

Consider Approval of Ordinance 2392, amending the City of Prairie Village, Kansas Zoning Regulations by adding neighborhood design standards for R-1a and R-1b zoning districts, addressing building massing and frontage design, reorganizing and adjusting development standards, adding impervious coverage limits, and revising and coordinating other existing standards related to accessory buildings, setback, and lot exceptions.

RECOMMENDED MOTION:

Make a motion to accept the Planning Commission's recommendation and approve Ordinance 2392.

BACKGROUND:

On August 6, 2018, staff presented the results of the feedback received from an online survey and the three public forums that were held in July regarding Phase II of the Neighborhood Design Standards. At this meeting, the City Council authorized staff to set the public hearing for the proposed standards at the Planning Commission meeting on September 11. The City Council directed staff to specifically get feedback on the following items from the Planning Commission:

- The street tree requirement and any economic impacts on applicants, difficulties in administering it, and overall protection of both public trees and trees on private property.
- The total lot greenspace standard, specifically how we are defining greenspace and whether other landscape materials should be included in the definition, and reviewing when that standard should apply.
- The situation where lots appear to be graded up for new buildings when viewed in relation to adjacent houses.

At the August 7 Planning Commission meeting, the Planning Commission directed staff to come back to the September 11 meeting with specific recommendations on the three points above. Staff's recommendations were as follows:

- Staff recommended no changes to the street tree requirements. The Committee felt that street trees and streetscape were significant contributors to neighborhood character, and that the City should be proactive at filling in gaps where street trees do not exist to preserve this character. In addition, the maximum cost to purchase, deliver, and install a 2.5 inch caliper street tree from the approved list was determined to be no more than \$500, but likely even less. Staff felt that this cost seems proportionate when compared to the level of investment that comes with major additions and teardown/rebuilds, especially when considering the important impact street trees and streetscape design have on neighborhood character. In regards to tree protection on private property, staff felt that this is an important issue that should be addressed by the City, but that it is a broader issue that would require significant study and investment and could not be adequately addressed under this particular effort.
- Staff recommended changing the "total lot greenspace" standard to a "total lot impervious surface coverage" standard. This change, in essence, flipped the original limit of "at least 65% greenspace on the entire lot," to "no more than 35% impervious coverage on the entire lot." This change was recommended in order to better define what would fall under this standard, and would now only include the portions of the lot covered by buildings, other structures, and hard surfaces that do not infiltrate stormwater. With this change, landscape materials such as mulch and permeable concrete would not count against a property, unlike the previous "greenspace" standard.
- Staff also recommended adding in a requirement that the first floor elevation on a new home could be no more than 12 inches higher than the previous home on the lot. This was recommended to address the feedback we received from Council and residents regarding lots being "graded up" and the new home sitting much higher than the previous home on the same lot. Staff felt that allowing a 12 inch increase on the first floor elevation was necessary to incorporate the appropriate site grading to achieve proper drainage on the lot.

The Planning Commission held a public hearing on September 11, 2018 regarding Phase II of the Neighborhood Design Standards and staff included the above recommendations in the proposed ordinance. 25 individuals addressed the Planning Commission during the public hearing to speak in favor or against the proposed regulations. After significant discussion, the Planning Commission unanimously recommended approval of Ordinance 2392, including the staff recommendations listed above, with the following changes added:

- Increased the impervious coverage limit from 35% to 40% (this was previously the lot greenspace standard)
- Increased the garage height limit from 8 feet to 8 feet, 2 inches to match ADA requirements.
- Removed the wording “in order of priority” from Section C.1 (d) from the neighborhood design standards in 19.06.025 and 19.08.025, and changed Section C.1., subsection d.3 of 19.06.025 and 19.08.025 to read “within the first 15 feet” instead of “the first 5 feet.”
- Changed the effective date of the new regulations from January 1, 2019 to four months from the date of City Council approval, which would be February 1, 2019 if approved by the City Council on October 1.
- Changed the word “façade” to the word “elevation” in Section D.1. of 19.06.025 and 19.08.025.
- Changed the word “behind” to “at the rear of” in Section A.1. of 19.06.020 and 19.08.020.

The minutes from the meeting are attached for the Council's review.

The City Council can take the following actions:

- Accept the Planning Commission's recommendation and adopt Ordinance 2392 as currently written with a simple majority of the Governing Body (including the Mayor) - 7 votes needed
- Override or amend the Planning Commission's recommendation with a 2/3 majority vote of the Governing Body (including the Mayor) - 9 votes needed
- Return the recommendation to the Planning Commission for further consideration (with specific direction on what the Planning Commission should reconsider) with a simple majority of the quorum present - 7 votes needed if all members are present.

If the Governing Body returns the recommendation to the Planning Commission, the Planning Commission can then resubmit its original recommendation, or they can submit a new and amended recommendation. Once the recommendation is received, the Governing Body can adopt or revise such recommendation by a simple majority (7 votes) or the Governing Body can choose to take no further action.

ATTACHMENTS:

- Planning Commission Staff Report
- Q&A Document
- Staff Presentation
- Final Draft of the Design Guidelines
- Ordinance 2392
- Draft Planning Commission Minutes from September 11, 2018

PREPARED BY:

Jamie Robichaud
Assistant City Administrator
Date: September 20, 2018

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: September 11, 2018, Planning Commission Meeting

Application: PC 2018-05

Request: AN ORDINANCE AMENDING THE CITY OF PRAIRIE VILLAGE, KANSAS ZONING REGULATIONS BY ADDING NEIGHBORHOOD DESIGN STANDARDS FOR R-1A AND R-1B ZONING DISTRICTS, ADDRESSING BUILDING MASSING AND FRONTAGE DESIGN, REORGANIZING AND ADJUSTING DEVELOPMENT STANDARDS, ADDING IMPERVIOUS COVERAGE LIMITS, AND REVISING AND COORDINATING OTHER EXISTING STANDARDS RELATED TO ACCESSORY BUILDINGS, SETBACK, AND LOT EXCEPTIONS.

Action: *A zoning ordinance text amendment requires the Planning Commission to evaluate facts and weigh evidence, consider the comprehensive plan, evaluate policies, and make a recommendation to the City Council.*

Attachments: Revised / final working draft of proposed amendments; Draft ordinance incorporating changes; Current Zoning Map (R-1A and R-1B, areas affected by changes)

Background:

Prairie Village has been experiencing increasing amounts of investment and infill development in residential neighborhoods. Some of these projects involve tearing down older homes and replacing them with new and larger homes. Discussion and concern regarding the ability of the zoning standards (R-1B and R-1A zoning districts) to guide new development have been occurring for the last several years. In 2015, the City Council directed city staff to engage in a public process that resulted in some basic amendments to the R-1A and R-1B development standards. Staff conducted a nine-month process with several stakeholder meetings and public meetings to discuss and refine draft changes to the regulations. Some of those changes were adopted, which include:

1. Changing the way building height was interpreted (previously from grade to mid-point of roofs; changed to from top of foundation to the highest point on peak of roof), and revising the R-1B building height from 35' to 29.
 2. Changing side setbacks from 6' to 7' in R-1A, and from 4' to 6' in R-1B, and adding a minimum of 20% of lot width between both sides.
 3. Revising the first floor elevation limits from being based on the previous home, to being based on 6" to 24" above finished grade.
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Several associated building massing and design standards were proposed at this time, but there was not consensus on the appropriateness or need for these standards. The direction was to approve the above standards, with the potential to revisit the massing and design standards at some point in the future.

In fall of 2017, the City Council directed staff to convene a neighborhood design committee to review the past efforts and make a recommendation to the City Council and Planning Commission. City staff organized a nine-member committee – each was a Prairie Village resident, each was involved in the design profession, six had no official position with the City and three were sitting Planning Commissioners. Several of these individuals had expressed concern or different viewpoints in the previous efforts, and volunteered to be involved with any further discussion on this topic.

This committee met seven times between November 2017 and March 2018, with the following topics addressed:

- Review previous effort / refine scope and approach
- Discuss design issues and priorities
- Review data and other cities' approaches
- Explore strategies and develop a framework
- Review, discuss and refine strategies and options
- Make recommendations and prepare materials for broader public outreach and review

Based on the committee's work, staff presented an update to the Planning Commission on April 3, 2018 and to the City Council on April 16, 2018. The Council discussed the committee's "working draft" and made several recommendations for them to reconsider. The committee met again, considered those recommendations and made a formal recommendation for a draft to be reviewed and discussed further through broader public and stakeholder outreach. Staff provided the City Council with an update of the committee's recommendations on June 4, 2018, and Council directed staff to schedule public open houses to discuss the recommendations.

Staff conducted three public open houses – July 9, July 11, and July 17, 2018. The results of these open houses, as well as an online survey paralleling topics in the recommendations, were presented to the City Council and Planning Commission in August. (August 6 and 7, 2018 respectively.) 625 responses were received on the survey, with an average of 83% of respondents indicating they were supportive of the proposed changes.

At the August 6 meeting, the City Council directed that the Planning Commission specifically consider three topics in making their formal recommendation to the City Council:

- The street tree requirement and specifically any economic impacts on applicants, difficulties in administering it, and overall protection of both public trees and trees on private property.
- The total lot greenspace standard, specifically how we are defining greenspace and whether other landscape materials, such as mulch and river rock, should be included in the definition, and reviewing when that standard should apply.
- The situation where lots appear to be graded up for new buildings when viewed in relation to adjacent houses.

The Planning Commission discussed the merits of these items at its August 7 meeting and asked staff to make professional recommendations to the Commission on these topics in light of their discussion. On these specific topics, staff is recommending the following:

1. *Street Trees.* No change to the working draft is recommended by staff. Street trees and streetscape were determined to be significant contributors to "neighborhood character" by the neighborhood design committee, and to the extent that there are gaps where street trees do not exist, the committee felt that the City should be proactive at filling them in. Public Works and the Tree Board work to proactively fill in gaps, and coordination with this effort at a time of significant construction or property improvement seems appropriate.

The proposed recommendation would not require a tree to be installed in an area where one already exists in the general vicinity, as long as that tree is protected during construction. In addition, there is already criteria built in to the existing recommendation for where trees can be

located, and the ability of staff to coordinate permitting and installation of trees with future improvements or unanticipated constraints is sufficient to administer the proposed standard with the appropriate degree of flexibility. The typical cost (\$250.00 per tree, plus \$250.00 if professionally installed) seems proportionate when compared to the level of investment anticipated with projects that would trigger these requirements, particularly when considering the impact and significance that street trees and streetscape design have on the neighborhood character.

The need to implement a broader tree protection strategy was not specifically part of the committee's charge, so it has not been thoroughly discussed and may impact many non-development scenarios. However, the need for tree protection is relevant to the committee's priorities for neighborhood character, and to receive credit for existing trees, instead of being required to plant a new tree, protection of existing trees through construction will be required. While some cities do implement tree protection ordinances with broad applicability to private trees (other than street trees), these are comprehensive and complex topics. Tree protection ordinances often encompass: a study of valuable tree species in the area; an assessment of existing conditions of the tree canopy (generally or a specific inventory); a refined approach to what species, size and condition of trees warrant protection; and establishing procedures and oversight to balance the private property rights (often multiple property owners) that are impacted by trees on private property. Therefore, staff's recommendation is that "tree protection" is a broader topic that should be addressed in the City Code, which may include considering stricter penalties for damaging street trees, but should not be included as part of this effort. The working draft provisions do have sufficient incentives to protect existing street trees that are of value to the streetscape and neighborhood character through construction.

2. *Total Lot Greenspace.* Staff recommends this standard be changed to "Total Lot Impervious Surface Coverage¹" and moved to the development standards that deal with the total lot. This is the amount of a lot that could be covered by buildings, non-building structures, or hard surfaces that do not infiltrate stormwater. During this process, this standard was discussed as total lot "greenspace." However, staff recommends the term "impervious surface coverage" to better define the standard, reflect the drainage objective of this standard, and to distinguish it from the recommended street tree and "frontage greenspace" standards, which are related to landscape aesthetics and streetscape design. Further, we believe it makes better sense to include this standard with the overall lot development standards rather than the new neighborhood design standards.

Currently, total lot impervious surfaces is only limited through a drainage permit administered by Public Works. There is no specific standard written in the City's regulations; there is only a performance standard associated with the Public Works drainage criteria and review. This issue was added later in the committee process after input from Public Works. The original recommendation was for "60% greenspace" (or 40% impervious surface limits). After discussion and direction by the City Council, and prior to the public open houses, a motion was approved to change this to "65% greenspace" (or 35% impervious surface limits). Some key elements to note about this new standard:

- a. It is limited to only situations when someone is making a significant investment in redevelopment of the lot, where they have more influence over the overall design and extent of impervious surfaces. This offers some further protection, in addition to the typical "legal non-conforming" status that all properties have, to properties that do not currently meet this standard but may be doing work below the applicability threshold.
- b. It applies to the total lot, independent of the proposed frontage greenspace requirement (60%, proposed standard) and independent of the "building coverage" (30%, existing

¹ A related change in terminology is to change the existing "lot coverage" standard to "building coverage," but not make any changes to the 30% requirement. This is a more accurate term for this standard, which regulates the massing relative to the lot size, and is applied to all structures over 30 inches high, but does not apply to all impervious surfaces.

