

A Special Use Permit for Communications Facilities shall be for a term not less than ten (10) years.

(5)

A denial of a Special Use Permit for Communications Facilities shall comply with the requirements of [Section 16-1108](#).

(Ord. No. 944, § 4, 11-21-2016)

## CONDITIONAL USE REQUIREMENTS

~~b. DEFINITION: Conditional uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within this section~~

~~4. ADDITIONAL REQUIREMENTS: In granting a conditional use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be a requirement for the approval of the following conditional uses:~~

~~a. (d) Day Care Centers: Day care centers for more than threesix (36) children or adults shall provide:~~

~~i. Be licensed with the State;~~

~~ii. Obtain a Special Use Permit from the Planning Commission~~

~~iii. Obtain a City business license.~~

Formatted: incr0, Indent: Left: 0 pt, Right: 12 pt

Formatted: Indent: Left: 54 pt, No bullets or numbering

Formatted: Level 2, Indent: Left: 54 pt, Tab stops: -72 pt, Left

Formatted: Outline numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt

Formatted: Normal, Justified, Space Before: 3 pt, After: 3 pt, Line spacing: At least 13.75 pt, Outline numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt, Pattern: Clear (White)

Formatted: Font: Arial Narrow, Font color: Auto

~~ii-iv. Maintain a~~At least one hundred (100) square feet of open space per child. This open space shall be enclosed by a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than eighty percent (80%) per square foot.

~~ii-v.~~A loading zone capable of accommodating at least two (2) automobiles for picking-up or dropping-off passengers.

~~iii-vi.~~Meet all requirements of the building code applying to day cares.

~~vii.~~That any ~~conditional special~~ use permit issued shall be for a period of not more than five (5) years from date of issuance, and that the rights granted in said ~~conditional special~~ use permit shall extend to the owner or his agent or licensee of said owner requesting such permit and shall not run with the land; but if the owner, agent or licensee requesting said ~~conditional special~~ use permit shall thereafter transfer title to the property subject to the ~~conditional special~~ use permit to a subsequent owner through the transfer of a fee simple title, than such ~~conditional special~~ use permit shall extend to such subsequent owner for a period of 120 days after the effective date of the said transfer, being defined as the date of execution and delivery of a deed attesting to the ownership of said property.

~~viii.~~The special use permit for the operation of a daycare may be revoked at any time by the Planning Commission upon a determination that it is in violation of the standards of this Section or any other City Code requirement.

~~2-ix.~~Landlord Consent. Any person applying for a business license and/or a special use permit for a daycare that will take place within a residential rental property shall submit written consent signed by the owner of the rental property to the City.

~~Conditional use permits may be withdrawn, set aside, cancelled and rescinded by the Governing Body of the City of Roeland Park for good cause upon majority vote of the City Council after a written petition, signed and acknowledged before a Notary Public by one or more individuals who are fee simple owners of property located within 100 feet of the boundaries of the property subject to the conditional use permit or by motion of a City Council member.~~

## Sec. 16-319. - **Special Use** Permit Applications—Submission Requirements.

(a)

The following items shall be submitted in support of an application for a **special** use permit requested pursuant to subsection 16-319(a).

- (1) Legal description of the property that is covered by the application for a **special** use permit.
- (2) A statement of the reasons why the **special use** permit is being requested.

~~(3)–~~

~~The written comments of the redevelopment committee on the concept plan required pursuant to Section 16-319.~~

~~(43)~~

If the application is for a communication antenna, either a site plan or a preliminary development plan, whichever is, in the opinion of the Building Inspector, necessary in

**Formatted:** Outline numbered + Level: 1 + Numbering  
Style: i, ii, iii, ... + Start at: 1 + Alignment: Right +  
Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt

**Formatted:** Outline numbered + Level: 1 + Numbering  
Style: i, ii, iii, ... + Start at: 1 + Alignment: Right +  
Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt

**Formatted:** Outline numbered + Level: 1 + Numbering  
Style: i, ii, iii, ... + Start at: 1 + Alignment: Right +  
Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt

**Formatted:** List Paragraph, No bullets or numbering,  
Tab stops: Not at -72 pt

**Formatted:** Outline numbered + Level: 1 + Numbering  
Style: i, ii, iii, ... + Start at: 1 + Alignment: Right +  
Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt

**Formatted:** List Paragraph, No bullets or numbering,  
Tab stops: Not at -72 pt

**Formatted:** Outline numbered + Level: 1 + Numbering  
Style: i, ii, iii, ... + Start at: 1 + Alignment: Right +  
Aligned at: 108 pt + Tab after: 108 pt + Indent at: 108 pt

order for the City staff, Planning Commission and Governing Body to properly evaluate the application. If a preliminary development plan is not required, the Building Inspector shall specify in writing the information to be included on the required site plan. Notwithstanding a determination by the Building Inspector that only a site plan is required, the Planning Commission or Governing Body may require the submission of a preliminary development plan prior to taking action on the application.

(45)

With respect to applications for special use permits for a communication antenna or a communication tower, a statement that alternative sites or communication towers within one-half mile radius of the subject site are not available due to one or more of the following reasons, when the reasons are applicable.

- (i) Unwillingness of the owners of the alternate sites, or owners of existing or approved communication towers or structures capable of accommodating applicant's planned equipment to entertain applicant's communication facility proposal.
- (ii) Topographic limitations of alternate sites.
- (iii) Impediments adjacent to existing or approved communication towers that would obstruct adequate transmission.
- (iv) Physical site constraints that would preclude the construction of a communication tower.
- (v) Technical limitations of the communications transmission system.
- (vi) The applicant's planned equipment would exceed the structural capacity of existing and approved communication towers and facilities and structures generally capable of accommodating a communications transmission system, considering existing and planned use of communication towers and facilities and structures.
- (vii) The applicant's planned equipment would cause radio frequency interference with other existing or planned communication towers or facilities that cannot be reasonably prevented.
- (viii) Existing or approved communication towers or facilities do not have space on which applicant's planned equipment can be placed so it can function effectively and reasonably.
- (ix) The applicant demonstrates that there are other limiting factors that render existing communication towers and facilities and structures unsuitable.

(x)

The owner's facilities and transmission demands on structures.

(5) If the Application is for an in-home daycare, the applicant must include:

- i. Hours of operation;
- ii. Photos of the rooms where the daycare will be held;
- iii. Parking plan;
- iv. If staff outside the home are employed, the number and where they will park;
- v. proof of state licensure

(6)

All studies as may reasonably be required pursuant to [section 16-304](#).

(7)

Assurance of adequate public facilities as required by [section 16-305](#).

Formatted: Indent: Left: 24 pt

#### **Sec. 16-322. - Preliminary Development Plans—When Required.**

(a)

A preliminary development plan which meets the requirements of [section 16-322](#) shall be submitted in support of all applications for:

(1)

Rezoning, pursuant to [section 16-317](#), except applications for rezoning to a single-family residence district and a duplex residence district;

(2)

A **special use** permit, pursuant to [section 16-318](#), with the exception of applications for home-based daycare centers; and

(3)

A building permit for a project, which involves the construction of buildings on undeveloped land, or the redevelopment of previously developed land, in all zoning districts, excepts the single-family and duplex residence districts.

(b)

A preliminary development plan shall be required as to subsection (3) above only when a final development plan has not previously been approved for the project for which the building permit is being sought or if a final development plan has been approved and then abandoned, pursuant to [section 16-330](#).

(c)

The Governing Body may waive the requirement for submission of a preliminary development plan for subsection (3) above if it determines, in its sole discretion, that the nature or the content of the redevelopment does not warrant plan review.

