

City of Prairie Village
Housing Policy Frequently Asked Questions (Last edited 8/23/2023)

There has been a significant amount of discussion and misinformation in the community regarding housing policies and potential future actions by the City. City staff has fielded a number of questions and concerns on this topic. The following questions and answers are intended to correct the misinformation. For those that wish to continue to engage in discussion of these issues, please consult the "Housing Policy Primer" for additional information.

Q: What updates to the zoning ordinance are being made? (Updated 5/1/2023)

A: None yet. That is to be determined by a deliberative process over the next several months. Based on the plan and the ad hoc committee recommendations there are a few specific things that will be considered in that process:

To be discussed first, per the Planning Commission:

R-3 / R-4 Districts: Enable more small- and moderate-scale, multi-unit building types in the multi-family areas. This will involve looking at options in addition to conventional suburban-style apartment complexes currently allowed in these areas. Things like 3- to 6-plex buildings, small walk-up apartments, row houses, courtyard housing, and similar options should be considered. [See map on website]

Mixed-use Areas: Consider allowing residential projects in the commercial districts – either as accessory uses to the C- districts retail and office uses, or by improving the expectations and applicability of the existing MXD district for use in the village and community center areas of the plan.

R-2 Districts: Identify whether duplex standards should be revised to better enable more duplexes in the R-2 areas, and/or whether other "house-scaled" smaller-lot and multi-unit housing types should be enabled to make this district more applicable to other areas. [See map on website]

To be discussed potentially at a later time by the City Council:

R-1 Districts: Consider revising current "accessory living quarter" (sometimes referred to as Accessory Dwelling Units or ADUs) standards to better accommodate this housing option in association with a single-family house. Also consider whether "neighborhood scaled" housing arrangements are appropriate such as small-lot detached single family houses. [Note: these options currently occur through "planned" applications RP-1A-P or RP-1B zoning.] [See map on website]

At an April 24, 2023 work session, the City Council provided direction to staff to prioritize updating the design guidelines and researching short-term rentals as next steps in the R-1 discussion.

Q: Is the city considering multi-family (triplex, quad-plex, or apartment building) development in single-family areas?

A: No. Both the comprehensive plan (Village Vision 2.0) and the ad hoc housing committee recommendations recognize single-family areas as the strength of Prairie Village neighborhoods and recommend reinforcing these patterns.

Q: Is the city considering rezoning any areas?

A: No. Both the comprehensive plan and the ad hoc housing committee recommend updates to zoning standards. Any changes to the zoning map (rezoning) would have to occur in a separate public process, with notice to and engagement of impacted property owners, and likely be initiated by a property owner for a specific project. Additionally, any changes would have to meet

the comprehensive plan policies and rezoning criteria already included in the zoning ordinance. [See Steps to Rezone on website.]

Q: Does the comprehensive plan recommend any rezoning?

A: Not specifically. Comprehensive plans typically do not recommend property-specific actions or determine specific zoning districts. Primarily because plans are general and guide many long-range and future decisions. Several factors, including the comprehensive plan need to be considered to rezone property. Further, the future land use policy map in the comprehensive plan reinforces established patterns of single-family neighborhoods, and only looks to new development options either in current multi-family areas, within the commercial centers, or at very limited and strategic locations near the centers or along major corridors. [See Comprehensive Plan Village Vision 2.0 on website]

Q: Is the City trying to over-ride Homeowner's Association (HOA) covenants?

A: No. HOA covenants are private contractual agreements that exist in addition to city regulations. The City does not enforce these covenants and has an obligation to plan and regulate land independent of these covenants. It is possible that the regulations and covenants may conflict, and in these cases the stricter of the two apply. Further, covenants often change, expire, or otherwise become unenforceable, and the City plans and regulations must account for that, as well as account for differences among neighborhoods. In a situation where the City is considering a specific rezoning action, the presence of valid and enforceable covenants conflicting with the zoning action could be considered as part of the City's decision.