- standard). This is because it is a drainage standard, while the other two are an aesthetic/streetscape standard and massing standard, respectively.
- c. Impervious surfaces do include buildings and driveways, as well as other structures or surfaces, so it is related to the building coverage standard and frontage greenspace standard. Specifically, a 35% impervious surface standard and a 30% building coverage standard may require projects to make choices on space allocation for some lots. (For example, if you choose to build out to the entirety of your building coverage allowance (30%) that would leave only 5% left for all other impervious materials, such as driveways, sidewalks, and patios).
 - d. Unlike other development standards (height, setback, lot sizes) which would require a variance for any relief, the impervious surface standard is referred to the new/revised Planning Commission exception process. It includes some specific additional requirements related to drainage and a drainage study approved by Public Works. This is recommended to better account for some of the more context- and lot-specific criteria and analysis that may need to balance the topics of proper drainage and appropriate building / lot design.
3. *Lot Grading and Foundation Elevation.* This issue was discussed in the committee but not resolved, and no recommendation was made. Specifically, the committee wrestled with how the proper drainage and the location of certain fixed elements, such as garage floors and driveway grades, affected the perceived massing on other portions of the building and lot. It was also brought up frequently in public comments and City Council discussion. It is impacted by the 2016 change that went away from the previous standard of limiting building heights based on previous homes finished first floor elevation. At that time, that standard was considered inappropriate since many homes in Prairie Village needed to be raised due to foundation and drainage issues, and it did nothing to limit the mass that could otherwise be built despite meeting the standards. The decision was a better approach would set a reasonable limit on the amount of foundation that could be exposed (to allow improved drainage), and measure the building height from there (and reduce the scale and mass). After discussion during the current process and reviewing many existing homes and recent applications, staff recommends a combination of the previous approach (regulation by existing first floor elevation, but modified with a reasonable allowance for raising up to 1 foot) and the current approach (setting a reasonable tolerance for the amount of foundation that could be exposed). In addition, this dual approach can more effectively incorporate the appropriate site grading for proper drainage, considering both the overall lot contours and portions nearest the foundation.

Proposed Ordinance:

Staff has prepared the proposed ordinance amendments for consideration in the formal review process based upon:

- Discussion and direction by the neighborhood design review committee;
- Input from the public forums (both open houses and on-line surveys);
- Discussion and direction by the City Council, based on the working drafts and discussion of input from the public forums.
- Discussion and direction by the Planning Commission review of the working drafts and input from the public forums; and
- Staff meetings discussing all of the above.

To make changes to the zoning ordinance, the Planning Commission must hold a public hearing, make a formal recommendation to the City Council, and the Council then has the option to approve, amend, or deny the Planning Commission's recommendation. To amend or deny the Planning Commission's recommendation, the City Council would need to do so with a 2/3 majority vote.

Relation to Comprehensive Plan:

Village Vision was adopted in 2007 with the following goals specifically related to these issues:

- *Community Character*: Provide an attractive, friendly, and safe community with a unique village identity appealing to people of all ages.
- *Housing*: Encourage neighborhoods with unique character, strong property values, and quality housing options for families and individuals of a variety of ages and incomes.
- *Land Resources*: Encourage a high-quality natural and man-made environment that preserves community character, creates identity and sense of place, and provides opportunities for renewal and redevelopment, including vibrant mixed-use centers.

Several specific policies and action items under these goals further identify the values of the community in this regard. Strategies identified include updating development regulations to better balance the need for new investment with maintaining the character and identity that have made Prairie Village's neighborhoods attractive and valuable.

Summary of Changes:

The recommended changes to be considered by the Planning Commission at the public hearing are summarized below. These changes are to the R-1A and R-1B zoning districts. Each are similar but have subtle differences in the standards due to the larger lot sizes required in the R-1A district.

A. Reformat Development Standards (setbacks, height, lot sizes and coverage standards)

This change generally proposes no substantive change and incorporates all of the 2016 amendments. It does reformat several ordinance sections of text in a simpler format for ease of use.

The main substantive change is the addition of a total lot impervious surface coverage standard, mentioned above.

B. Relocate Several Existing Related Standards (accessory buildings, garages, and exceptions for building elevation and coverage)

The proposed regulations also relocate several related sections of the current regulations into this section for better formatting, ease of use and interpretation, and to simplify the standards. These involve several sections in the "accessory use" chapter and in the "height and area exceptions" chapter. There are no substantive changes except where noted below.

- Relocate standards allowing for detached garages and for setback exceptions for attached garages on corner lots into this section.
- Include all residential accessory building standards here. This reformatting consolidates several sections and clears up a current interpretation issue on the number of accessory buildings that are allowed within the principal building setbacks, which has caused some interpretation issues in the past. (See Planning Commission Interpretation Memo, November 1, 2016). Staff is also recommending some additional flexibility for minor accessory structures on larger lots and on lots with institutional uses. These changes are reasonable accommodations, which are reflective of many existing conditions or recent special use permits. All of these structures would still be subject to the 30% lot coverage and 35% impervious surface coverage limits as well.
- Similarly, the exception processes and criteria for building elevation and coverage would no longer be needed, as they are included in an expanded form with more specific criteria in the new neighborhood design section (discussed below).

C. Neighborhood Design Standards

These new recommended sections were the focus of the committee meetings and public engagement. The committee prioritized the following elements as key contributors to Prairie Village neighborhood character that could be addressed by zoning standards:

- Streetscape aesthetics – recommended standards for landscaped greenspace in the front, and requirements for street trees.

- Building Scale and Mass in relation to the streetscape and in relation to the overall lot; specifically:
 - Limiting the extent and prominence of garages along lot frontages;
 - Prioritizing human-scale elements such as windows, doors and entry features on frontages; and
 - Breaking up larger wall masses so that they appear smaller and/or have more variation or setbacks along interior lot lines.
- Refining the standards related to grading and top of foundation, as discussed above.

Also important to the consideration of the Neighborhood Design Standards are some of the things the committee discussed but are not part of their recommendation. The committee did not feel it was appropriate, nor could a zoning ordinance effectively address, architectural styles. Substantial discussion occurred on the value of diverse architectural styles to the community – both in the past and going forward. Provided any style adequately addresses the above priorities, it should be welcomed in the City, and to the extent any of the standards would unintentionally limit a design element that is essential to any particular architectural style, there is a specific exception criteria to allow the Planning Commission to consider that and evaluate it against the above neighborhood design priorities.

The committee also spent a substantial amount of time discussing “quality” and “good design” – noting that these two attributes will make any project fit in better with its context and surroundings. However, the committee also recognized the inherent difficulties of regulating these topics effectively, and was cautious about any standard that attempted to do so, as it would likely have several other unintended consequences. There was acknowledgement (from study of other communities and personal experience) that while these issues are important to Prairie Village neighborhoods, the only effective way to address this is through an Architectural Review Board. The committee balanced the benefits of an Architectural Review Board with the key drawback, which include: substantial costs it can add to applications in time and professional expenses; the difficulty in finding qualified citizen volunteers to serve and render consistent guidance; and staff time associated with applications, review, and staffing meetings. While some on the committee wanted to maintain this path as a future option for further discussion, everyone acknowledged that it is not an appropriate step under this effort.

Based on the above, the proposed neighborhood design standards are focused on basic massing standards and how those standards introduce more human-scale design elements to the building, and prioritizing the relationship to neighborhood streetscapes.

D. Exceptions

The committee also discussed the importance of avoiding too many unintended consequences, or specifically accounting for situations when the right design solution would inadvertently be undermined by the proposed standards. These types of situations are not appropriate for a “variance” since by statute it requires the Board of Zoning Appeals to find that specific circumstances are present – most notably presence of a hardship and the determination of a unique property. These criteria do not easily account for the “right design” scenarios, or allow consideration of factors outside of the variance criteria. Therefore, the proposed standards include a specific exception section that allows the Planning Commission to consider projects that do not meet the standards. Key to the exception provisions are: the intent statements for the Neighborhood Design Standards generally; the introductory objective stated for each particular standard; and the criteria for when the Planning Commission should approve an exception. The basic principle is that whenever a design solution equally or better meets the intent of the design standards, and does not undermine other standards, it should be approved. Of particular note is that this exception process only applies to the neighborhood design standards (and the impervious surface standards by reference, as noted above), and could not be used to violate any of the other applicable standards.

E. Height and Area Exceptions

Several changes associated with Chapter 19.44. Height and Area Exceptions are also part of this recommended ordinance. This is an existing section, and the proposed changes are either to better coordinate with some of the new building massing standards, or to clear up current interpretation issues.

These primarily deal with how common building elements such as decorative architectural features, porches and entry features, or bay windows and window wells can encroach into the side setback, and the orientation of buildings on corner lots. No substantive changes are associated with these updates.

F. Public Notice

During the City Council review and discussions, the concept of a neighborhood meeting was brought up, and staff considered how the current Citizen Participation Policy requiring neighborhood meetings for site plans, special use permits, or rezoning applications could apply. However, after further consideration, it was determined that the logistics of that policy, particularly for single-family home projects, which only involve administrative permitting by the City and not a formal review by Planning Commission or City Council, is not appropriate for these applications. Further, in association with many other non-zoning related issues and concerns about building in neighborhoods, it was determined that proper communication is the key goal here. Therefore, a new notice provision is recommended for any new building or teardown, which would require applicants to communicate the nature of the project, who the primary contacts are, and how neighbors can get information on plans submitted to the City.

Planning Commission Action:

This is a proposed change to an ordinance. The Planning Commission is the formal recommending body, and, based on its discussion and deliberation, may make any recommendation it determines appropriate. Therefore, after public comment and discussion, the Planning Commission by a majority vote may:

1. Recommend the draft ordinance to the City Council.
2. Recommend the draft ordinance, with any changes agreed to by a majority of the Commission, to the City Council
3. Recommend no action by the City Council, or recommend they not approve the ordinance.
4. Take no action (a failure to approve a motion or a motion for no action will be considered a recommendation for denial).

**City of Prairie Village
Neighborhood Design Standards
Q&A**

1. When would the proposed standards apply?

The neighborhood design standards (Section 19.06.025 and Section 19.08.025) would apply when a new structure is built, when 200 square feet or more is added to an existing building's footprint, or when construction activity occurs that alters the form or massing of the front elevation or roof of a residential structure. However, any existing home that doesn't comply with the regulations would be considered a legal, non-conformance and would be "grandfathered" in. If a home that is non-conforming wants to do an addition greater than 200 square feet in the future, the portion of the home that is being improved or added would need to meet the new standards, but any part of the home that isn't being touched and/or improved would not need to come into conformance with the design standards. For example, if someone is adding a screened in porch to the back of their home, they would not then be required to add windows to all sides of their home to meet the minimum percentage requirements, because they are only making improvements to the back of their home.

2. How many new, single-family residential building permits have been issued in the past 7 years?

2012: 4

2013: 9

2014: 16

2015: 24

2016: 29

2017: 34

2018 (through August): 35 (plus 9 single-family building permits are currently under review)

Total: 151

3. How many addition permits have been issued in the past 5 years?

2014: 41

2015: 61

2016: 76

2017: 55

2018 (through August): 44

Total: 277

In 2018, 25 of the addition permits issued have been for room additions. Of those permits, 68% were over 200 square feet and 36% were over 500 square feet.

4. How many total building permits has the City issued over the past 5 years?

2014: 1,315

2015: 1,612

2016: 1,635

2017: 1,778

2018 (through August): 1,142

Total: 7,482

5. When did Fairway adopt their residential design standards? Did the design standards slow down redevelopment in Fairway?

Fairway originally adopted their residential design standards in 2004. They have amended their standards several times since then, most recently in 2015. In 2003, prior to adoption of the standards, Fairway issued 2 single-family building permits, and in 2005, after adoption of the standards, they also issued 2 single-family building permits. Bill Sandy, Building Official and Codes Administrator with the City of Fairway, said “I don’t believe there is any correlation between the ordinance adoption and the homes being built.”

The number of new, single-family residential building permits Fairway has issued over the past seven years is as follows:

2012: 4

2013: 7

2014: 9

2015: 12

2016: 9

2017: 12

2018 (through August): 12

Total: 65

6. How will these proposed standards affect existing homes that want to do an addition?

If the addition is under 200 square feet, these standards will not come into play at all. If the addition is over 200 square feet, the standards would need to be met only on the portion of the home that is being improved. If the property is not in conformance with the impervious coverage limit of 40%, they would still be allowed to do an addition to their home, as long as they do not increase the existing impervious surface coverage on the lot.