~~(3) The written comments of the redevelopment committee on the concept plan required pursuant to Section 16-319.~~

|                              |                            |                             |
|------------------------------|----------------------------|-----------------------------|
| <b>Page 2: [1] Formatted</b> | <b>Jennifer Jones-Lacy</b> | <b>9/14/2017 3:02:00 PM</b> |
|------------------------------|----------------------------|-----------------------------|

Outline numbered + Level: 1 + Numbering Style: Bullet + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt

|                              |                            |                             |
|------------------------------|----------------------------|-----------------------------|
| <b>Page 2: [2] Formatted</b> | <b>Jennifer Jones-Lacy</b> | <b>9/14/2017 3:01:00 PM</b> |
|------------------------------|----------------------------|-----------------------------|

Font: Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

|                              |                            |                             |
|------------------------------|----------------------------|-----------------------------|
| <b>Page 2: [3] Formatted</b> | <b>Jennifer Jones-Lacy</b> | <b>9/14/2017 3:01:00 PM</b> |
|------------------------------|----------------------------|-----------------------------|

List Paragraph, Right: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Aligned at: 54 pt + Indent at: 72 pt

|                              |                            |                             |
|------------------------------|----------------------------|-----------------------------|
| <b>Page 2: [4] Formatted</b> | <b>Jennifer Jones-Lacy</b> | <b>9/14/2017 3:01:00 PM</b> |
|------------------------------|----------------------------|-----------------------------|

Font: Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

Item Number: Discussion Items- V.-1.  
Committee 10/17/2017  
Meeting Date:



## City of Roeland Park

### Action Item Summary

---

Date: 10/17/2017  
Submitted By: Jennifer Jones-Lacy  
Committee/Department:  
Title: **Sustainable Code Audit Discussion**  
Item Type: Discussion

#### Recommendation:

For discussion purposes only.

#### Details:

At the previous Planning Commission meeting in September, we revisited the Sustainable Code Audit (attached) and decided to focus on some of the areas the audit showed the City's Code being contrary to sustainable practices. The Planning Commission decided to begin with housing choice and requirements of single-family residential lots. Building Official John Jacobson suggested that instead of the zoning regulations on providing one single family residential category, that we break that down to at least two so that we can allow some higher-density lots, with Single Family Residential District 1 (SF-1) being our current single family classification and Single Family Residential District 2 (SF-2) allowing lots that are 6,000 sf as opposed to 7,500 sf as our current code states. Below is his suggested language.

#### SF-2 SINGLE-FAMILY RESIDENTIAL DISTRICT:

- a. Purpose: The purpose of this district is to provide for single-family residential development at a higher density than the SF-2 District, including those uses which support and encourage residential neighborhoods.
- b. Permitted Uses: Single-family residences and related public and semi-public uses are permitted. For a specific listing of permitted and conditionally permitted uses,
- c. Intensity of Use Regulations:
  - (1) Minimum Lot Area: Six thousand (6,000) square feet.
  - (2) Minimum Lot Width: Sixty (60) feet.

- d. Height Regulations: Maximum Structure Height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.
- e. Yard Regulations- Same as SF-1 density lots

The only difference between single-family zoning districts is the size of the lot.

You can also see the staff report from the previous meeting in the "additional information" section below.

#### Financial Impact

| Amount of Request:          |                  |
|-----------------------------|------------------|
| Budgeted Item?              | Budgeted Amount: |
| Line Item Code/Description: |                  |

#### Additional Information

The Planning Commission discussed this item at the last meeting on 8/22 and suggested focusing on items that directly or indirectly conflict with sustainable practices. The Commission also suggested focusing on sustainable housing choices and policies that positively impact the ability for folks to age in place in Roeland Park.

Considering Housing Choice, the areas of focus should be addressing one of the three audit findings:

1. *Multiple Residence District; Dimensions.* The ordinance treats all “multi-family” uses the same with a single standard and set of dimensional parameters. This ignores that dwellings come in a wide variety of building types and development patterns – some more compatible with neighborhoods settings than others, and thus relegates non-single family housing to more isolated or buffered projects or locations. Although this district does allow different types of dwellings by including all uses permitted in previous districts, it is not promoted as an objective and it does not provide standards for a well-integrated neighborhood pattern, increasing the likelihood that this district will be used more for isolated “multi-family” development projects. Further, the dimensional standards reinforce this by assuming buffers and setbacks must accompany any increase in density, forcing less explicit relationships with the streetscape.
2. In general the three residential districts take a basic approach to regulating residential uses. However there seems to be a “1 size fits all” approach to only 3 different types of housing – single family, duplex, or multi-family. This ignores wide ranges of scale, design and types within these broad categories. The lack of distinctions could present some challenges for infill situations that do not specifically comply (i.e greater variations of types and sub-types may help target some areas) and it does not clearly identify how the different districts can be assembled into neighborhood settings.
3. Single-Family Residence District; Dimensions. The height standards [subsection (e)] could be interpreted to prohibit or limit the effectiveness of some on-site renewable energy systems. The

landscape standards are merely space for the sake of space; they do not provide any functional or aesthetic design objectives, nor do they suggest the ecological performance of any unbuilt portions of the site through better landscape design. Further this district is exclusive to one dwelling type geared specifically to lot size and does not allow accessory dwelling units or small lot detached dwellings that can add diversity even within single-family areas. This may be appropriate in many applications, but this district will not contribute to housing choices and the relationship of housing to walkable areas; the City will need to rely on other districts for this.

I recommend focusing on #2 or #3 as I believe item #1 will be a difficult sell to both the Governing Body and the Community.

At the last meeting, I said I would inquire with MARC regarding the Building Sustainable Places grant. Beth Dawson said the next application process will be next year but that they do not fund comprehensive plans but, rather, smaller corridor plans and the like.

---

From prior meeting.

Attached you will find the Sustainable Code Audit and the audit log with suggested priorities for which the City should focus it's attention. This item was originally brought to the Planning Commission in 2014 and was discussed intermittently in 2015 and 2016. This is an effort to bring it back to determine the Planning Commission's commitment and interest in pursuing this further.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

#### **ATTACHMENTS:**

| Description                                                   | Type    |
|---------------------------------------------------------------|---------|
| <input type="checkbox"/> Sustainable Code Audit Log           | Exhibit |
| <input type="checkbox"/> Sustainable Code Framework and Audit | Exhibit |
| <input type="checkbox"/> Sample Code, KCMO                    | Exhibit |

## Appendix A: Detailed Comment Log

The following are the section-by-section comments on the evaluation of the Roeland Park, KS Zoning and Subdivision Regulations, weighed against selected sustainability criteria. These are objective, un-edited comments and notes, used to arrive at the rating, commentary and observations in the main report. They can be used to gain further insight into the report or further evaluate any recommendations or action strategy from the City's perspective. These comments **are not** necessarily reflective of any official policy of the City, and actions based on these comments may benefit from more detailed and specific planning and greater discussion in the context of the City's overall development policies.

Sections that remain blank were determined to not have a significant relationship to or impact on the sustainability principle, which is distinct from a “3”, which may impact or relate to it, but the standard neither directly supports nor directly conflicts with the principle.

[illegible]