Q: What is the City considering with regard to housing?

A: The City is considering specific and strategic changes to existing standards within current zoning districts. These changes aim to implement two key principles of the comprehensive plan:
(1) Diversify the size, type, and price points of the housing portfolio in Prairie Village; and
(2) Maintain the integrity of Prairie Village neighborhoods [See Comprehensive Plan Village Vision 2.0 on website]

This means considering a limited range of small- and moderate-scale housing types that aren't currently addressed in the zoning standards. These will primarily impact the R-2, R-3, and R-4 zoning districts, which now make up approximately 10% of the city. [See maps on website.] The plan also recommends updating the existing "Accessory Living Quarter" standards that apply in the R-1 districts, and recommends consideration of mixed-use projects within the existing commercial districts.

Q: What was the purpose of the ad hoc housing committee?

A: The Mayor appointed a committee in the Fall of 2021 to analyze the general recommendations of the Prairie Village Comprehensive Plan, and to assess the local relevance of other regional resources and studies on housing. The goal of this committee was to recommend specific steps and housing strategies that could implement the City's plan, and for the Planning Commission and City Council to consider those recommendations. The ad hoc housing committee met several times between September 2021 and April 2022, and presented its recommendations for the City Council in June 2022.

Q: Does the ad hoc committee have any authority to change or implement housing policy, plans, or regulations?

A: No. The ad hoc committee is a limited-purpose advisory body. Any changes to plans or the zoning standards require the Planning Commission to first hold public hearings, and then make recommendations to the City Council, who makes the final decision in a public meeting. (This is established in existing city ordinances, and is a requirement of the Kansas Statutes on city planning and zoning.)

Q: What does “by right” mean?

A: “By right” in a planning and zoning sense, means that a use or development may proceed without special permits or discretionary reviews, subject to established standards. All property and all zoning districts permit many things by right. It encompasses all of the allowed uses in a zoning district and any development that meets the requirements of the zoning district, and other public health and safety codes. It is a fundamental planning principle and legal requirement of zoning that all property come with a reasonable range of “by right” uses and development.

The term “by right” is typically used to draw a contrast between other activities where judgement is reserved on whether to allow it, and which may only be done after a review process and discretionary approvals from a public body. Things that are not by right require rezoning, a special use permit, a conditional use permit, or a variance. In short, “by right” means you do not have to ask permission, but instead prove you meet all requirements.

By right does not mean that the use or development does not need to meet standards, nor that it is done with no review. In fact, all development in the city is subject to permits that demonstrate they meet building codes and zoning standards, and some may require a site plan review before the Planning Commission. The difference is that when a “by right” use or development demonstrates that it complies with all standards, the applicant should expect an approval from either the staff (subject to ministerial approval of permits) or the Planning Commission (from its administrative review of a site plan).

Q: What is the next step in the process? *(Updated 8/23/2023)*

A: In September 2022 the Planning Commission began discussing the recommendations, and has continued the discussions at work sessions. At the April 2023 Planning Commission meeting, the Planning Commission approved a plan to schedule public forums in June and July 2023 to focus on potential changes in R-2, R-3, R-4, commercial and mixed-use areas. [The Planning Commission held a work session in August 2023 to discuss results of the survey and will continue to discuss potential changes in the fall.](#)

On April 24, 2023, the City Council held a work session to prioritize next steps in the R-1 zoning areas. After a prioritization exercise, Council provided direction to staff to update the neighborhood design guidelines and review short-term rental regulations. View the results of the prioritization exercise [here](#).

It is anticipated that additional work sessions and public forums will follow, but the exact next steps will depend on what is discussed with the Commission and City Council’s direction. See the “Housing Policy Primer” for additional information and anticipated schedule.

Note: *Links to maps, etc. is available on the web version at <http://www.pvkansas.com/departments/community-development/planning-zoning/housing-policy>.*