7. Will these proposed standards prohibit certain types of architecture in Prairie Village?

The proposed standards do not regulate architectural style, and all types of architecture would still be allowed to be built in Prairie Village under these standards. The Neighborhood Design Committee was cognizant that there are many different types of architecture throughout the City. The committee looked at several different types of houses to ensure that the proposed standards would still allow all types of homes. Instead of regulating architectural style, what these proposed standards would do is add design requirements that will break up large wall planes, limit the size of garages, and ensure greenspace is adequately preserved to create a better relationship with the streetscape and the look/feel of the neighborhood.

8. Will the impervious surface coverage limit prohibit residents from widening their driveway, putting in a pool, or adding a patio to their backyard?

If the resident is only adding impervious coverage and not adding to their building footprint, they would not be required to comply with these proposed standards. They would need to get a drainage permit and building permit (if applicable), but they would not be required to meet any of the proposed standards since they aren’t adding more than 200 square feet, building a new structure, or changing the front elevation/roof line. The exception to this would be any home that previously had to comply with the neighborhood design standards. For example, if a new structure is built after the proposed standards are in effect, they must keep their impervious surface coverage at 40% indefinitely and would not be permitted to add additional impervious surface down the road if it would cause them to exceed the 40% limit.

9. Will drainage studies still be required to be completed before a drainage permit is issued on teardowns/rebuilds if the proposed standards are adopted?

Yes; drainage studies will still be required to be submitted on all teardown/rebuild projects before a drainage permit will be issued.

10. When would the proposed standards go into effect?

The Planning Commission recommended that the proposed standards go into effect 4 months after City Council approval, which would be February 1, 2019 if the proposed standards are approved by the City Council on October 1.

11. Is there any flexibility to the proposed standards, or would a variance be required to deviate from the standards?

There is an exception process built into the proposed standards that would allow a project to deviate from the design standards if they can meet certain criteria. In order to apply for an exception, a site plan application would need to be submitted to the Planning Commission for review. The application fee for a residential site plan review is \$100. In order to be granted an exception, the Planning Commission would need to find that the applicant meets the following criteria:

- An exception dealing with the placement of the building is consistent with sound planning, urban design, and engineering practices when considering the site and its context with the neighborhood.
- The exception can only apply to the design standards and cannot be granted to allow something that is specifically prohibited in other regulations.
- The placement and orientation of the main structure, accessory structures, garages, and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and surrounding lots.
- An exception that affects the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
- The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards
- The exception will equally or better serve the design objectives stated in Section 19.06.025 A and the intent stated for the particular standard being altered.

12. How much does it cost to plant a street tree under these proposed standards?

The City's landscape architect with Gould Evans determined that a 2.5 inch caliper tree from the City's approved list of trees would cost no more than \$250. To have the tree professionally installed, it could cost up to an additional \$250, and this cost would include delivery, installation, and a one-year warranty, which would bring the maximum total cost for a 2.5 inch caliper tree from the City's list of approved right-of-way trees to \$500. Our landscape architect added, anecdotally, that he serves on the board of his HOA, who recently purchased 8 street trees. The total cost to purchase the tree plus delivery, installation, and a one-year warranty was \$280 to \$305 per tree, depending on the type of tree. Only lots where an existing tree does not exist would need to have a tree planted. Existing trees would count towards this requirement and an additional tree would not be required to be planted.

Neighborhood Design



Stakeholder Committee

- Stakeholder Meetings (8 meetings) (November - March)
- Planning Commission Update (April 3)
- Council Update (April 16)
- Stakeholder Committee Review / Revisions (April 19)
- Council Update (June 4)
- Public Open Houses (July 9, July 11 & July 17)
- Council Discussion (August 6)
- Planning Commission Discussion (August 7)
- PC Recommendations, Public Hearing (September 11)
- City Council Decision (tonight)

PROCESS

2014 - 2016

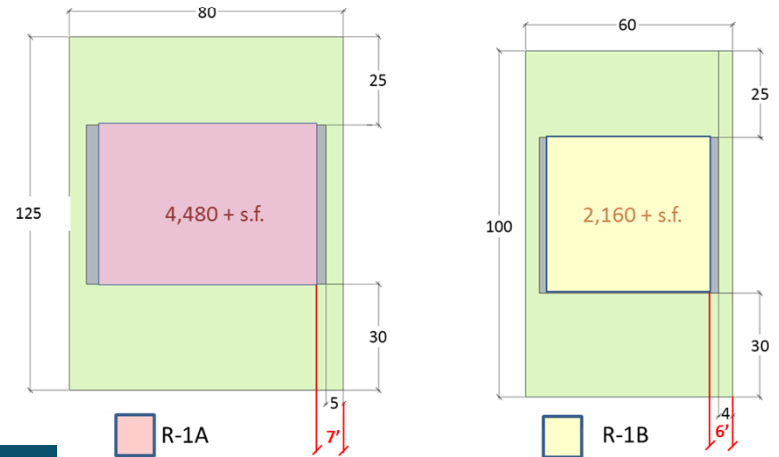
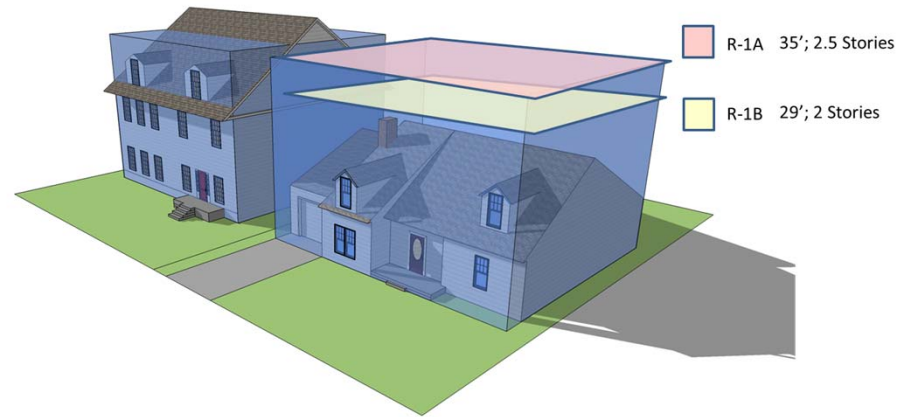
- Monitor teardowns and Neighborhood Association processes
 - Developer / Designer Stakeholder meetings (2)
 - Drafting Committee meetings (5)
 - Public Open House (3)
 - Council Work Session (1)
 - Adoption meetings (2)
-
- Revised side setbacks
 - Adjusted height and height interpretation
 - Amended first-floor elevation interpretation
 - Design standards NOT adopted

BACKGROUND / PREVIOUS EFFORT



2016 Changes

- Changed height limit from “mean of pitched roof” to top of structure.
- Reduced R-1B height from 35’ to 29’
- Increased side setback
 - 4’ to 6’ in R-1B
 - 5’ to 7’ in R-1A
 - Plus 20% of lot width in both districts
- Revised floor elevation limits from based on previous floor to based on 6” to 24” above grade



BACKGROUND / PREVIOUS EFFORT

Basic Scale and Mass – Heights / Setbacks

- Zoning – Heights and Setbacks
- First-floor elevation
- Second story limits / half-story

Basic Scale and Mass – Volume / Massing

- Limit footprints [30% max]
- Break up larger wall planes
- Limit main mass; secondary mass or wings.
- Floor-area ratio
- Architectural massing elements
- Daylight planes

Basic Scale and Mass – Relationship to Streetscape

- Limit driveways / impervious surface
- Limit garage location and extent
- Entrance features requirements
- Façade design – Windows requirements

Streetscape

- Street tree requirements
- Landscape standards
- Curb-cut limits

Building Pattern

- Setback / Build-to lines
- Rhythm – mass to voids

Quality / Aesthetics

- Materials - primary and secondary
- Landscape standards
- Façade Design – details, ornamentation, proportions

Architecture Style / Historic Character

- Pattern books / architectural style requirements
- Historic preservation and documentation.
- Demolition review

NEIGHBORHOOD CHARACTER / PRIORITIES & STRATEGIES

Basic Scale and Mass – Heights / Setbacks

- Zoning – Heights and Setbacks
- ? First-floor elevation
- ⊗ Second story limits / half-story

Basic Scale and Mass – Volume / Massing

- Limit footprints [30% max]
- ✓ Break up larger wall planes
- ⊗ Limit main mass; secondary mass or wings.
- ⊗ Floor-area ratio
- ⊗ Architectural massing elements
- ⊗ Daylight planes

Basic Scale and Mass – Relationship to Streetscape

- ? Limit driveways / impervious surface
- ✓ Limit garage location and extent
- ⊗ Entrance features requirements
- ✓ Façade design – Windows requirements

Streetscape

- ✓ Street tree requirements
- ✓ Landscape standards
- ? Curb-cut limits

Building Pattern

- ⊗ Setback / Build-to lines
- ⊗ Rhythm – mass to voids

Quality / Aesthetics

- ⊗ Materials - primary and secondary
- ⊗ Landscape standards
- ⊗ Façade Design – details, ornamentation, proportions

Architecture Style / Historic Character

- ⊗ Pattern books / architectural style requirements
- ⊗ Historic preservation and documentation.
- ⊗ Demolition review

NEIGHBORHOOD CHARACTER / PRIORITIES & STRATEGIES

- ❑ Street tree requirements
- ❑ Minimum frontage greenspace
- ❑ Require minimum % of windows and doors
- ❑ Break up massing on larger wall planes
- ❑ Limit the extent, projection and massing of garages on front elevation
- ❑ Add total lot impervious surface limit
- ❑ Clarify / revise standards for accessory structures
- ❑ Refine / limit current standards on setback encroachments
- ❑ Create non-variance process and criteria to “design standards.”
- ❑ Require notice to neighbors for tear downs or new structures

RECOMMENDED STRATEGIES



Approval, with the following changes:

- ❑ Change the total lot impervious surface standards from 35% to 40%
- ❑ Change the garage door height limit from 8' to 8' 2"
- ❑ Change the street tree requirement to remove the "in order of priority" language on location, and allow the tree to be planted in the ROW where space allows or anywhere within 15' of the front lot line.
- ❑ Change the effective date from January 1, 2019 to 4 months after City Council approval.
- ❑ Change the word "façade" to "elevation in the Design Standards (19.06.025 D.1 and 19.08.025 D.1) to be more clear on the measurement
- ❑ Change the word "behind" to "at the rear of" for accessory buildings (19.06.020.A.1 and 19.08.020.A.1) to be more clear on flexible locations

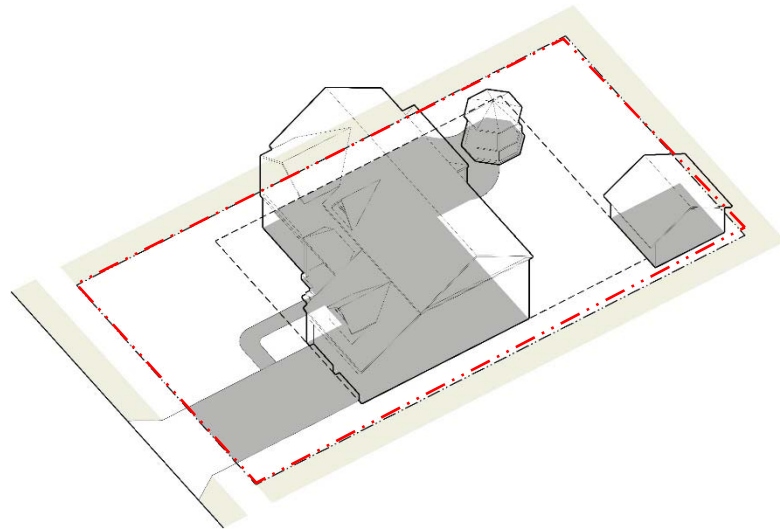
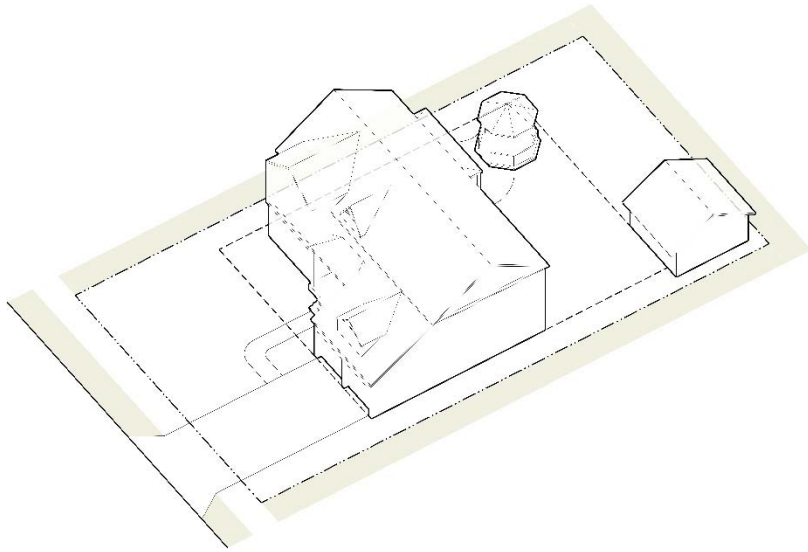
PLANNING COMMISSION RECOMMENDATION