| SECTION #    | Rating Key:<br><b>5</b> Directly supports the best practices and prohibits other practices that could undermine sustainable development concepts and principles.<br><b>4</b> Somewhat supports best practices and/or limits other practices that could indirectly undermine sustainable development concepts and principles.<br><b>3</b> Neither directly supports nor directly conflicts with sustainable development concepts and principles, but may miss an opportunity where these topics typically would be regulated.<br><b>2</b> Creates indirect conflicts, somewhat undermines sustainable development concepts and principles.<br><b>1</b> Creates direct conflicts that likely prohibit best practices that meet sustainable development concepts and principles. | REINVESTMENT           |                          |                        | TRANSPORTATION CHOICE     |                        |                             |                   | HOUSING CHOICE        |              |                             | CORRIDORS & ACTIVITY CENTERS |                         |                                | DESIGN FOR HEALTHY LIFESTYLES  |                        |                         | UNIQUE COMMUNITY CHARACTERISTICS |                             |                   | RESOURCE CONSERVATION & ENERGY EFFICIENCY |                                    |                  |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------|------------------------|---------------------------|------------------------|-----------------------------|-------------------|-----------------------|--------------|-----------------------------|------------------------------|-------------------------|--------------------------------|--------------------------------|------------------------|-------------------------|----------------------------------|-----------------------------|-------------------|-------------------------------------------|------------------------------------|------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Infill / Rehab Housing | Strong Suburban Downtown | Repair Strip Corridors | Connected Street Networks | Complete Street Design | Context Appropriate Streets | Optimized Parking | Diverse Housing Types | Age In Place | Mixed-Density Neighborhoods | Compact Walkable Centers     | Transit-Ready Corridors | Retail / Rooftop Relationships | Active Transportation / Living | Access to Healthy Food | Integrated Trail System | Pedestrian Oriented Public Realm | Natural Resource Protection | Tree Preservation | Green Infrastructure                      | Energy Efficient Buildings & Sites | Renewable Energy |
| 16-439       | <i>Planned Office Building District; Development and Performance Standards.</i> None of the development and performance standards deal with urban design strategies that can integrate development better with the surroundings and with the street/public realm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |                          | 3                      |                           |                        |                             |                   |                       |              |                             |                              |                         |                                |                                |                        | 3                       | 2                                | 3                           | 3                 | 3                                         | 3                                  |                  |
| 16-440       | <i>Planned Restricted Business District; Statement of Intent.</i> When read in conjunction with the Planned General Business district (CP-2), it can be reasonably interpreted that this district is intended for more small-scale, less intense retail – better integrated with neighborhoods. However the intent statement does not make that clear, and many of the standards could be open to interpretation on if that will be the result of development plans under this district. Limits on smaller scale buildings and uses, standards to establish a relationship between buildings and sites and the public realm, and effective transitions with neighborhoods could improve on this intent.                                                                       |                        |                          |                        |                           |                        |                             |                   |                       |              |                             | 3                            | 3                       | 3                              |                                |                        |                         |                                  |                             |                   |                                           |                                    |                  |
| 16-441       | <i>Planned Restricted Business District; Permitted Uses.</i> Similar to the above comment, and approach to uses based on scale or building types may be more appropriate for a planned district. The list of specific types of uses can at once be too specific making distinctions without differences (i.e. a block store vs. a bakery) and too generic, ignoring large important distinctions (i.e. a 2K square foot hardware store and a 200K square foot hardware/home improvement store.)                                                                                                                                                                                                                                                                               |                        |                          |                        |                           |                        |                             |                   |                       |              |                             | 2                            | 2                       | 2                              |                                |                        |                         |                                  |                             |                   |                                           |                                    |                  |
| 16-442       | <i>Planned Restricted Business District; Height and Area Regulations.</i> Planned districts are often most attractive when they offer flexibility and innovation for more integrated planning and urban design that is unique to the context and can implement places and more efficient development practices. The height and area regulations are repeats of assumed car-oriented (setbacks) and low intensity ( area requirements, low FAR and heights) patterns.                                                                                                                                                                                                                                                                                                          |                        |                          | 1                      |                           |                        |                             |                   |                       |              |                             | 1                            | 1                       | 1                              |                                |                        |                         | 1                                | 1                           |                   |                                           | 1                                  |                  |
| 16-443       | <i>Planned Restricted Business District; Parking Regulations.</i> These are parking minimums for conventional and car-oriented places, and do not offer any opportunities for reductions based on context and planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        |                          |                        |                           |                        |                             | 1                 |                       |              |                             |                              |                         |                                |                                |                        |                         |                                  |                             |                   |                                           |                                    |                  |
| 16-444       | <i>Planned Restricted Business District; Development and Performance Standards.</i> None of the development and performance standards deal with urban design strategies that can integrate development better with the surroundings and with the street/public realm. Although sub-section (g) does anticipate some outside space to enhance the public realm (i.e. outdoor eating) – it still relegates it to a sectioned off area eliminating more informal gathering places associated with businesses and it also adds extra parking requirements for any of this additional / complimentary seating.                                                                                                                                                                     |                        |                          | 3                      |                           |                        |                             | 1                 |                       |              |                             |                              |                         |                                |                                |                        | 3                       | 4                                | 3                           | 3                 | 3                                         | 3                                  |                  |
| 16-445 & 446 | <i>Planned General Business District; Statement of Intent and Permitted Uses.</i> Similar to the above comment above on 16-440 for CP-1, these sections could be used to make a more clear distinction on the different types of places that are intended for these two planned commercial districts. This could end up giving better guidance and decision making criteria on how the flexibility through development plans is intended to be used, and what outcomes are desired.                                                                                                                                                                                                                                                                                           |                        |                          |                        |                           |                        |                             |                   |                       |              |                             | 3                            | 3                       | 3                              |                                |                        |                         |                                  |                             |                   |                                           |                                    |                  |
| 16-447       | <i>Planned General Business District; Height and Area Regulations.</i> Planned districts are often most attractive when the offer flexibility and innovation for more integrated planning and urban design that is unique to the context and can implement places and more efficient development practices. The height and area regulations are repeats of assumed car-oriented (setbacks) and low intensity ( area requirements, low FAR and heights) patterns.                                                                                                                                                                                                                                                                                                              |                        |                          | 1                      |                           |                        |                             |                   |                       |              |                             | 1                            | 1                       | 1                              |                                |                        |                         | 1                                | 1                           |                   |                                           | 1                                  |                  |
| 16-448       | <i>Planned General Business District; Parking Regulations.</i> These are parking minimums for conventional and car-oriented places, and do not offer any opportunities for reductions based on context and planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                        |                          |                        |                           |                        |                             | 1                 |                       |              |                             |                              |                         |                                |                                |                        |                         |                                  |                             |                   |                                           |                                    |                  |
| 16-449       | <i>Planned General Business District; Development and Performance Standards.</i> None of the development and performance standards deal with urban design strategies that can integrate development better with the surroundings and with the street/public realm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                        |                          | 3                      |                           |                        |                             |                   |                       |              |                             |                              |                         |                                |                                |                        | 3                       | 2                                | 3                           | 3                 | 3                                         | 3                                  |                  |

[illegible]

[illegible]

| SECTION #      | COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | REINVESTMENT                                 |                                              |                                              | TRANSPORTATION CHOICE                        |                                              |                                              |                                              | HOUSING CHOICE                               |                                              |                                              | CORRIDORS & ACTIVITY CENTERS                 |                                              |                                              | DESIGN FOR HEALTHY LIFESTYLES                |                                              |                                              | UNIQUE COMMUNITY CHARACTERISTICS             |                                              |                                              | RESOURCE CONSERVATION & ENERGY EFFICIENCY    |                                              |                                              |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|
|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Infill / Rehab Housing                       | Strong Suburban Downtown                     | Repair Strip Corridors                       | Connected Street Networks                    | Complete Street Design                       | Context Appropriate Streets                  | Optimized Parking                            | Diverse Housing Types                        | Age In Place                                 | Mixed-Density Neighborhoods                  | Compact Walkable Centers                     | Transit-Ready Corridors                      | Retail / Rooftop Relationships               | Active Transportation / Living               | Access to Healthy Food                       | Integrated Trail System                      | Pedestrian Oriented Public Realm             | Natural Resource Protection                  | Tree Preservation                            | Green Infrastructure                         | Energy Efficient Buildings & Sites           | Renewable Energy                             |
| 16-1410        | <i>Regulation of Streets to Adjoining Streets and Land.</i> A good generic policy statement for connecting streets. However it provides no standards for which networks should connect and generally subdivision regulations are one of the primary means through which cities can require better transportation networks as property develops incrementally.                                                                                                                                                                                                                                  |                                              |                                              |                                              | 3                                            |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |
| 16-1413        | <i>Street Design Standards.</i> The street design standards do not include any urban design or transportation planning standards that can integrate public realm with the development context. The referred to standards in 13-107 are primarily technical engineering and construction standards and will provide little guidance or criteria for planning multi-modal transportation options, integrating transportation or land use, or using ROW as the essential element of public realm design.                                                                                          |                                              |                                              |                                              | 2                                            | 2                                            | 2                                            |                                              |                                              |                                              |                                              |                                              |                                              |                                              | 2                                            |                                              | 2                                            | 2                                            |                                              |                                              |                                              |                                              |                                              |
| 16-1415        | <i>Block Lengths.</i> These block lengths are quite large, even for car-oriented contexts. For more compact and walkable patterns they are 3x to 4x what would be typical (600' to 700' in neighborhoods; 250 to 400' in commercial or mixed use areas). While they don't preclude these shorter lengths, the allow many things that would be counter to transportation choices, and more connected centers and corridors in certain contexts.                                                                                                                                                 |                                              |                                              |                                              | 2                                            |                                              |                                              |                                              |                                              |                                              |                                              | 2                                            | 2                                            |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |
| 16-1416        | <i>Pedestrian Walkways.</i> This is a good general requirement to improve upon networks in disconnected areas. However there are no standards to ensure that the context in which these connections are made (i.e. the streets that the walkways connect) are good walking areas.                                                                                                                                                                                                                                                                                                              |                                              |                                              |                                              | 4                                            |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              |                                              | 3                                            |                                              |                                              |                                              |                                              |                                              |
| 16-1417 & 1420 | <i>Lots on Collector Streets; Residential Lots on Arterials.</i> Generally requiring residential lots to back to streets is an inefficient development practice (building roads with no developable lots). Further it assumes that the road will be a car oriented street rather than an important neighborhood streetscape in an overall system, and that homes should not front on it. Often, with appropriate network planning and good urban design strategies for the streetscapes, these can become some of the more important and valuable/desirable street locations in a neighborhood |                                              |                                              |                                              | 2                                            | 2                                            | 2                                            |                                              | 2                                            |                                              | 2                                            |                                              |                                              |                                              |                                              |                                              |                                              | 2                                            |                                              |                                              |                                              | 2                                            |                                              |
| 16-1440        | <i>Required Improvements; Sidewalks.</i> In general, 4' minimum is not sufficient for walkable streetscapes. 5' is usually considered the bare minimum (two people can walk side by side only at 5'+), and in many more walkable contexts 12'+ should be a minimum. Consider developing street cross sections and street types for all of the variety of contexts that may warrant different minimum standards                                                                                                                                                                                 |                                              |                                              |                                              |                                              |                                              | 2                                            | 2                                            |                                              |                                              |                                              |                                              |                                              |                                              | 2                                            |                                              |                                              | 2                                            |                                              |                                              |                                              |                                              |                                              |
|                | OVERALL RATING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3.1                                          | 3.2                                          | 2.6                                          | 2.8                                          | 2.6                                          | 2.5                                          | 2.4                                          | 2.7                                          | 2.7                                          | 2.3                                          | 2.3                                          | 2                                            | 2.4                                          | 3                                            | --                                           | 3                                            | 2.6                                          | 2.7                                          | 3.2                                          | 3.3                                          | 2.7                                          | 2.5                                          |
|                | Relative Priority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> | <div><div></div><div></div><div></div></div> |