19.06 A Development Standards		
R-1b		
Lot:		
Width	60' minimum	
Depth	100' minimum	
Building Coverage	30% of lot, maximum	
Impervious Surface Coverage	40% of lot, maximum	
Building Setbacks:		
Front	30' minimum	
Side	6' minimum each side; 20% of lot width minimum between both sides; and at least 12' between adjacent buildings	
Street Side	15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.	
Rear	25' minimum	
Height:		
Height	29' maximum, measured from the top of foundation to the highest point of the roof structure.	
Story Limit	2.0 stories	

- ❑ Reformat all “development standards” into a simple table
- ❑ Change “lot coverage” to “building coverage” but maintain 30% limit
- ❑ Add total lot impervious surface limit of 40%
- ❑ Note: impervious surface limit allowed “exception process” (rather than variance)
- ❑ Include accessory buildings all in one place, with recent interpretations clarified and slightly greater allowance for larger lots and institutional uses
- ❑ Clarifications on common setback encroachments
 - Bay windows and cantilevers
 - Window wells
 - Porches, but not car ports

DEVELOPMENT STANDARDS

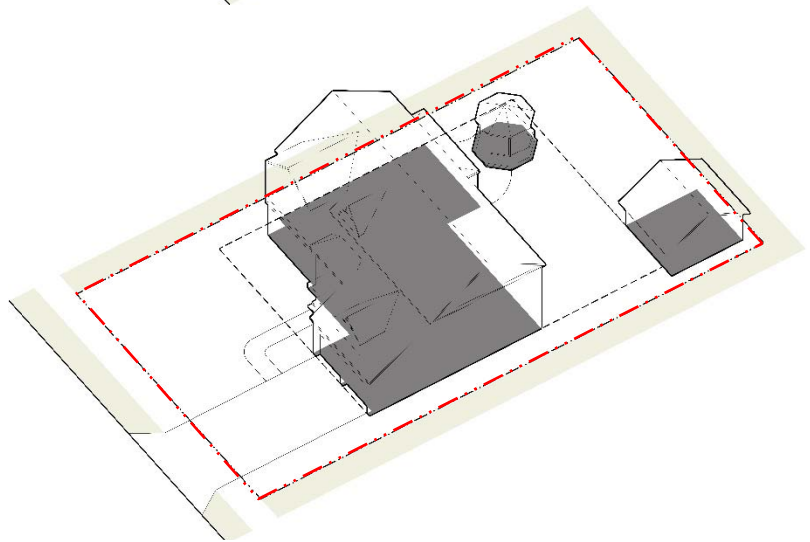
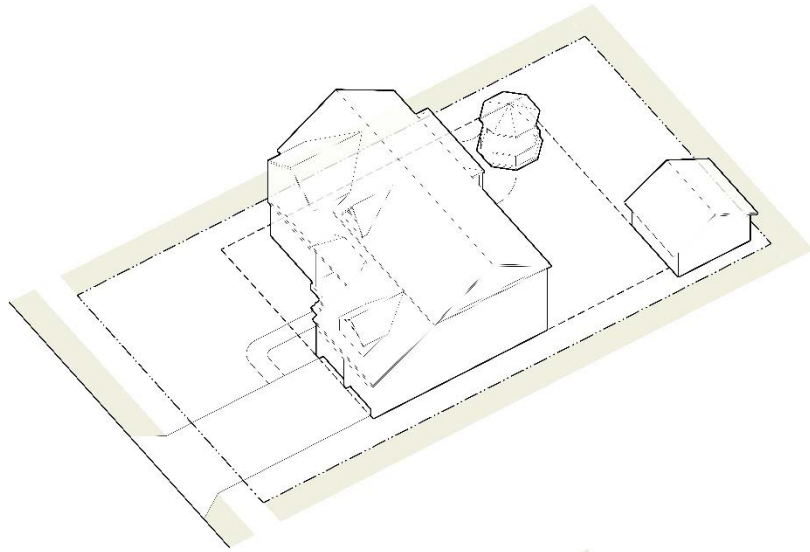


Maximum 40% **impervious surface** coverage on total lot.

Exception for lots 10,000 s.f. or less for up to 300 s.f. for deck or patio.

Proposed Development Standard

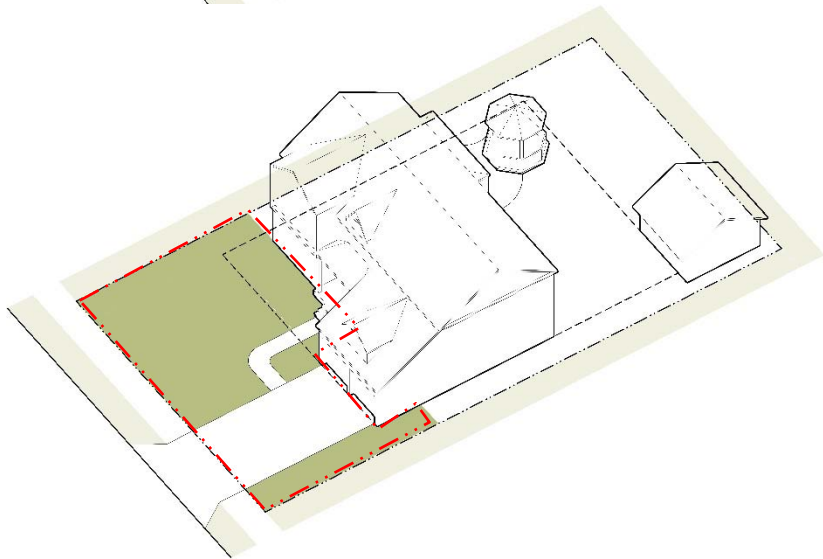
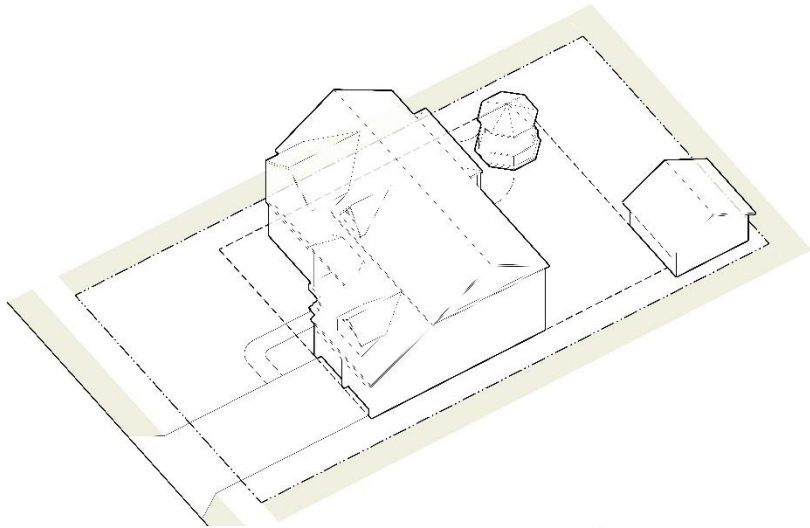
Drainage objective



Maximum 30% **building coverage** on total lot.

Existing Development Standard

Massing and lot proportion objective

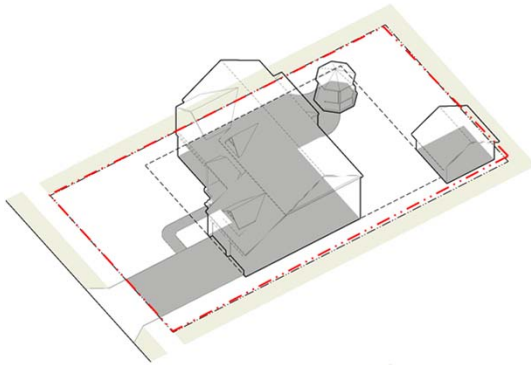


Minimum 60% **greenspace** in front of front building line.

Exception to 50% for narrower lots on arterial or collector

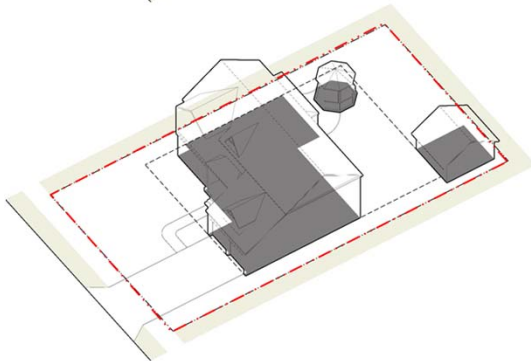
Proposed Neighborhood Design Standard

Streetscape aesthetics objective



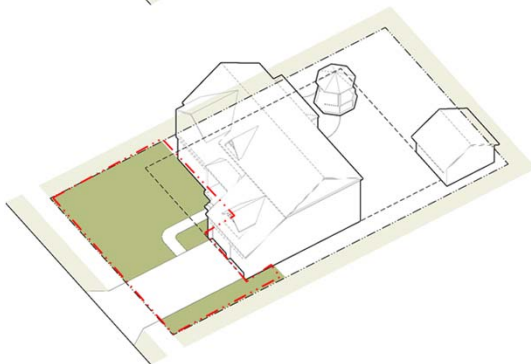
Maximum 40% impervious surface coverage on total lot. (proposed)

Drainage objective



Maximum 30% building coverage on total lot. (existing)

Massing and lot proportion objective



Minimum 60% frontage greenspace in front of front building line. (proposed)

Streetscape aesthetics objective



- ❑ Street trees
- ❑ Frontage greenspace
- ❑ Minimum windows and doors %
- ❑ Limit larger wall planes
- ❑ Front-loaded garage limits
 - extent of façade
 - amount of projection
 - massing of wall
- ❑ Exception process and criteria
- ❑ Required notice

NEIGHBORHOOD DESIGN STANDARDS



- ❑ Any new structure
- ❑ Addition of more than 200 square feet of building footprint
- ❑ Construction activity that alters the form or massing of the front elevation or roof structure.
- ❑ Not applicable to non-conformances that aren't subject to construction activity (i.e. existing wall planes, existing driveways) - except street trees.

APPLICABILITY

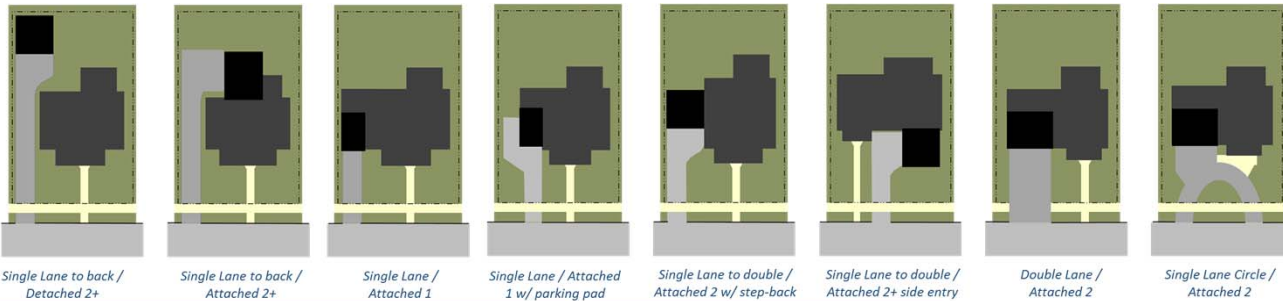


STREET TREES

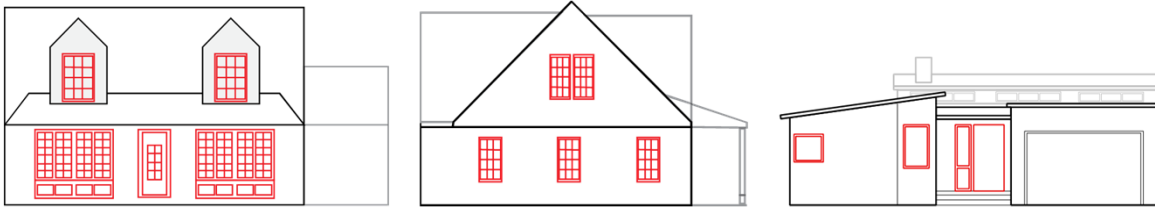
- ❑ Require street trees where they don't exist
 - 1 per lot
 - 1 per 50' for large lots
- ❑ Location in ROW where space allows
- ❑ Options up to 15' of the lot line at property owners option
- ❑ Credits for existing trees, or other significant trees in the frontage.