The "relative priority" is based on a rough ranking of strategies that are of immediate or interim importance to the City. Those with low priority are not necessarily unimportant, but rather may take longer and more involved policy discussions before they become a key part of the city's planning program and regulatory strategies.



# **SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT**

FINAL REPORT - November 2014



## **TABLE OF CONTENTS**

---

|                                |    |
|--------------------------------|----|
| Introduction                   | 1  |
| Approach                       | 1  |
| Model Sustainable Code Website | 2  |
| Code Audits                    | 3  |
| Typical “Quick Fixes”          | 5  |
| Common Impediments             | 8  |
| Street Design                  | 8  |
| Placemaking                    | 9  |
| Housing Choices                | 11 |
| Summary                        | 13 |

## ACKNOWLEDGEMENTS

### **Department of Housing and Urban Development (HUD)**

This project was made possible by a Sustainable Communities Planning Grant for the United States Department of Housing and Urban Development, Office of Sustainable Housing and Communities. (2013 – 2014)



### **Mid-America Regional Council (MARC)**

**Partner Jurisdictions:** Participation from staff and stakeholders from the following partner jurisdictions contributed to the Model Sustainable Development Code Website and individual jurisdiction development code audits:

- Fairway, KS
- Gladstone, MO
- Grandview, MO
- Independence, MO
- Mission, KS
- Prairie Village, KS
- Raytown, MO
- Roeland Park, KS



### **Consultant Team:**

gouldevans



vireo

dPlanit

# SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



## REINVESTMENT

Reinvesting in existing communities and neighborhoods ensures they remain or become vibrant, connected, green places.



## TRANSPORTATION CHOICE

Varied transportation options help reduce family travel costs, reduce air pollution, and connect families to jobs and services.



## HOUSING CHOICE

Housing choices for all ages, lifestyles, and income levels help support diverse communities and a healthy housing industry.



## CORRIDORS & ACTIVITY CENTERS

Vibrant corridors connecting activity centers encourage new developments and public transportation while making efficient use of public and private assets.



## DESIGN FOR HEALTHIER LIFESTYLES

Places designed for active lifestyles with access to healthy foods can improve the health of residents, reduce health-care costs and contribute to vibrant neighborhoods.



## UNIQUE COMMUNITY CHARACTERISTICS

Distinctive communities and historical, cultural and natural assets increase the vibrancy of a region and contribute to its overall economic health.



## RESOURCE CONSERVATION & ENERGY EFFICIENCY

Sustainable places conserve resources for future generations while simultaneously reducing costs and increasing economic and fiscal efficiency.

## INTRODUCTION

This report provides a final summary of the Mid America Regional Council Model Sustainable Development Code and Community Code Audits project. It was made possible by a Sustainable Communities Planning Grant from the U.S. Department of Housing and Urban Development, Office of Sustainable Housing and Communities. The Model Sustainable Development Code project is part of MARC's Creating Sustainable Places initiative. For more information on the entire initiative, see <http://www.marc.org/Regional-Planning/Creating-Sustainable-Places>.

## Approach

The Creating Sustainable Places initiative promotes a vision for VIBRANT, CONNECTED, and GREEN communities throughout the Kansas City Region. This 3-year program began in 2010 and involved more than 60 regional partners of local governments, state agencies, and civic, business and development organizations. A 40-member coordinating committee developed the 7 key principles for sustainable development in our metropolitan area.

The Model Sustainable Development Code project builds off of this vision and these principles. There are many broad and complex policy, program and design issues associated with these principles, and they may mean different things in the vastly different contexts within our region. However this effort aimed to narrow in on only those issues that are most impacted by development codes. Through facilitated discussions with our stakeholder jurisdictions, 22 "Sustainable Development Concepts" were identified under these principles. With emphasis on these 22 concepts, the model sustainable development code website and development code audits are focused on the most pressing regulatory issues that are important to our region.

This project involves 2 main components – a model sustainable development code website and code audits of eight local jurisdictions.

### Model Sustainable Development Code Website

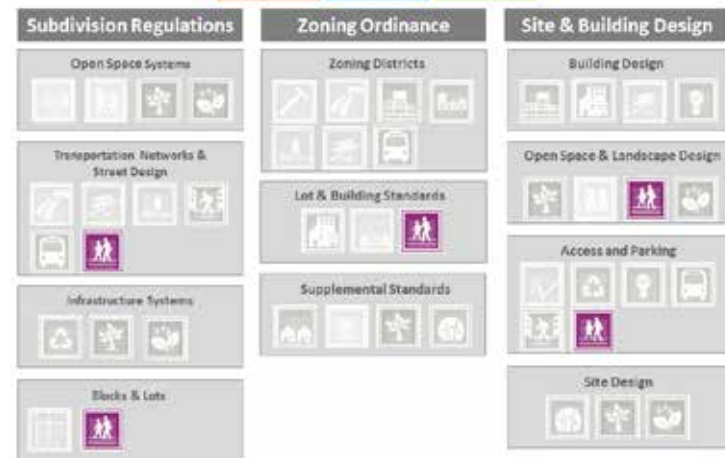
The model code website is established as a resource for code examples from other jurisdictions – most outside of our region – that address the sustainable development concepts identified by our stakeholder jurisdictions. Rather than jump directly to regulatory language, the website first establishes the policy supporting each concept, lists benefits and outcomes from the policy, and identifies a range of regulatory strategies that implement each concept. Example codes are then provided as a resource for jurisdictions that support those policies. <http://codes.sustainable-kc.org/>

The model code website is organized under 3 main frameworks:

- LEARN – organizing the development code strategies and code examples around the 7 main principles and 22 sustainable development concepts.
- CODE – organizing the development code strategies around the table of contents of a model development code.
- EXPLORE – demonstrating the types of projects and project metrics that support the principles and concepts from the model sustainable development code. This portion of the website will grow and become better coordinated with the 7 CSP principles and 22 sustainable development concepts as the data base of projects grow, and our experience implementing these projects in our region increases.