- ❑ 60% between front building line and front lot line
- ❑ Permeable - planted with vegetation.
- ❑ Exception - 50% on narrower lots with access to collector or arterials



FRONTAGE GREENSPACE

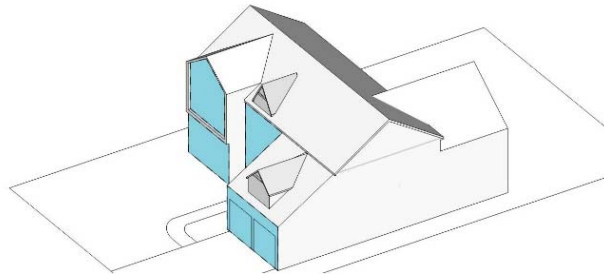


- ❑ 15% front and street-facing side
- ❑ 8% interior side
- ❑ 15% rear
- ❑ Trim and ornamentation associated with openings can count for up to 3%

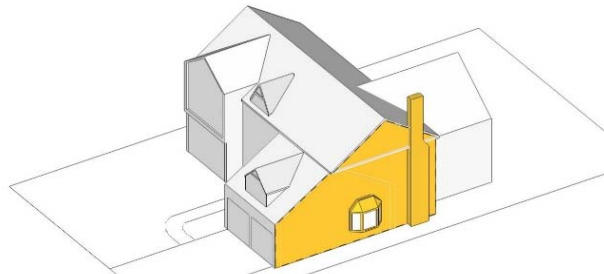


WINDOWS AND DOORS

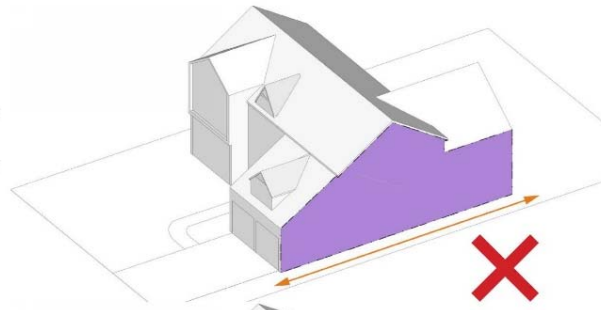
Wall Plane - Proposed Standards



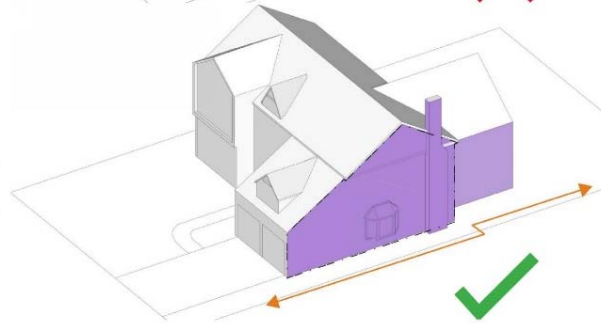
500 square-feet: No break up



501-800 square-feet: Off-sets or projections on at least 20%



Greater than 800 square-feet: 4' additional setback



Wall Plane & Side Setbacks

500 s.f. or less = basic setback

501 s.f. to 800 s.f. = break up massing with

- Projecting bays, windows, ornamental offsets - 1.5' min.
- Step backs or cantilevers - 2' min

801 s.f. or more = 4' additional setback

WALL PLANE LIMITS



Wall Plane & Side Setbacks

- 500 s.f. or less = basic setback
- 501 s.f. to 800 s.f. = break up massing with
 - Projecting bays, windows, ornamental offsets - 1.5' min.
 - Step backs or cantilevers - 2' min
- 801 s.f. or more = 4' additional setback

Windows and Entrances

- 15% Front, rear, and street-facing sides
- 8% Sides (interior)

WALL PLANE LIMITS



WALL PLANE LIMITS

Wall Plane & Side Setbacks

- 500 s.f. or less = basic setback
- 501 s.f. to 800 s.f. = break up massing with
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WALL PLANE LIMITS

Wall Plane & Side Setbacks

- 500 s.f. or less = basic setback
- ? 501 s.f. to 800 s.f. = break up massing with
 - Projecting bays, windows, ornamental offsets - 1.5' min.
 - Step backs or cantilevers - 2' min
- 801 s.f. or more = 4' additional setback

Windows and Entrances

- 15% Front, rear, and street-facing sides
 - 8% Sides (interior)
- ? May require projections or setbacks to break up mass of façade between 500 - 800 square feet (approx. 500 -600)
- May require additional window or architectural details to get to 8% of elevation



WALL PLANE LIMITS

Wall Plane & Side Setbacks

- 500 s.f. or less = basic setback
- ? 501 s.f. to 800 s.f. = break up massing with
 - Projecting bays, windows, ornamental offsets - 1.5' min.
 - Step backs or cantilevers - 2' min
- 801 s.f. or more = 4' additional setback

Windows and Entrances

- 15% Front, rear, and street-facing sides
 - 8% Sides (interior)
- ? May require projections or setbacks to break up mass of façade between 500 - 800 square feet (approx. 600 -700)



GARAGE PLACEMENT & EXTENT

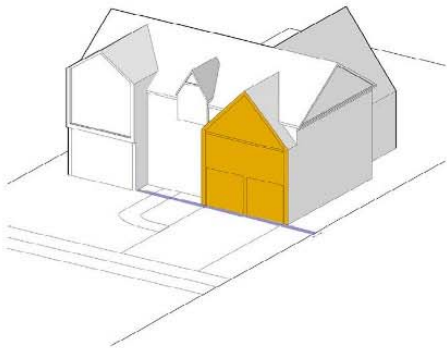
- ❑ Max. 40% of front elevation or 24', whichever is greater
- ❑ Massing / projection limits:
 - 500 s.f. if flush or set back from front building line
 - 360 s.f. up to 4' in front of front building line
 - 216 s.f. (plus dormers) 4' to 12' in front, with front entry feature requirement.
 - More than 12' only if side-entry and limited to 360 s.f. massing.
- ❑ Limit 2 forward-facing doors in R-1B



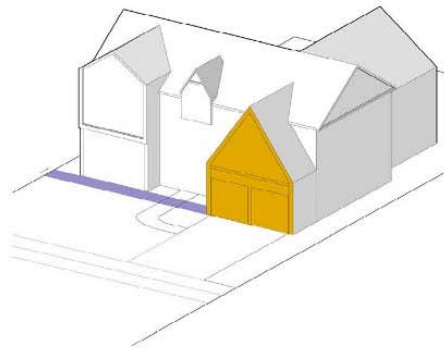
Garage Door Limits – Proposed Standards

- 40% of total elevation (width), or 24', whichever is greater
- 9' (w) x 8'2" (h) single bays; 18' (w) x 8'2" (h) double bays
- If more than 2 bays provided (R-1A), additional bay(s) shall be off-set by 2' minimum

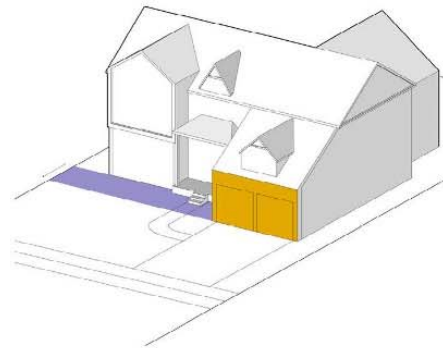
Garage Placement – Proposed Standards



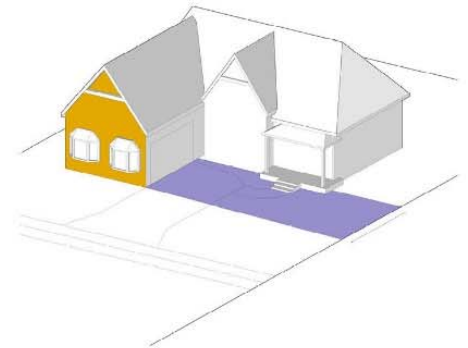
Set back from, or flush with, building face:
500 square feet



Up to 4 feet in front of building face:
360 square feet



4 - 12 feet in front of building face:
216 square feet, plus dormers and entry feature (garage may not be more than 4 feet in front of the entry feature)



Greater than 12 feet in front of building face:
500 square feet, side-facing



- ✓ Max. 40% of front elevation or 24', whichever is greater
- Massing / projection limits:
 - 500 s.f. if flush or set back from front building line
 - 360 s.f. up to 4' in front of front building line
 - ✓ 216 s.f. (plus dormers) 4' to 12' in front, with front entry feature requirement.
 - More than 12' only if side-entry and limited to 360 s.f. massing.
- ✓ Limit 2 forward-facing doors

GARAGE PLACEMENT & EXTENT



- ✓ Max. 40% of front elevation or 24', whichever is greater
- Massing / projection limits:
 - 500 s.f. if flush or set back from front building line
 - 360 s.f. up to 4' in front of front building line
 - 216 s.f. (plus dormers) 4' to 12' in front, with front entry feature requirement.
- ✓ ▪ More than 12' only if side-entry and limited to 360 s.f. massing.
- ✓ Limit 2 forward-facing doors - 4-car, side facing

GARAGE PLACEMENT & EXTENT



GARAGE PLACEMENT & EXTENT

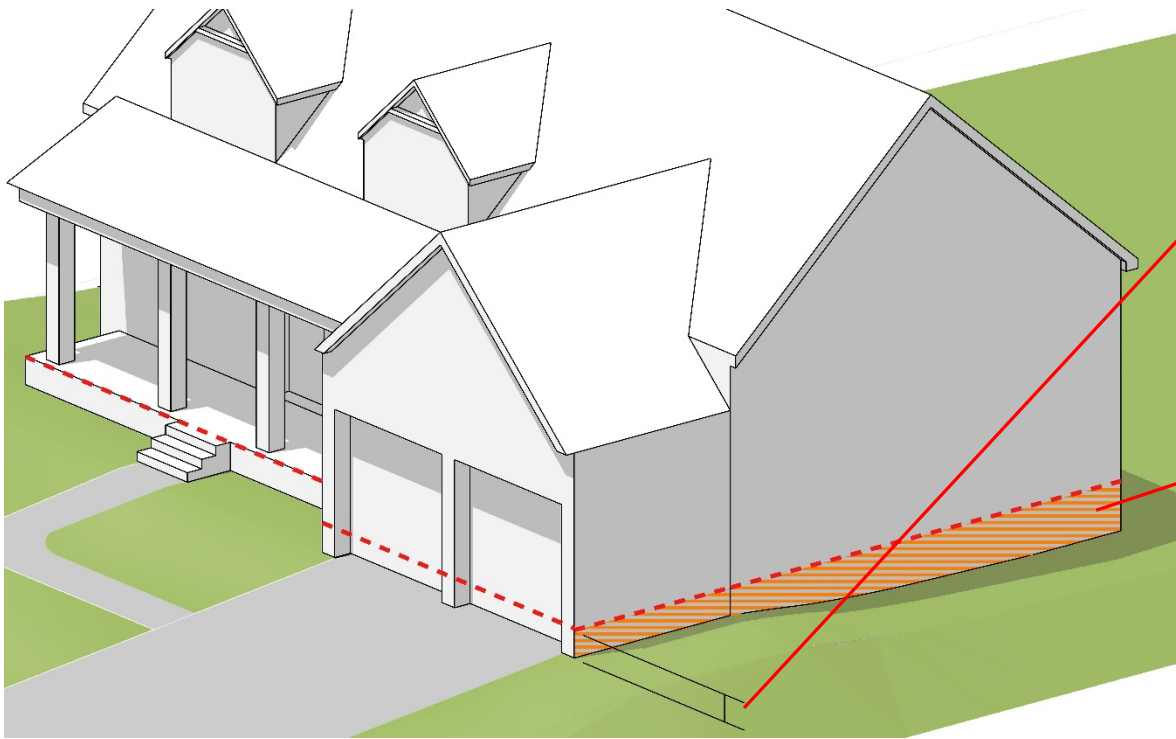
- ✓ Max. 40% of front elevation or 24', whichever is greater
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 - 500 s.f. if flush or set back from front building line
 - 360 s.f. up to 4' in front of front building line
 - ✗ 216 s.f. (plus dormers) 4' to 12' in front, with front entry feature requirement.
 - More than 12' only if side-entry and limited to 360 s.f. massing.
- ✓ Limit 2 forward-facing doors

- ✗ Prominent gable limited to 216 s.f. by offset of upper gable or dormer (see previous 2 examples) or brought back w/in 4' of main building



GARAGE PLACEMENT & EXTENT

- ✓ Max. 40% of front elevation or 24', whichever is greater
- Massing / projection limits:
 - 500 s.f. if flush or set back from front building line
 - 360 s.f. up to 4' in front of front building line
 - ✗ 216 s.f. (plus dormers) 4' to 12' in front, with front entry feature requirement w/in 4'.
 - More than 12' only if side-entry and limited to 360 s.f. massing.
- ✓ Limit 2 forward-facing doors
- ✗ Entry feature needs to project w/in 4' of garage;
- ✗ Prominent gable limited to 216 s.f. by offset of upper gable or dormer or brought back w/in 4' of main building



6" - 24" maximum above finished grade; but no higher than 12" above previous foundation

Exception of up to 36" if setback 5' for each additional 6"

No more than 24" exposed without extending siding or covering with decorative material

All others require exception based on Planning Commission review

GRADE & FOUNDATION

- Reformatting Development Standards (setbacks, height, lot sizes).
 - Generally no substantive changes; Renamed “lot coverage” as “building coverage”
 - Added impervious surface limit for certain projects; was “green space” in working draft
 - Consolidate and clarify interpretations on setback and height exceptions (related to proposed design standards)
- Relocate related standards.
 - Accessory buildings (revised based on PC interpretation; additional flexibility for larger lots and institutional uses)
 - Garages (detached and attached on corner lots)
- Added design standards.
 - Frontage landscape/streetscape (street trees and greenspace)
 - Building massing (wall planes and windows/doors)
 - Garage location and extent
 - Revised foundation height
- Added exception process and criteria.
- Added notice requirement for tear downs and new structures.