The 22 Sustainable Development Concepts, and the policies, strategies and codes that impact those concepts are arranged on the website under the 7 main CSP principles for those that want to learn and research particular topics.

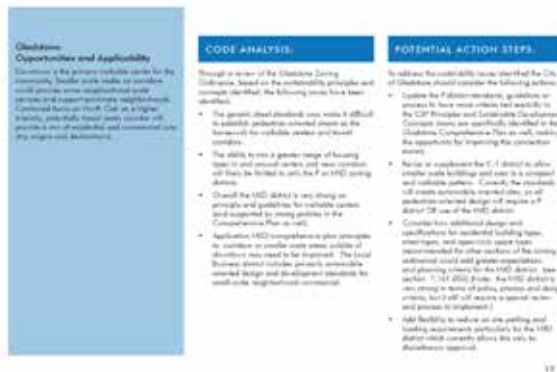


The “Code Framework” arranges the same 22 Sustainable Development Concepts like a typical table of contents for a development code. This enables identifying interrelated – and possibly competing – sustainability principles within sections of development codes. For example, this image demonstrates how someone concerned about the “Pedestrian Oriented Public Realm” concept, may need to check several code sections that may impact that concept.

# SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



Community Code Audit Example



Community Code Audit Example

The model code website is also part of a larger suite of on-line resources, including the Regional Indicators that help track our progress towards a more sustainable region with real time access to important data; a Natural Resources Inventory which includes highly refined data at various scales documenting existing resources and restoration opportunities that can allow natural systems to support development in our communities; and Envision Tomorrow and Visualization Tools that can help program and implement concepts within specific contexts. This suite of resources is intended to promote LOCAL ACTIONS, with IMPACTS ON PLACES, that produce REGIONAL OUTCOMES.

## Code Audits

Eight of our stakeholder jurisdictions also participated in a code audit – evaluating their development code against the 22 sustainable development concepts. To initiate this process, each prepared a “policy profile”, ranking the sustainable development concepts from a 1 – high priority, to a 4 – lowest priority. This profile gives an order of magnitude gauge on which issues are most relevant to each community’s context and current planning priorities, and it helps tailor an action plan for code updates to each jurisdiction’s needs.

Evaluating how development regulations impact sustainability goals requires a two-part analysis. First, consider whether the regulations present barriers – provisions that prohibit or limit the application of “best practices” towards any specific sustainability objective. Second, and perhaps most importantly, consider how effectively the regulations limit, close loopholes or prohibit other competing practices that undermine broader sustainability issues. This two-

part analysis can result in a more integrated code by identifying where the development code is strong, silent, or weak on certain principles, and identifying where some sections may undermine other related principles and concepts.

Each community code audit is organized under the 7 key principles for sustainable development: Reinvestment; Transportation Choice; Housing Choices; Corridors and Activity Centers; Design for Healthy Lifestyles; Unique Community Characteristics; and Resource Conservation and Energy Efficiency. Under each topic, the reports contain:

- **Principles & Concepts**- a summary of each Principle and how the Sustainable Development Concepts impact common sustainability metrics for comprehensive planning and development;
- **Opportunities and Applicability** – a quick observation of how the each Principle and the supporting Concepts could apply to the jurisdictions’ physical and planning context.
- **Code Analysis** - Analysis of how well the development code relates to each concept and typical regulatory objectives, including identification of barriers or loopholes.
- **Potential Action Steps** – Options to consider for future updates to the regulations (note: more information and examples of these action steps can be found on the Model Sustainable Development Code website.)

An action plan is provided to each jurisdiction that prioritizes some of the potential action steps based on those that are most easily achievable under the cities current plans and policies (as opposed to those that need broader programs and community input to support them) and those that are most aligned with the cities “policy profile” filled out at the beginning of the audit process. A section by section list of raw comments used to evaluate the code, guide the analysis and determine the rating is included as an appendix to this report. These sections can be used by staff to help prioritize potential action steps, address emerging issues, and improve the Codes performance on certain sustainability concepts.

This Final Report is a summary of trends reflected across the 8 jurisdictions, including common impediments, typical “quick fixes” and the major significant code and policy issues that our region needs to address more effectively.



**Grey** = Concepts development codes were typically silent on.

**Green** = Concepts development codes were typically stronger on (indirectly supported or directly supported).

**Yellow** = Concepts development codes were typically neutral on (both indirectly supported and indirectly conflicted).

**Red** = Concepts development codes were typically weak on (indirectly or directly conflicted).

#### Summary of Community Code Audits - By Topic

### TYPICAL QUICK FIXES

The action plans of the code audits organized each jurisdiction's priority issues into short-term and long-term actions. The short-term actions or "quick fixes" were things the jurisdiction could accomplish with very little additional policy reform or community discussion and which did not need significant code restructuring. These involved policies and strategies that were already broadly supported by the community, things that added new options already reflected in the market place, or things that simply coordinated conflicting provisions in the current regulations to remove impediments.

### Flexible Parking(Optimized Parking)

Flexibility in parking was often needed and can typically be very easily incorporated into regulations through a broad range of strategies, which included:

- Count on-street parking, and design streets for it.
- Give credits or reductions for development patterns that support walking, biking or transit.
- Improve the context, criteria and procedures where shared parking is permitted or required.
- Reduce the parking minimum (or eliminate it), implement a parking maximum, or have a cap that requires design mitigation.
- Give more administrative discretion for "optimal parking" through waivers.

### Street Trees / Landscape Standards (Pedestrian Oriented Public Realm & Tree Preservation)

Although Pedestrian Oriented Public Realm scored particularly low among jurisdictions, most codes at least demonstrated intent to value and preserve trees, and a willingness to promote "street trees." However, the intent was frequently undermined by conflicting provisions in landscape, streetscape or street design sections. Often this involved improper identification of species or improper location – particularly regarding street trees, and lack of specifications for survival of landscape investments. Trees – and particularly street trees in strategic locations, can be a low-investment / high return strategy that can improve even the most car-oriented or pedestrian-hostile areas in the short term. (See "Street Design" under the Common Impediments section for more details.)

### Accessory Dwelling Units (Diverse Housing Types)

Enabling accessory dwelling units (detached or attached) – whether in specific or limited locations, or through conditional or administrative permits is a simple way to increase the density with very little impact on the scale and character of existing neighborhoods. While any housing policy and code strategy must be very specifically tailored to the jurisdiction and neighborhoods where they would be implemented, codes that enable this housing option are quite simple. Most jurisdictions had areas where this approach is a viable strategy to provide housing options to meet market and demographic shifts.



*Pedestrian Oriented Public Realm*



Mixed-use



Integrated Uses

### Planned Districts (Compact, Walkable Centers)

Over-reliance on planned districts to create sustainable development practices is part of our larger and more significant code issue discussed later. However some easy updates where often recommended to improve the current use of planned districts. Too often these districts reflected “standard-less districts”, where the absence of standards and the reliance on an applicant-supplied development plan is perceived as permitting flexibility and at least enabling the sustainable development concepts to be executed. However, these districts are as likely or more likely to lead to development that conflicts with sustainable development concepts, than further them. Unguided use of planned districts often results in narrowly-focused projects, internal orientation with little broader public benefit, or simply get used as an “end run” around the otherwise applicable regulations. An easy fix to this is to better tie the use of planned districts more specifically to the cities specific planning policies, then introduce sustainable development concepts as a prerequisite to using the district, and/or set some basic default standards that the flexibility in the plan must equally or better meet. Not only will this improve the results from a “sustainable development” perspective, but it increases the expectations for applicants and decision-makers in this sometimes too-vague process. A further level of improvement is to tie the use of planned districts to a more refined neighborhood, area, or specific plan scale that can provide better context-specific guidance and serve as a better bridge between the broader public benefits and the privately driven development plan.

### Food Production (Access to Healthy Foods)

Most codes addressed “agriculture” uses in some manner, even if it was simply a holding zone for larger lot or rural but urbanizing areas that are a remnant of past growth scenarios. Yet somewhere between the scale of agriculture on a farm, and the accessory use of growing tomatoes in the back yard (which needs no regulatory approach), lies a wide range of small- to intermediate-scale food production activities. At least acknowledging in use tables that food production can occur at a variety of scales and in a variety of contexts (some even indoors), can allow these emerging uses to be more explicitly enabled in a variety of appropriate contexts.

### Site-scale Energy Systems (Renewable Energy)

Site-scaled renewable energy systems are beginning to hit the market at increasingly affordable and productive methods. Some jurisdictions already have provisions that address these topics, and others were silent to it (perhaps in a way that implies these uses could simply be “accessory” uses when implemented at the smallest scale). Further, for those that have included ordinances that address these strategies, emerging techniques may require that we continue to revisit codes and there are many models and examples available (see Model Code website and MARCs broader initiative on renewable energy).

### Sidewalks (Pedestrian Oriented Public Realm & Complete Streets)

Many development codes included city-wide sidewalk standards, often with a minimum of 4' in neighborhoods or 5' generally. While this is an improvement over having no standard or building streets without sidewalks, the appropriate sidewalk design can often not be expressed as a city wide standard. Typically, 5' is the bare minimum to allow people to walk side-by-side. Further, it may be completely insufficient in areas where more walking is encouraged (8' or 12' minimum will be necessary here), or areas where more social activity is desired (20' or more is necessary here). In addition, many of the city-wide standards would say nothing to the actual design and location of the sidewalks, whether it was buffered from moving lanes of traffic by on-street parking or landscape strips, or whether street trees are part of creating a pleasant place to walk. Adjusting these requirements for (a) the planning context; and (b) the street-type, can be an important improvement on city-wide sidewalk design standards.



*Active Public Realm*

## COMMON IMPEDIMENTS

The jurisdictions as a whole score particularly low with respect to code provisions addressing street design, creating compact, walkable centers and housing choices. These scores reflect a more complex regulatory issue that may require further scales of planning, deeper policy discussions, or more comprehensive restructuring of our codes. However, these are perhaps the most significant sustainable development issues for our region and deserve more focused attention.

### COMMON IMPEDIMENTS – STREET DESIGN

Although many jurisdictions plans, policies and even intent statements in the regulations speak to “complete streets” or “multi-modal” transportation goals, the design standards in the regulations typically do not reflect best practices. There is certainly a question of how great an impact the development regulations have on street design (i.e. a built-out community may not build or replace streets through the development code and development review process, but use other design standards outside the code); however, street design standards in development regulations are a common impediments to the Transportation Choice principle of the Creating Sustainable Places program. The typical impediments include:

- Lane Widths – 12’ wide standard
- Focus on Functional Classification
- Prioritizing vehicle flow (corner turn radius, turn lanes, site access lanes)
- Prohibition on street trees

### Lane Widths – 12’ wide standard

Most development codes start with the assumption that 12’ wide lanes are “standard,” and they apply this to all kinds of streets in a variety of contexts as a minimum. The reality is that 12’ wide lanes are appropriate only on higher-speed, free-flowing, principal arterials streets where speeds over 45 mph are expected; they are not appropriate for a most city contexts – especially neighborhoods or walkable activity centers where slower speeds of vehicles are essential to allow cars to mix safely with pedestrians and bicycles. 12’ wide lanes undermine this fundamental principle of multi-modal street design. In our limited right-of-way space, a foot or two matters when we are trying to find space for wider sidewalks, on-street parking and street trees. Lanes as narrow as 9’ and 10’ work perfectly well in these contexts (as is even acknowledged by the American Association of State Highway and Transportation Official (AASHTO) design manual, a guide for state highways often used by cities for designing city streets). When 9’ or 10’ lanes are applied to multiple lanes, this can help us capture coveted space for things that make people comfortable, while also taming the speed of cars. Any environment where we want vehicle speeds operating below 45 mph (i.e. especially all neighborhoods and walkable centers where speeds below 25 mph are desired and posted), should have 9’ – 11’ lanes instead of 12’ lanes, even according the AASHTO design guidance.

### Focus on Functional Classifications

Simple approaches to traffic engineering (moving more cars quickly) organize our streets based on “functional classifications” – Arterial, Collector and Local streets. While this works as a logical concept for organizing the function of our street network,



*Lack of Street Design*



*Complete Street Design*

it is a poor tool to guide the actual design of our streets on specific segments. Most development regulations simply base standards on functional classifications. This misses a significant opportunity to coordinate transportation investments with the abutting land use and development patterns, and to promote the essential urban design role that streets play in building valuable places and neighborhoods. Rights-of-way – the spaces between buildings and sites – are the largest component of our public realm and the design of this space has a significant role in creating the character of places. The model code examples collected for this project demonstrate a better way to use the “functional classification” system to plan networks, but then apply a wider variety of “street design types” to actually invest in streets appropriate to the context.

### **Prioritizing Vehicle Flow**

Related to the above two significant impediments, all of the development codes that were reviewed reflect a priority for vehicle flow in street design and site design standards, often above all other interests. This priority needs to be questioned – particularly within neighborhoods and walkable centers where our planning policies and development investments are based on a different priority. Things like required turn lanes, larger curb-return radius, driveway access standards, and internal driveway, circulation, and parking lanes standards reflect prioritizing vehicle flow. All of these standards will compromise the interests of people on foot and on bikes, result in more space dedicated to cars and leave less space dedicated to civic spaces for people.

### **Prohibiting Street Trees**

Many development codes are either silent to or prohibit street trees in the interests of efficient street design (perceived lower maintenance) or reducing conflicts with utilities. This is misguided. Not only are these interests not clearly served by such a policy, it misses the significant role that street trees play in sustainable development – everything from filtering and infiltrating stormwater, increasing comfort for pedestrians, and increasing property values. (see “Typical Quick Fixes” discussion on street trees). Further, some codes that promote street trees require them to be out of the right-of-way, or prioritize utility placement over street tree locations. This undermines the performance and impact of street trees. Trees and utilities need to be carefully planned to peacefully co-exist and our most resilient, sustainable places demonstrate how to do this. Street trees are one of the lowest cost – highest return urban design investments a city can make. (See Focus on Functional Classification discussion; a variety of street design types also enables a more specific standard for different street tree types and locations for different streets.)

### **COMMON IMPEDIMENTS – “PLACE-MAKING”**

Over many years, and the last decade in particular, the planning profession has awakened to the fact that our historic “use-based” focus to regulating development is not always appropriate for our increasingly complex development environment (emphasizing the use of land and assuming districts of the same or similar uses). When “place-making” is the focus of our planning policies, the integration of neighborhoods and walkable centers to create more valuable places should be the goal. Most of the development codes reviewed reflected at least



*Impact of No Street Trees*



*Impact of Street Trees*



Hardware Store - Large Scale



Hardware Store - Small Scale

some acknowledgment of this fact, but they were weak on the nuances of making places or prohibiting practices that undermine “place making”. The typical impediments to the Corridors and Activity Centers principles of the Creating Sustainable Places program include:

- Focus on use / Silence on scale
- “Mixed-use” vs. well-integrated uses
- Over-reliance on planned districts.
- Lack of public realm and streetscape standards (placed for people, prohibit or administrative burdens on sidewalk activities.)

#### Focus on Use / Silence on Scale

Even when regulations encouraged a more integrated approach to permitted uses, they often did not acknowledge where the true impacts of different land use scales result from – the scale of the use. Use-based standards are famous for at once being too specific (drawing distinctions between similar uses where there is no difference) and too vague (ignoring distinctions between the same use where there are significantly different impacts.) To make up for this, development codes often layer on design standards aimed to mitigate assumed impacts in a variety of contexts, which run the risk of working well in few contexts. An alternative strategy is to become more general with the types of uses (i.e. “retail” instead of “hardware store”), but more specific with the scale of use (i.e. “neighborhood retail” vs. “warehouse retail”) With this approach, eligible land uses can be more appropriately keyed to different zoning districts and contexts.