SUMMARY OF CHANGES

Options

- Approve the Planning Commission recommendation
- Override the Planning Commission recommendation with a 2/3 majority
- Return the recommendation to the Planning Commission with specific direction on what to reconsider.

CITY COUNCIL ACTION

Proposed Amendments to Residential Zoning

Final Draft – Revised 09/18/2018

Drafting Notes: The 09/18/2018 draft reflects the following changes from the 7/25/18 and 8/29/2018 draft based on direction from the City Council and Planning Commission on 08/06/2018 and 08/07/2018, as well as Planning Commission amendments during the public hearing on 09/11/2018.

- **Garages.** Restoring the committees original recommendation to prohibit 3 forward-facing garages, but only in R-1B zoning [note: due to the 40% limit in place throughout the draft, this will only impact any R-1B lots that are 80 to 85' wide or larger, since those are the only ones that could fit the third car garages under the 40% rule). **Amendment from PC public hearing: changed the allowable garage height to 8 feet, 2 inches instead of 8 feet, to match ADA requirements.**
- **Street trees.** Any needed adjustments to street tree requirements to clarify applicability, coordination / credits for existing trees, any timing or implementation standards, and/or any potential conflicts with the city-wide Bike/Ped plan. [note: no adjustments were deemed necessary; after further review of these issues, staff felt they were adequately addressed in the proposed draft, and/or technical or administrative issues that are worked out in future specific projects. Other necessary adjustments discussed by the City Council and planning commission regarding protection of trees or penalties for damaging trees are appropriate for a broader city-wide ordinance in the City Code, and involves topics not typically addressed in a zoning ordinance. An easy fix is to review and adjust the fine for damaging any street tree, whether associated with development subject to these proposed changes or otherwise.] **Amendment from PC public hearing: removed the wording “and in order of priority” from Section C.1 (d) from the neighborhood design standards as it relates to street trees and changed Section C.1, subsection D (3) to read “within the first 15 feet” instead of “within the first 5 feet.”**
- **Foundation Height / Grade.** Adjusting the grade, foundation and first-floor elevation standards in [19.06.025 / 19.08.025]E. Building Foundations, to account for consideration of previous foundation heights and maximum finished grades, without PC review or exceptions.
- **Greenspace.** Re-locating the total lot greenspace standards with all lot development standards, re-characterizing it as “impervious surface coverage limits” and emphasizing it as a stormwater issue rather than neighborhood design issue. **Amendment from PC public hearing: increased the impervious coverage limit from 35% to 40%.**
- **Neighborhood Meeting.** Change the neighborhood meeting requirement to notice to be issued to neighbors on forms provided by the City.
- **Effective date.** **Amendment from PC public hearing: changed effective date from January 1, 2019 to February 1, 2019 based on amendment to change the effective date to 4 months following City Council approval.**

- Accessory buildings. **Amendment from PC public hearing: changed the word “behind” to “at the rear of” in section 19.06.020 A.1., and 19.08.020 A.1.**
- Building massing. **Amendment from PC public hearing: changed all of the “facades” to “elevation” in Section D.1. of the neighborhood design standards.**

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

[19.06.015 / 19.08.015] Development Standards.

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

Table 19.06/19.08 A - Development Standards		
	[R-1a]	[R-1b]
Lot:		
Width	80' minimum	60' minimum
Depth	125' minimum	100' minimum
Building Coverage	30% of lot, maximum	30% of lot, maximum
Impervious Surface Coverage	40% of lot, maximum	40% of lot, maximum
Building Setbacks:		
Front	30' minimum	30' minimum
Side	7' minimum each side; 20% of lot width minimum between both sides; and at least 14' between adjacent buildings	6' minimum each side; 20% of lot width minimum between both sides; and at least 12 between adjacent buildings
Street Side	15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.	15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.
Rear	25' minimum	25' minimum
Height		
Height	35' maximum, measured from the top of foundation to the highest point of the roof structure.	29' maximum, measured from the top of foundation to the highest point of the roof structure
Story Limit	2.5 stories	2 stories

B. **Lot Impervious Coverage Applicability and Exceptions.**

1. *Applicability.* The total lot impervious surface coverage standard shall only apply to the following situations:

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

[19.06.020 / 19.08.020] Accessory Buildings and Structures

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

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

of way by landscape. All other buildings shall be considered principal buildings and designed and approved subject to principal building standards, or as otherwise permitted through Special Use Permits according to Chapter 19.28.

- C. **Building Coverage.** All accessory buildings and structures over 30 inches high shall count towards the overall 30% building coverage limit.

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

[19.06.025 / 19.08.025] Neighborhood Design Standards.

- A. **Design Objectives.** The design objectives of the Neighborhood Design Standards are to:
1. Maintain and enhance the unique character of Prairie Village neighborhoods.
 2. Promote building and site design that enhances neighborhood streetscapes.
 3. Reinforce the existing scale and patterns of buildings in neighborhoods for new construction.
 4. Manage the relationship of adjacent buildings and promote compatible transitions.
 5. Enhance the quality, aesthetic character and visual interest within neighborhoods by breaking down larger masses and incorporating human scale details and ornamentation.
 6. Locate and orient buildings to maintain the existing grade of the street, block, and lot frontages, and design them in a manner that reduces the perceived massing from the streetscape and abutting lots.
- B. **Applicability.** These Neighborhood Design Standards shall be applicable to the following situations:
1. Any new residential structure.
 2. Construction activity that adds more than 200 square feet of building footprint to an existing residential structure.
 3. Construction activity that alters the form or massing of the front elevation or roof of a residential structure.
 4. Any future development activity of any scale on property that has been subject to paragraphs 1., 2, or 3. above.
- With the exception of the street tree standards, the neighborhood design standards shall only apply to the extent of the proposed construction activity, and any portion of a building or site that does not conform to these standards but is existing and not part of the application may remain.
- C. **Landscape and Frontage Design.** The following landscape and frontage design standards promote the character and quality of streetscapes, improve the relationship of lots and buildings to the streetscape, and provide natural elements and green space to compliment development.
1. **Street Trees.** All lots shall have at least one street tree. Lots with over 80 feet of street frontage shall have at least one tree per 50 feet to maintain an average spacing between 30 and 50 feet along the streetscape.

- a. Existing trees in the right of way or within the first 20 feet of the front lot line may count to this requirement provided the tree is healthy, and is protected from any damage during construction activity.
 - b. Street trees shall be selected from the latest version of *Great Trees for the Kansas City Region*, large street tree list, or other list officially adopted by the Tree Board.
 - c. Street trees shall be at least 2.5-inch caliper at planting.
 - d. Street trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, the following locations, where applicable:
 - (1) On center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - (2) 4 feet to 8 feet from the back of curb where no sidewalk exists; or
 - (3) Within the first 15 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
2. **Green Space.** Lots shall maintain at least 60% of the lot between the front building line and the front lot line as green space - permeable areas planted with trees, shrubs, vegetative ground cover, or ornamental plants.
- a. Exceptions. Any lot less than 70 feet wide and fronting on a collector or arterial street as designated in Section 13-203 of the City Code may reduce the frontage greenspace to 50% to allow for safe access and parking, provided the total lot impervious surface limit is maintained.
- D. **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.
1. **Windows and Entrances.** All elevations shall have window and door openings covering at least:
 - a. 15% on front elevation or any street facing side elevation; and
 - b. 8% on all other side elevations; and
 - c. 15% on all rear elevations.Any molding or architectural details integrated with the window or door opening may count for up to 3% of this percentage requirement.
 2. **Wall Planes:** Wall planes shall have varied massing by:
 - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:

- (1) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
 - (2) Off-sets of the building mass such as step backs or cantilevers of at least 2 feet.
 - (3) Single-story front entry features such as stoops, porticos or porches.
 - (4) No projections shall exceed the setback encroachment limits of Section 19.44.020.
- b. No elevation along the side lot line shall be greater than 800 square feet without at least 4 feet additional setback on at least 25% of the elevation.
3. *Garage Limits.* The following garage door standards maintain a human scale for front facades, create a relationship between the façade and the streetscape, and limit the expression of the garage as the primary feature at the building frontage.
- a. Garage doors shall not exceed more than 9 feet wide for single bays, or 18 feet wide for double bays, and 8 feet, 2 inches high.
 - b. Garages expressed as a separate mass on the front elevation shall be limited based on the width of the front facade as follows:

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

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

Table 19.06/19.08 C – Garage Placement Limits	
Placement in relation to main mass	Mass / wall plane limits
<i>In front up to 4'</i>	Front wall plane for the garage mass shall be limited to 360 s.f. max.
<i>More than 4' but less than 12' in front</i>	Overall wall planes for the garage mass shall be limited to 360 s.f.; The wall planes with the garage door shall be limited to 216 s.f. max.; Any upper level gables, dormers or other wall planes shall cantilever or be offset at least 2' from the garage door plane; A front entry feature shall be established along at least 12' of the front elevation, and in front of or no more than 4' behind the garage entry.

12' or more in front	Prohibited, unless side oriented doors. Then, subject to a wall plane limit of no more than 360 square feet.
All others (flush or setback from the main mass)	Limited to same standards as main mass in Section D.2. (i.e. 500 s.f. max elevations)

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

E. **Building Foundations.** *[this is the current standard in 19.44.030, to be relocated here for better formatting and interpretation; it has been amended as shown below to address concerns raised in the public open houses, City Council discussions, and Planning Commission discussions, and existing 19.44.030 would be deleted.]*

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

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

1. The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;
2. Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
3. The placement and orientation of the main mass, accessory elements, garages and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.
4. Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
5. The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards – primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.
6. The exception will equally or better serve the design objectives stated in Section [19.06.025 / 19.08.025] A and the intent stated for the particular standard being altered.

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

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

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

supporting information for such building or structure shall be submitted to the Planning Commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

Associated Changes to Chapter 19.44 – Height and Area Exceptions

19.44.020 Yard Exceptions.

- A. In districts R-1a through R-4 inclusive, where at least 5 lots or lots comprising forty (40) percent or more of the frontage, whichever is greater, on the same side of a street between two intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage; except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, yet is less than the established setback for the block as provided above, such setback line shall apply.
- B. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest wall of the building.
- C. In all use districts, portions of buildings may project into required yards as follows:
 1. BayChimneys, bay, bow, oriel, dormer or other projecting windows and stairway landings; other than full two or more story windows and landings may project into required yards not to exceed three (3) feet, provided they are limited to no more than 20% of the total building elevation;
 2. Miscellaneous architectural features, including balconies, eaves, cornices, sills, belt courses, spoutings, ~~chimneys~~, brackets, pilasters, grill work, trellises and similar projections for purely ornamental purposes may project into required yards not to exceed four (4) feet;
 3. Window wells ~~Any vestibule, not more than one (1) story in height,~~ may project into required yards ~~not more than three (3) up to four (4) feet~~;
 - Unenclosed porches, ported cocheres, marquees and canopies may project into required front or rear yards not to exceed twelve (12) feet, and on corner lots may project into required side yards on the side streets not to exceed ten (10) feet;
 4. Structures associated with the front entrance to the principal building, such as porches, stoops, canopies or porticos, may encroach up to 12 feet into the front setback, and up to 10 feet into any street side setback, provided:
 - a. Any roof structure shall be single story, establishing an eave line between 7 feet and 9 feet above the top of foundation, and no gable or other part of the structure shall exceed 14 feet.
 - b. The entry feature shall remain unenclosed on all sides encroaching into the setback, except for railings or walls up to 3 feet above the structures surface.
 - c. The entry feature shall be integrated with the design of the principal structure including materials, roof form and pitch, and architectural style and details.Provided that the

5. All projections permitted in Subdivisions 2, 3 and 4 above by this sub-section shall not project into required side yards a distance greater than one-half the required minimum width of side yard;
 4. There shall be no limitation on the projection of open (uncovered) porches, decks, terraces or patios into required yards;
- D. Open and uncovered porches, decks or patios less than 30 inches high may encroach into the required side or rear yards up to 3 feet from the property line, but are subject to the impervious surface coverage limits. If these structures are 30 inches high or more they shall meet all setback, building coverage, and greenspace lot impervious coverage requirements. An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four feet from the building. Fire escapes, solid-floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.
- E. In any district a detached garage or carport shall not exceed twenty-four feet or two stories in height, or in any case shall not be higher than the main building and the area shall not be more than twenty percent of the required rear yard.
- E. In R-1a and R-1b, when applying the development and design standards, the building official may determine corner lots be oriented as follows, based on any prevailing patterns of the adjacent lots and blocks:
1. Standard corner. The building orients to the same front as all other buildings along the same street and the front setback and design standards apply to this street. The expanded street side setback applies to the other street, the side and rear setbacks apply to the remaining sides.
 2. Reverse corner. The building orients to the short side of the block, different from other lots on the interior of the block, and the front setback and design standards apply to this street. The expanded side setback applies to the other street and the side and rear setbacks apply to the remaining sides.
 3. Intersection orientation. The building orients to both streets and the front setback and design standards apply to each street. The interior side setbacks apply to both abutting lot sides, and no rear yard setback applies.
- F. A through lot having one end abutting a limited access highway with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- G. Accessibility to the rear portion of all lots in a district C-O to C-2 inclusive, for four-wheeled vehicles from and to a public street, alley or way shall be provided unless waived by the Planning Commission.