#### “Mixed-use” vs. Well-integrated Uses

Most codes did reflect at least a basic understanding the benefits that a less use-focused approach can bring, and enabled a “mixed-use” district. However, most of these seemed to assume that simply mixing uses was the end goal. Codes may have enabled multiple uses, but frequently did not express even policy guidance for an appropriate range of uses – a list of ingredients rather than a recipe which can lead to lower expectations during implementation. Further, related to the “scale” issue, it is not simply mixing uses that is the planning goal to begin with, but rather a compatible integration of complimentary uses where each one contributes more to the vitality of a place, than were the use in isolation. Many of the historic models that we are trying to emulate with mixed-use regulations, are actually a compilation of many single-use districts – just applied at a much more refined block scale and with a focus on how well the multiple zoning districts relate and support each other. The model code examples collected for this project demonstrate how mixed-use districts can better prescribe outcomes and/or how multiple compatible zoning districts can better relate and support each other through policy guidance and intent statements.

#### Over-reliance on “Planned Districts”

Related to the two previous issues, most codes rely on “planned” or flexible zoning districts to make up for these deficiencies. Most often these planned district applications come through discretionary review processes. While this technically makes up for any deficiencies in specifying better “place-making” standards in our development regulations and at least enables projects, it does not necessarily raise expectations. These processes can be time-

## SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



*Designed Street & Public Realm*

consuming and costly, reflecting another separate impediment to sustainable development – particularly when the outcome is not assured. Beyond this uncertainty, many of the planned districts lack default standards or clear planning criteria on how this flexibility is to be used for greater public benefit. The outcomes are just as likely not to support the planning policies of the jurisdiction or specific context as they are to support it. Ultimately, rather than doing broader community or area planning to support innovative development for a particular context, the planned districts are at risk of being an “end run” around the development standards through site designs posing as “plans.”

### **Lack of Public Realm and Street Design Standards**

As mentioned in the Street Design discussion, most regulations lacked the variety of street design types necessary to build valuable places. This is particularly crucial where “place-making” is a goal, as these streets serve as the social and civic heart of these places first, and a means to get to that place secondarily. Having standards for this special type of street and social place – even if it only applies to a block or two in the community, is a critical place-making and economic development tool. Further, many codes also reflected impediments to capitalizing on this space – either prohibiting, or limiting through cumbersome administrative procedures, the use of this space for leisurely or business activities such as sidewalk sales or sidewalk cafes.

### **COMMON IMPEDIMENTS – HOUSING CHOICES**

There has been much discussion in the planning profession regarding our changing demographics. The twin tides of aging populations and Generation Y coming of age impacts planning and development – particularly in terms of their housing needs and where they prefer to invest in housing. Although it is impossible to predict exactly where the market will go on this topic, and most agree that more options is at least the first strategy to deal with this uncertainty. However for years our housing industry and our development codes have reflected the market bias that housing most often meant “single family homes” – whether in a neighborhood or a subdivision, and anything else was an alternative. This history lingers strongly in our development regulations, and presents many impediments to the Housing Choices principle of the Creating Sustainable Places program. The typical impediments include:

- Over-reliance on Density
- Silence on small-scale, multi-unit housing
- Lack of neighborhood design / streetscape standards.

#### **Over-reliance on Density**

Most zoning districts use “density” as the most significant regulation for housing. The assumption is that common densities will deliver compatibility. While this may have been true during recent home-building era, it belies the physical patterns of most of our older neighborhoods. This strategy may not be well suited to meet the housing needs of the coming demographic shifts. Further, over-reliance on density gives false comfort that it will yield the sought-after “compatibility.” Density is an abstraction – it is



*Designed Public Realm*

calculated in “dwelling units per acre, and gives no indication to the size of the dwelling unit, the type of dwelling unit, the character or design of the dwelling unit, or the number of people (impact) of the dwelling unit. While other standards in development codes may answer some of those questions, for areas where housing choices are desired, these are answers to all of the wrong questions. Rather “housing choice” is the compatible flip-side to walkable places. Sustainable development practices need to put more people in close proximity to walkable places or transit stops, and do so with a neighborhood design approach that mixes a wider range of housing types into a compatible and valuable neighborhood pattern. Development regulations relying too heavily on density eliminates many potential projects even before some of these more important questions can be answered.

### **Silence on Small-scale, Multi-unit Housing**

Related to the above issue of over-reliance on density, most development codes were silent on the smaller-scale multi-unit housing options. By relying solely on density there is a built-in but hidden bias against these smaller scale housing options that fit well in neighborhoods and are reflected in our traditional neighborhood building patterns. By eliminating this option by code, we have erased these types of projects from our portfolio of housing. This stems from two built-in biases: (1) anything that is not “single-family” is “multi-family” (except for “duplex”) and (2) multi-family is regulated by density and buffers. As a result, in order to get a critical mass to make a project work, any housing alternative needs a larger land area, yet is constrained by artificially low densities (again in the name of compatibility). The end result is that project aiming to give a

housing alternative become very large in scale (“apartment complexes”), reinforcing the justification that they need to be buffered from adjacent areas. Meanwhile, one of the greatest benefits of density – placing people closer to amenities and transit, in walkable patterns, is eliminated, and an entire group of smaller-scale, multi-unit building types that are quite compatible with neighborhoods are eliminated. The model code examples collected for this project demonstrate how returning to a “housing type” approach can balance the interests of compatible density and compatible neighborhood design.

### **Lack of Neighborhood Design / Streetscape Standards**

One way to increase housing choices is to create “mixed-density” neighborhoods – an area where a variety of housing types can be found in the same neighborhood, sometimes even on the same block. The “building type” approach to regulations above is part of the strategy to implement such a policy. However, the most effective way to allow a range of compatible (or even incompatible) building types to mix is to improve the public realm. That is the reason people are attracted to a neighborhood, and the benefit of a quality public realm often allows people to ignore or not even notice other smaller or perceived issues brought on with more choices. The neighborhood design and streetscape design standards are an essential part of presenting broader housing options – whether along a block, within a neighborhood, or simply expanding options throughout a community. Standards for neighborhood streetscapes, open spaces (whether public or common) and how buildings relate to these spaces will help introduce a broader range of choices into the community.



*Small Scale / Multi-unit Housing - 8 DUs per Acre*



*Small Scale / Multi-unit Housing - 35 DUs per Acre*



*Small Scale / Multi-unit Housing - 60 DUs per Acre*

## SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT

### SUMMARY

The Creating Sustainable Places initiative is based on 7 well-established, and widely endorsed principle on how to build “Vibrant, Connected, and Green” communities. The regional sustainable development plan also presents options that can lead us to better economic development, increased return on public investments, and better environmental performance if we invest collectively under these principles. However, our region is wide and diverse, and each jurisdiction serves a different role in this vision.

The Model Sustainable Development Code and Community Code Audits are part of our evolving discussion on these critical issues. The model code website provides examples to help jurisdictions consider what is right for them. This resource should continue to evolve and grow as our discussion and experience with these issues grow.

Further, the code audits and this summary report provide an objective critique of our development regulations. There are many common impediments that reflect our tendency to borrow regulatory approaches over time – even when they don’t work or don’t achieve our planning goals. These impediments need to be removed for us to progress as a region.

However each jurisdictions’ response needs to be based on their own policies and their unique context – and strategies will likely differ based on their many different contexts and many different types of places they are planning for, even within their jurisdiction. The observations and recommendations in this report and project are not silver-bullet solutions, but are part of our growing awareness of the impact of development regulations on the types of projects we build, and their impact on our sustainability goals.

### TYPICAL QUICK FIXES:

- Flexible parking standards
- Accessory dwelling units
- Street trees
- Improve planned districts
- Small-scale food production
- Site-scale renewable energy systems
- Improved sidewalk standards

### COMMON IMPEDIMENTS:

- Transportation Choice: Street design
- Compact, Walkable Centers: mixed-use development
- Housing Choices: density standards and housing types

Completed as part of the  
Creating Sustainable Places initiative for MARC:



# Kansas City, MO

---

Sec. 80-40. - District R-1 (one-family dwellings and accessory related uses) generally.

- (a) A district R-1 is composed of areas developed for single-family residences and areas of open land that might reasonably be developed similarly. Uses in the district include churches, schools, community centers and other structures and lands used for appropriate public and semipublic community facilities, and also utility substations, and other essential public uses of land whose role in the residential neighborhood and community require their location within it. In addition, certain home occupations of the principal resident or a member of his or her immediate family may be conducted unadvertised from or within the residence. The uses within the district are in accord with its residential character.
- (b) Minimum lot size requirements prevent overcrowding and afford open area for the residents. Minimum required yards and limitations on the height of buildings provide for adequate air and sunlight to the dwellings.
- (c) The purposes of the regulations for this district are to conserve established districts and to encourage development of similar uses in newer areas.
- (d) District R-1 is further subdivided into districts R-1aa, R-1bb, R-1a and R-1b, differing only in the requirements of lot area per family as set forth in section 80-43.

(Code of Gen. Ords. 1967, § 39.040; Ord. No. 62124, 6-16-88)

Sec. 80-41. - Authorized uses in R-1 districts.

In districts R-1aa, R-1bb, R-1a and R-1b, authorized uses are as specified in this section, and no building or land shall be used and no building shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses and subject to the provisions for accessory uses, height, yard and parking as specified in sections 80-42, 80-43 and 80-44:

- (1) Uses of land permitted without special restrictions as provided in subsection (3)b of this section.
  - a. One-family dwellings.
  - b. Publicly owned parks and recreational areas.
- (2) Uses of land permitted with special restrictions.
  - a. Agriculture, nurseries and truck gardening for the propagation and cultivation only of plants, provided no retail or wholesale business shall be carried on upon the premises so used, and provided further that no obnoxious fertilizer is stored upon the premises and no obnoxious soil or fertilizer renovation is carried on upon the premises.
  - b. Community unit and group housing projects, subject to conditions and restrictions as provided in sections 80-260 and 80-270.
  - c. Fire stations and water and sewerage facilities to be constructed by the city; provided that prior to the acquisition of land for this use a plot plan shall be submitted to the director of the city development department for a report and recommendation. The plot plan for a fire station shall also be reviewed by the traffic department, health department and public works department. The plot plan for water and sewerage facilities shall also be reviewed by the health department and the public works department. The director of the city development department shall report as to whether or not the proposed use is compatible with the plan for the development of the city. After a review of the plan, the director may make such recommendation as he deems to be in the public interest. The report shall be made to the

city manager and the involved department. Failure of the director of the city development department to report within 45 days shall waive the requirements of a report and recommendation.

- d. Golf courses, not including golf course clubhouses, miniature golf courses or driving ranges.
  - e. Mobile home developments in district R-1b, subject to the conditions and restrictions as provided in this chapter.
  - f. Temporary radio and television towers may be permitted for special events of widespread national interest. The towers shall not be over 200 feet in height, and they shall not be erected more than 48 hours before a broadcast. The towers shall be dismantled within 48 hours after such broadcast. The contractor for the erection and dismantling of such towers shall execute and post a bond to the city in the amount of \$100,000.00, conditioned that he will save the city harmless from and indemnify it for any loss or damage sustained by the city, directly or indirectly, on account of the construction, maintenance and dismantling of such towers. In lieu of posting a surety bond as required in this subsection, the contractor may keep in force liability insurance in the amount of \$100,000.00, in a solvent insurance company to be approved by the director of finance and in a form to be approved by the city counselor, and file with the director of codes administration a certificate issued by such insurance company; and such insurance policy shall protect and indemnify the city in all respects as to public liability and property damages as otherwise provided in this chapter. Erection and dismantling of such towers shall be as specified by the director of codes administration, and a permit shall be required.
  - g. Sewage treatment plants, telephone exchanges, electrical substations and similar services, provided that the city council approves such use as a part of a subdivision plat or a planned development or as a special use by ordinance.
- (3) Uses of land permitted subject to specific conditions listed in subsection (3)b of this section.
- a. Permitted uses:
    - 1. Church plants and synagogues (not permitted in converted residential buildings or structures in this district, unless they are in full compliance with the building code for such use).
    - 2. Community center buildings.
    - 3. Police stations.
    - 4. Public libraries.
    - 5. Public schools (elementary, secondary and high schools); private schools with curricula equivalent to that of public elementary, secondary or high schools; and institutions of higher learning (accredited colleges and universities).
  - b. Any use listed in subsection (3)a of this section is permitted, subject to conditions as follows:
    - 1. There shall be side yards of at least 25 feet for any principal or accessory buildings.
    - 2. Parking areas shall be in the side or rear yard only, and shall be set back at least six feet from any side or rear line.
    - 3. Location of the use shall be in accordance with at least one of the following situations:
      - i. On a corner lot immediately adjacent to or across from a public park, public playground or a parkway which has a right-of-way width of 120 feet;
      - ii. On a parcel or tract of land entirely surrounded by any combination of highways, streets, alleys or railway rights-of-way;

- iii. On a lot immediately adjoining any R-4 to M-3 district, inclusive, or on a corner lot immediately opposite on the other side of a street from any R-4 to M-3 district, inclusive; or
- iv. On a lot approved by the board of zoning adjustment after a public hearing where the board shall find that the use meets the following provisions:
  - (a) The use does not materially damage or curtail the appropriate use of neighboring property;
  - (b) The use conforms to the applicable district regulations;
  - (c) The use is compatible with the general character of the district;
  - (d) The use does not jeopardize the public health, safety or welfare; and
  - (e) The use does not violate the general spirit and intent of this chapter and this section.

(Code of Gen. Ords. 1967, § 39.041; Ord. No. 62124, 6-16-88; Ord. No. 080281, § 1, 6-26-08)

Sec. 80-43. - Height, yard and area regulations in R-1 district.

Except as otherwise provided in section 80-42 for accessory buildings and structures in district R-1, the height of buildings, the minimum dimensions of yards and the minimum lot area per family permitted on any lot in the R-1 district shall be as follows:

- (1) *Height.* Buildings and structures shall not exceed 2½ stories, and shall not exceed 35 feet in height.
- (2) *Yards.*
  - a. *Front yards.* The front yards in this district shall have a minimum depth of 25 percent of the depth of the lot, but the depth of such front yard need not be more than 30 feet.
  - b. *Side yards.*
    - 1. There shall be a side yard on each side of every building, except an accessory building, with a minimum width of not less than ten percent of the width of the lot. Such side yard shall not be less than four feet and need not be more than eight feet.
    - 2. On a corner lot, the side yard regulations shall be the same as for interior lots, except in the case of reversed frontage where interior lots have been platted or sold fronting on the side street. In this case, there shall be a side yard on the street side of the corner lot not less than one-half of the front yard requirement in subsection (2)a of this section.
- (3) *Rear yards.*
  - a. The rear yards in this district shall have a minimum depth of 25 percent of the depth of the lot, but the depth of such rear yard need not be more than 30 feet provided that the rear yard need not be more than 20 feet for decks and/or balconies which are 500 square feet in area or less.
  - b. The area occupied by all detached accessory buildings and structures in a rear yard shall be limited to 40 percent of the area of the rear yard.
- (4) *Lot width.*
  - a. The minimum width of a lot in district R-1aa shall be 100 feet and in district R-1bb shall be 85 feet. The minimum width of a lot in districts R-1a and R-1b shall be 50 feet.
  - b. In districts R-1aa, R-1bb, R-1a and R-1b, a one-family dwelling may be erected on any area of land which has been in existence as an ownership separate and apart from the ownership

of any adjoining property fronting on the same street on or before January 1, 1954, or prior to any subsequent amendment adopted thereafter which causes such area of land to contain less width than required for a one-family dwelling in the district in which it is located, provided all other requirements of this chapter are met.

(5) *Lot area.*

- a. In district R-1aa, no building shall be erected or altered on a lot which makes provision for less than 15,000 square feet of lot area for a one-family dwelling.
- b. In district R-1bb, no building shall be erected or altered on a lot which makes provision for less than 12,000 square feet of lot area for a one-family dwelling.
- c. In district R-1a, no building shall be erected or altered on a lot which makes provision for less than 7,500 square feet of lot area for a one-family dwelling.
- d. In district R-1b, no building shall be erected or altered on a lot which makes provision for less than 6,000 square feet of lot area for a one-family dwelling.

(Code of Gen. Ords. 1967, § 39.043; Ord. No. 32359, 7-28-67; Ord. No. 58255, 11-20-86; Ord. No. 62124, 6-16-88; Ord. No. 011730, § 1, 1-10-02)