19.02 Definitions

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

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

19.02.287. Impervious Surface Coverage. “Impervious surface coverage” means that portion of the lot, which is covered by a structure, material, or other fixed physical element that does not allow the infiltration of ground water at the same rate of flow under natural conditions as

undisturbed property and cannot be planted with landscape materials. Impervious area includes but is not limited to building footprint, driveways, sidewalks, patios, decks, pools, and sheds.

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

ORDINANCE NO. 2392

AN ORDINANCE AMENDING THE CITY OF PRAIRIE VILLAGE, KANSAS ZONING REGULATIONS BY ADDING NEIGHBORHOOD DESIGN STANDARDS FOR R-1A AND R-1B ZONING DISTRICTS, ADDRESSING BUILDING MASSING AND FRONTAGE DESIGN, REORGANIZING AND ADJUSTING DEVELOPMENT STANDARDS, ADDING IMPERVIOUS COVERAGE LIMITS, AND REVISING AND COORDINATING OTHER EXISTING STANDARDS RELATED TO ACCESSORY BUILDINGS, SETBACK, AND LOT EXCEPTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Chapter 19.02 of the Prairie Village Municipal Code, entitled "Definitions" is hereby amended by adding new Section 19.02.087 "Building Coverage," adding new Section 19.02.287 "Impervious Surface Coverage," amending Section 19.02.306 "Lot Coverage," and amending 19.02.436 "Story Above Grade Plane," all to read as follows:

19.02.087 Building Coverage

"Building coverage" means that portion of a lot, which is covered by a structure or structures, excluding the first four (4) feet of projecting roof eaves and excluding open, unenclosed and uncovered decks or other structures 30 inches or less in height.

19.02.287 Impervious Surface Coverage

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

19.02.306 Lot Coverage

"Lot coverage" shall have the same definition as "building coverage," as set forth in Section 19.02.087.

19.02.436 Story Above Grade Plane

Any story having its finish floor surface entirely above grade plane, except that a basement shall be considered a story where the foundation is exposed above grade on the front elevation to any extent not permitted by these standards or authorized exceptions.

Section II.

Chapter 19.06 of the Prairie Village Municipal Code, entitled "District R-1A Single Family Residential District," is hereby amended by deleting existing Sections 19.06.015, 19.06.020, 19.06.025, 19.06.030, 19.06.035, 19.06.040, and 19.06.041 and re-formatting these sections into a new Section 19.06.015 "Development Standards," adding new Section 19.06.020 "Accessory Buildings and Structures," adding new Section 19.06.025 "Neighborhood Design Standards", and amending Section 19.06.050 "Site Plan Approval", all to read as follows:

19.06.015 Development Standards.

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

Table 19.06 A - Development Standards		
R-1a		
Lot:		
Width		80' minimum
Depth		125' minimum
Building Coverage		30% of lot, maximum
Impervious Surface Coverage		40% of lot, maximum
Building Setbacks:		
Front		30' minimum
Side		7' minimum each side; 20% of lot width minimum between both sides; and at least 14' between adjacent buildings
Street Side		15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.
Rear		25' minimum
Height:		
Height		35' maximum, measured from the top of foundation to the highest point of the roof structure.
Story Limit		2.5 stories

B. Lot Impervious Coverage Applicability and Exceptions.

1. *Applicability.* The total lot impervious surface coverage standard shall only apply to the following situations:
 - a. any new residential structure on a vacant lot;

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

19.06.020 Accessory Buildings and Structures

- A. **Residential Uses.** All lots used for residential buildings may have the following accessory buildings.
- 1. One minor accessory storage building not exceeding 120 square feet for lots under 10,000 square feet, 200 square feet for lots over 10,000 square feet and no taller than 10 feet high. The building shall be setback at least 3 feet from the side and rear lot line, and located at the rear of the principal building.
 - 2. One major accessory building not exceeding 576 square feet and subject to the following design standards:
 - a. The height shall be no more than 20 feet, or no taller than the principal structure, whichever is less.
 - b. The building shall be designed compatible with the principal structure, including materials, windows and doors, roof form and pitch, and architectural style and details.
 - c. The building shall be setback at least 60 feet from the front lot line, and at least 20 feet from any street side lot line.
 - d. The building shall be setback at least 3 feet from the side and rear property line, except that any

portion of the structure above 10 feet shall be set back a distance of at least 1/3 the height. For a pitched roof structure, portions of the structure may be up to 3 feet from the property, provided they are under 10 feet high; however, any portion between 10 feet and 20 feet must be stepped back at least 1/3 the height.

- B. **Non-residential Uses.** Non-residential uses permitted in residential districts shall be allowed one accessory building for each 1 acre of lot area, up to a maximum of three structures. These buildings shall be limited to 300 square feet and 16 feet tall, provided they meet all principal building setbacks and are not visible or are screened from the right of way by landscape. All other buildings shall be considered principal buildings and designed and approved subject to principal building standards, or as otherwise permitted through Special Use Permits according to Chapter 19.28.
- C. **Building Coverage.** All accessory buildings and structures over 30 inches high shall count towards the overall 30% building coverage limit.

19.06.025 Neighborhood Design Standards.

- A. **Design Objectives.** The design objectives of the Neighborhood Design Standards are to:
 - 1. Maintain and enhance the unique character of Prairie Village neighborhoods.
 - 2. Promote building and site design that enhances neighborhood streetscapes.
 - 3. Reinforce the existing scale and patterns of buildings in neighborhoods for new construction.
 - 4. Manage the relationship of adjacent buildings and promote compatible transitions.
 - 5. Enhance the quality, aesthetic character and visual interest within neighborhoods by breaking down larger masses and incorporating human scale details and ornamentation.
 - 6. Locate and orient buildings to maintain the existing grade of the street, block, and lot frontages, and design them in a manner that reduces the perceived massing from the streetscape and abutting lots.
- B. **Applicability.** These Neighborhood Design Standards shall be applicable to the following situations:

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

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

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

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

- (3) Within the first 15 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
2. *Green Space.* Lots shall maintain at least 60% of the lot between the front building line and the front lot line as green space - permeable areas planted with trees, shrubs, vegetative ground cover, or ornamental plants.
 - a. Exceptions. Any lot less than 70 feet wide and fronting on a collector or arterial street as designated in Section 13-203 of the City Code may reduce the frontage greenspace to 50% to allow for safe access and parking, provided the total lot impervious surface limit is maintained.

D. **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.

1. *Windows and Entrances.* All elevations shall have window and door openings covering at least:
 - a. 15% on front elevation or any street facing side elevation; and
 - b. 8% on other side elevations; and
 - c. 15% on rear elevations.Any molding or architectural details integrated with the window or door opening may count for up to 3% of this percentage requirement.
2. *Wall Planes:* Wall planes shall have varied massing by:
 - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:
 - (1) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
 - (2) Off-sets of the building mass such as step backs or cantilevers of at least 2 feet.
 - (3) Single-story front entry features such as stoops, porticos or porches.
 - (4) No projections shall exceed the setback encroachment limits of Section 19.44.020.

- b. No elevation along the side lot line shall be greater than 800 square feet without at least 4 feet additional setback on at least 25% of the elevation.
3. *Garage Limits.* The following garage door standards maintain a human scale for front facades, create a relationship between the façade and the streetscape, and limit the expression of the garage as the primary feature at the building frontage.
- a. Garage doors shall not exceed more than 9 feet wide for single bays, or 18 feet wide for double bays, and 8 feet, 2 inches high.
 - b. Garages expressed as a separate mass on the front elevation shall be limited based on the width of the front facade as follows:

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

- c. Any lot or building configuration that permits more than two front garage entries shall require at least one of them to be off-set by at least 2 feet, or require side orientation of the garage entrances.
- d. Front-loaded garage wall planes shall be limited based on its position in relation to the main mass as follows:

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

- e. On corner lots, an attached garage constructed as an integral part of the principal structure may have a minimum rear setback of 18 feet, provided the driveway entrance is off the side street, the garage is setback at least 25 feet from the side lot line, and the footprint of the garage is no more than 576 square feet.

E. Building Foundations.

1. New residential structures shall establish the top of foundation between 6 inches and 24 inches above the finished grade along the front facade.
2. No new residential structure may be built with a top of foundation more than 12 inches higher than the top of foundation of a previous existing home, or the height allowed by sub-sections 1., whichever is less.
3. New residential structures or additions may raise the top of foundation an additional 6 inches for every additional 5 feet over the minimum side setback that the building sets back from both side property lines, up to 36 inches above the finished grade along the front facade.
4. Any elevation that has more than 24 inches of foundation exposed due to grade changes shall cover the foundation by extending the siding to within 24 inches of finished grade, or by covering the foundation with decorative materials such as stone or brick that compliments the principal materials of the building.
5. New residential structures or additions not meeting paragraphs 1. through 3. above shall be submitted to the Planning Commission for review. The Planning Commission may grant an exception based on the following criteria:
 - a. The design of the building elevations, and, specifically any design details that reduce the scale and massing of the building compared to what could otherwise be built under the zoning standards.
 - b. The relationship of the proposed dwelling to existing structures, and whether their grading, elevation, and design is appropriate for the context.
 - c. Any special considerations of the lot with respect to existing grades, proposed appropriate grades and

the drainage patterns in relation to adjacent properties and the proposed structure.

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

1. The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;
2. Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
3. The placement and orientation of the main mass, accessory elements, garages and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.
4. Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
5. The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards – primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.
6. The exception will equally or better serve the design objectives stated in Section 19.06.025 A and the intent stated for the particular standard being altered.

19.06.050 Site Plan Approval and Public Notice

A. All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family dwellings, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with Chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

- B. Any teardown of an existing residential structure and any new principal residential structure on a vacant lot shall send notice to all property owners within 200 feet of the lot, excluding rights-of-way. Notice shall be sent by certified mail, return receipt requested, on a form provided by the City indicating the action requested, that plans are on file with the City for review, the contact information of the property owner, and the main contact for the proposed construction. The City shall not issue any permits until provided evidence that notice has been sent.

- C. If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the Building Official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the Planning Commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

Section III.

Chapter 19.08 of the Prairie Village Municipal Code, entitled "District R-1B Single Family Residential District," is hereby amended by deleting existing sections 19.08.010, 19.08.015, 19.08.020, 19.08.025, 19.08.030, 19.08.035, and 19.08.036, and re-formatting these sections into a new section titled 19.08.015 "Development Standards;" adding 19.08.020 "Accessory Buildings and Structures," adding 19.08.025 "Neighborhood Design Standards" and amending 19.08.045 "Site Plan Approval and Public Notice" to read as follows:

19.08.015 Development Standards.

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

Table 19.08 A - Development Standards	
R-1b	
Lot:	
Width	60' minimum
Depth	100' minimum
Building Coverage	30% of lot, maximum
Impervious Surface Coverage	40% of lot, maximum
Building Setbacks:	
Front	30' minimum
Side	6' minimum each side; 20% of lot width minimum between both sides; and at least 12' between adjacent buildings
Street Side	15' minimum, or at least 50% of the depth of the front yard of any adjacent lot facing the same street, whichever is greater.
Rear	25' minimum
Height:	
Height	29' maximum, measured from the top of foundation to the highest point of the roof structure.
Story Limit	2 stories

B. Lot Impervious Coverage Applicability and Exceptions.

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

19.08.020 Accessory Buildings and Structures

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

19.08.025 Neighborhood Design Standards

A. **Design Objectives.** The design objectives of the Neighborhood Design Standards are to:

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

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

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

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

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

1. *Street Trees.* All lots shall have at least one street tree. Lots with over 80 feet of street frontage shall have at least one tree per 50 feet to maintain an average spacing between 30 and 50 feet along the streetscape.

- a. Existing trees in the right of way or within the first 20 feet of the front lot line may count to this requirement provided the tree is healthy, and is protected from any damage during construction activity.
 - b. Street trees shall be selected from the latest version of *Great Trees for the Kansas City Region*, large street tree list, or other list officially adopted by the Tree Board.
 - c. Street trees shall be at least 2.5-inch caliper at planting.
 - d. Street trees shall be located in line with other trees on the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line on the block, the following locations shall be used, where applicable:
 - (1) On center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - (2) 4 feet to 8 feet from the back of curb where no sidewalk exists; or
 - (3) Within the first 15 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
2. *Green Space*. Lots shall maintain at least 60% of the lot between the front building line and the front lot line as green space - permeable areas planted with trees, shrubs, vegetative ground cover, or ornamental plants.
- a. Exceptions. Any lot less than 70 feet wide and fronting on a collector or arterial street as designated in Section 13-203 of the City Code may reduce the frontage greenspace to 50% to allow for safe access and parking, provided the total lot impervious surface limit is maintained.

D. **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.

1. *Windows and Entrances.* All elevations shall have window and door openings covering at least:
 - a. 15% on front elevations or any street facing side elevations; and
 - b. 8% on other side elevations; and
 - c. 15% on rear elevations.
 Any molding or architectural details integrated with the window or door opening may count for up to 3% of this percentage requirement.

2. *Wall Planes:* Wall planes shall have varied massing by:
 - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:
 - (1) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
 - (2) Off-sets of the building mass such as step backs or cantilevers of at least 2 feet.
 - (3) Single-story front entry features such as stoops, porticos or porches.
 - (4) No projections shall exceed the setback encroachment limits of Section 19.44.020.
 - b. No elevation along the side lot line shall be greater than 800 square feet without at least 4 feet additional setback on at least 25% of the elevation.

3. *Garage Limits.* The following garage door standards maintain a human scale for front facades, create a relationship between the façade and the streetscape, and limit the expression of the garage as the primary feature at the building frontage.
 - a. Garage doors shall not exceed more than 9 feet wide for single bays, or 18 feet wide for double bays, and 8 feet, 2 inches high.
 - b. Garages expressed as a separate mass on the front elevation shall be limited based on the width of the front facade as follows:

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

- c. No more than 2 bays (2-single or 1 double door) shall be permitted on the front elevation. Any site or building configuration that permits three or more garage bays shall require side orientation or rear access for anything beyond 2 bays.
- d. Front-loaded garage wall planes shall be limited based on its position in relation to the main mass as follows

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

- e. On corner lots, an attached garage constructed as an integral part of the principal structure may have a minimum rear setback of 18 feet, provided the driveway entrance is off the side street, the garage is setback at least 25 feet from the side lot line, and the footprint of the garage is no more than 576 square feet.

E. Building Foundations.

1. New residential structures shall establish the top of foundation between 6 inches and 24 inches above the finished grade along the front facade.
2. No new residential structure may be built with a top of foundation more than 12 inches higher than the top of foundation of a previous existing home, or the height allowed by sub-sections 1., whichever is less.

3. New residential structures or additions may raise the top of foundation an additional 6 inches for every additional 5 feet over the minimum side setback that the building sets back from both side property lines, up to 36 inches above the finished grade along the front facade.
4. Any elevation that has more than 24 inches of foundation exposed due to grade changes shall cover the foundation by extending the siding to within 24 inches of finished grade, or by covering the foundation with decorative materials such as stone or brick that compliments the principal materials of the building.
5. New residential structures or additions not meeting paragraphs 1. through 3. above shall be submitted to the Planning Commission for review. The Planning Commission may grant an exception based on the following criteria:
 - a. The design of the building elevations, and, specifically any design details that reduce the scale and massing of the building compared to what could otherwise be built under the zoning standards.
 - b. The relationship of the proposed dwelling to existing structures, and whether their grading, elevation, and design is appropriate for the context.
 - c. Any special considerations of the lot with respect to existing grades, proposed appropriate grades and the drainage patterns in relation to adjacent properties and the proposed structure.

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

1. The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;
2. Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
3. The placement and orientation of the main mass, accessory elements, garages and driveways considers the

high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.

4. Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
5. The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards – primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.
6. The exception will equally or better serve the design objectives stated in Section 19.08.025, A, and the intent stated for the particular standard being altered.

19.08.045 Site Plan Approval and Public Notice

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

Commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

Section IV.

Chapter 19.34 of the Prairie Village Municipal Code, entitled "Accessory Uses" is hereby amended by deleting Section 19.34.020, sub-section A, and Section 19.34.020, sub-section E, such that Section 19.34.020 shall read as follows:

19.34.020 Other Accessory Uses.

- A. [Reserved.]
- B. A temporary real estate sales office may be located on property being sold, and limited to period of sale, but not exceeding one (1) year unless granted a conditional use permit;
- C. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement, or recreation; provided, that the articles produced or constructed are not sold either on or off the premises and that the activity complies with standards established for home occupations in Section 19.34.010 Paragraph B(7). Without limiting the foregoing, hobby activity shall not include the repair of cars or other vehicles, which are not owned by the owner/occupant of the home where the repairs are made. However, nothing contained in this subsection shall be construed or interpreted to permit any use or activity, which is prohibited by Chapter 19.36, Restricted Uses.
- D. Such additional uses as gardens, customary pets, signs as permitted by ordinance, parking areas, play equipment and other similar uses are also accessory uses.
- E. [Reserved.]
- F. No equipment, material or vehicle, other than operating motor passenger cars, shall be stored for more than twenty-four (24) hours in a thirty-day period in a residential district, other than as specifically allowed pursuant to Chapter 19.38.

Except that senior housing projects, assisted living projects, schools, religious institutions and other similar uses may make application to park a bus or buses on their property subject to review and approval of the number, size and location of the buses by the Building Official. The buses shall not be parked within the front yard setback but shall be parked in a location that is most

appropriate and compatible with adjacent uses. The Building Official may approve, approve with conditions or deny the application. If an applicant is not satisfied with the decision of the Building Official, he may appeal said decision to the Planning Commission and the Planning Commission shall make the final decision.

- G. Tennis courts are permitted as an accessory use, provided the following procedures and standards are met:
 - 1. All tennis courts shall require a building permit.
 - 2. Plans for tennis courts shall be submitted to the Building Official or his/her designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
 - 3. Tennis courts shall not be built in front of front building lines.
 - 4. Tennis courts shall be so located that the fence surrounding the courts shall be not less than thirty (30) feet from the front lot line, and not less than ten (10) feet from a rear lot line or interior side lot line. In the case of corner lots, the fence shall not be closer than the front setback line of any building on an adjacent lot or fifteen (15) feet, whichever is greater. Said fence shall be chain-link fabric, and shall not exceed ten (10) feet in height. The lighting level of any tennis court lighting measured at the property line shall not exceed five (5) foot candles, and all luminaries shall be provided with shields to control light spillage and glare.
 - 5. Tennis courts shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Director of Public Works.

- H. Garage sales are permitted in District R1a, R1b, R2, R3, and R4. A household may conduct a sale of goods, furnishings, personal

effects and clothing, from the resident's garage or property, by a sale not to exceed three consecutive days; and provided further, that not more than two such sales shall be allowed each calendar year per household.

- I. Dumpsters and trash bins shall be located so that they are not visible from adjacent streets and properties and they shall be adequately screened from view by wall or fence enclosures that are of a building material that is complimentary to the principal building on the site.
- J. Outdoor swimming pools, spas and hot tubs are permitted as accessory uses, provided the following procedures and standards are met:
 1. All outdoor swimming pools, spas and hot tubs shall require a building permit.
 2. Swimming pool is any structure intended for swimming or recreational bathing that contains water over 24" deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.
 3. Plans for outdoor swimming pools shall be submitted to the Building Official or his/her designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
 4. Each swimming pool shall be completely enclosed by a fence or other permanent enclosure not less than four (4) nor more than six (6) feet in height. This enclosure shall be provided with self-closing gates equipped with a self-latching device. Such enclosures shall be not less than thirty (30) feet from the front lot line, and not less than fifteen (15) feet from the side street line in the case of a corner lot, except on reverse corner lots whereupon side setbacks should be based upon the adjoining front yard setback. The enclosure may be located on the interior side lot line and the rear lot line, subject to any easements, but the edge of the swimming pool shall be not less than ten

(10) feet from any such interior side or rear lot line and not less than twenty (20) feet from a residence on an adjoining lot.

5. In lieu of the fence or permanent enclosure, spas and hot tubs may be equipped with a safety cover. Said safety cover shall be classified under WBAH and have been evaluated to the American Society for Testing and Materials (ASTM) Standard F1346, Standard Performance Specifications of Safety Covers or equivalent. Each safety cover shall bear the classification marking "UL," the word "Classified," a control number, and the product name or equivalent.
 6. Swimming pools may not be built in front of front building lines.
 7. Swimming pools shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Director of Public Works. Swimming pools shall not be drained at any time which may cause icing or other hazardous street conditions.
- K. Utility boxes that have a footprint of twelve (12) square feet or less in area; a pad of not more than 2.5 times the area of the utility box footprint, but not larger than thirty-two (32) square feet; and a height of not more than fifty four (54) inches, will be considered as an accessory to a utility line and the location, design and landscaping or screening shall be subject to staff review and approval of a permit as follows:
1. **Landscaping and Screening:** If landscaping or screening is required, a plan shall be submitted identifying the plant sizes and varieties.
 2. **Noise:** The utility box shall not emit any unnecessary intrusive noise.
 3. **Abandonment:** Any utility box not operated for a period of six months shall be considered abandoned and the box and pad shall be removed by the owners and the site returned to its original condition.
 4. **Location:** The utility will work with the city staff to determine a pad size and a location that is most appropriate and compatible with adjacent uses, including adjacent property owners' uses.
 5. **Appeal:** Any applicant that is not satisfied with the staff approval may appeal the staff decision to the Planning Commission.

Section V.

Chapter 19.44 of the Prairie Village Municipal Code, entitled "Height and Area Exceptions" is hereby amended by deleting Section 19.44.030 "Building Elevations," deleting Section 19.44.035 "Lot Coverage," and amending Section 19.44.020 "Yard Exceptions" to read as follows:

19.44.020 Yard Exceptions.

- A. In districts R-1a through R-4 inclusive, where at least 5 lots or lots comprising forty (40) percent or more of the frontage, whichever is greater, on the same side of a street between two intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage; except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, yet is less than the established setback for the block as provided above, such setback line shall apply.

- B. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest wall of the building.

- C. In all use districts, portions of buildings may project into required yards as follows:
 - 1. Chimneys, bay, bow, oriel, dormer or other projecting windows and stairway landings other than full two or more story windows and landings may project into required yards not to exceed three (3) feet, provided they are limited to no more than 20% of the total building elevation;
 - 2. Miscellaneous architectural features, including balconies, eaves, cornices, sills, belt courses, spoutings, brackets, pilasters, grill work, trellises and similar projections for purely ornamental purposes may project into required yards not to exceed four (4) feet;
 - 3. Window wells may project into required yards up to four (4) feet;
 - 4. Structures associated with the front entrance to the principal building, such as porches, stoops, canopies or porticos, may encroach up to 12 feet into the front setback, and up to 10 feet into any street side setback, provided:
 - a. Any roof structure shall be single story, establishing an eave line between 7 feet and 9 feet above the

- top of foundation, and no gable or other part of the structure shall exceed 14 feet.
- b. The entry feature shall remain unenclosed on all sides encroaching into the setback, except for railings or walls up to 3 feet above the structures surface.
 - c. The entry feature shall be integrated with the design of the principal structure including materials, roof form and pitch, and architectural style and details.
5. All projections permitted by this sub-section shall not project into required side yards a distance greater than one-half the required minimum width of side yard;
- D. Open and uncovered porches, decks or patios less than 30 inches high may encroach into the required side or rear yards up to 3 feet from the property line, but are subject to the impervious surface coverage limits. If these structures are 30 inches high or more they shall meet all setback, building coverage, and lot impervious coverage requirements.
- E. In R-1a and R-1b, when applying the development and design standards, the building official may determine corner lots be oriented as follows, based on any prevailing patterns of the adjacent lots and blocks:
1. *Standard corner.* The building orients to the same front as all other buildings along the same street and the front setback and design standards apply to this street. The expanded street side setback applies to the other street, the side and rear setbacks apply to the remaining sides.
 2. *Reverse corner.* The building orients to the short side of the block, different from other lots on the interior of the block, and the front setback and design standards apply to this street. The expanded side setback applies to the other street and the side and rear setbacks apply to the remaining sides.
 3. *Intersection orientation.* The building orients to both streets and the front setback and design standards apply to each street. The interior side setbacks apply to both abutting lot sides, and no rear yard setback applies.
- F. A through lot having one end abutting a limited access highway with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- G. Accessibility to the rear portion of all lots in a district C-O to C-2 inclusive, for four-wheeled vehicles from and to a public street,

alley or way shall be provided unless waived by the Planning Commission.

Section VI. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section VI. Effective Date

This ordinance shall take effect and be in force beginning February 1, 2019 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 1st day of October, 2018.

Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy
City Clerk

David E. Waters
Interim City Attorney