INTRODUCTION

OVERVIEW
The Plan Conformance Report is an analysis of the City of North Kansas City’s Zoning Ordinance – Article 17 - Municipal Code. It also includes the relation of the regulations to the Subdivision Standards in Article 16. The report compares these regulations to the Master Plan (adopted June 2016). The purpose of this report is to evaluate how well the current regulations align with the plan and identify a range of options to consider through the zoning update process.

This report is a preliminary step in the process. It provides a critical view of the regulations and is intended to start a dialogue on a wide range of potential strategies and future action. None of the commentary or analysis in this report represents an official direction of the project or a formal recommendation. Also note that this report is focused on key themes or major topics, and many other issues or topics that have been identified by stakeholders and City staff will be discussed in future steps in the process.

NKC MASTER PLAN
A comprehensive plan has the objective to guide future growth and development. The analysis and recommendations of a plan reflect the long-term vision of the community, and a plan does not necessarily predetermine anything. Rather, it establishes a policy framework with which to manage future change through development. Comprehensive plans are implemented by many proactive policies, strategies and public or private investments, some of which can bring about immediate change or be a catalyst for quick actions.

In contrast, regulations influence change incrementally and cumulatively as the City responds to the future development proposals it receives. Therefore, development regulations must provide the City with the tools to best manage change, enable different options, and react to many circumstances that cannot be fully anticipated. Rather than simply “codify” the plan, this analysis is organized around the themes of the North Kansas City Master Plan and provides an assessment of how well they prepare the community to address those themes with a range of strategies.
The following are the “vision themes” North Kansas City Master Plan, including specific topics or concepts under each them that are most impacted by development regulations:

**Grow Business Opportunity**
Grow and attract new and innovative business opportunities to create jobs, support the local economy and increase the tax base.
- Zoning districts and uses generally, and a simplified approach to districts and uses.
- Context-specific standards for a wide range of areas that support different types of business.
- User-friendly development code.
- Streamlined development review procedures.

**Expand Population and Housing Options**
Attract new residents and increase home ownership rates that support sustainable economic development and social benefits.
- Improved residential districts to promote quality neighborhood design in a variety of contexts.
- Diversify housing options to meet market and demographic changes.
- Mix and/or concentrate different housing types in locations where they support active and vibrant places.

**Create Memorable Places**
Establish memorable destinations to create authentic and diverse public spaces, while expanding the range of attractions and economic development opportunities.
- Develop compact, walkable, mixed-use neighborhoods centered on active places.
- Integrate a variety of uses that support each other and the larger context.
- Promote well designed social spaces and gathering places within development or in the public realm.
- Strengthen downtown.

**Build a Multi-modal Network**
Build a safe, multi-modal network and enhance the pedestrian-scaled environment.
- Promote walkable- and bikeable-supportive design and development.
- Integrated development and design standards with public realm design and investment, particularly areas where more human-scale streetscapes and social spaces are prioritized.
- Manage parking and access based on the context.

**Enhance Community Character (urban design and site design standards)**
Preserve and enhance the local identity, uniqueness, and arts and culture assets of the North Kansas City community.
- Integrate gateways into the design of public realm or private development.
- Improve landscape and site design standards generally, but also emphasize different solutions and strategies for the distinct contexts in the community.

**Modernize the Zoning Ordinance**
Adopt a user-friendly code that builds expectations.
- Streamline procedures, use a “plain language” drafting style, and incorporate tables and graphics wherever possible.
- Create flexibility, but only if guided by improved criteria.
- Elevate the standards but understand that different strategies will be appropriate for different contexts.

A section-by-section analysis of the development regulations was conducted to support the general commentary on the core themes summarized in this report.
**Next Steps**

This report reflects findings from the “Analysis” phase of the project and is preparation for the “Discussion” phase. The “Discussion” phase will be centered on a collection of in-depth discussions, analysis and issue papers on these topics that will include policy considerations and regulatory strategies and details associated with concepts introduced in this report.
The Master Plan includes a preliminary analysis of the existing zoning ordinance, and many of the topics are considered further in this report. Some of these recommendations will warrant more in-depth discussion and analysis throughout the Discussion phase of the project. However, the topic of “modernizing” the zoning ordinance is a key theme of the Master Plan discussion, and key objective of this project.

Further Considerations
Modernizing the zoning ordinance involves addressing many of the following common topics and strategies that communities with older ordinances and dated regulatory strategies are unable to address effectively until they take on a comprehensive update such as this:

- **Organization.** Better structure for grouping of common topics, cross-references to avoid repetitive things, and formatting of headings, sections and subsections that helps navigate the development code.

- **Simplification.** Using a “plain language” drafting style, replacing text with tables, and supporting content with graphics.

  - Streamline processes – *group all procedures in a common section and make sure every procedure is organized around the following*:
    - Applicability – when is the procedure necessary and why;
    - Timeline, required notices, and steps in the process – what are key benchmarks in the process and who is responsible for each;
    - Review criteria – how will the application be evaluated and by whom;
    - Effect of decision – next steps in the process, permitting, appeals or other post-decision steps.

- **Flexibility.** Provide specific criteria that can help raise expectations for applicants and public officials. *Strategies that help improve this balance include*:
  - Providing concise intent statements or design objectives for certain standards, particularly where design standards will be elevated without detailed analysis of the context (see Site Design discussion below);
  - Identify opportunities where “alternative compliance” to standards should be considered and define performance criteria for desired outcomes of the standard/alternative;
  - Coordinate flexibility with criteria in the site plan review process, including consideration of administrative (staff) reviews or discretionary (PC/CC) reviews;
  - Create a better approach to “planned” zoning – particularly recognizing the important difference from flexibility offered through larger-scale “master planned” development (the current PUD standards) as opposed to projects or site plans that simply want to deviate from a standard.
Like many older zoning regulations, North Kansas City’s regulations are organized primarily around land uses and some basic minimum development standards (setback, height, lot size). Current trends in the planning profession recognize that while land use may be one aspect of affecting if a project is compatible or appropriate in a specific context, focusing too much attention on the “use” often misses more important determinants of how a project relates to its surroundings. Over time development codes too focused on use often end up with “laundry lists” of uses – sometimes general and other times specific – that may or may not be reflective of the types of places people envision in their plans. North Kansas City’s regulations exhibit these issues and may benefit from a more generalized and coordinated approach to uses or even removing or consolidating certain districts (as the Master Plan suggests for the R-5, C-1 or BCOD districts).

Further Considerations
The following steps in the approach to zoning districts and uses will help determine the correct strategy:

- **General Categories and Types.** Group all the different uses in the current regulations in general categories based on scale, intensity and potential impacts. Identify opportunities to consolidate and coordinate uses – particularly where there is no distinction among the districts where similar uses are enabled.
- **Apply to Districts.** In a table format, all the resulting uses on the list can be better integrated into the appropriate zoning districts – either as permitted, discretionary approval (conditional use permit), etc.
- **Refine Districts.** Based on this result, some districts may be able to be consolidated or removed if they do not result in substantially distinct development opportunities or protections.
- **Zoning District Standards.** Coordinate revised use table with standards that apply to all uses in the district (e.g. site design, building form and scale or overall performance standards)
- **Use Performance Criteria.** Identify certain specific uses that may need special performance criteria or consideration (this will help determine if general zoning district standards will address this, if specific conditions are needed for that use only, or if a special discretionary review process is necessary.
- **Special Standards.** Determine the specific uses that need special review processes or performance criteria (different from general categories and types) and create specific standards and new sections for only that limited class of uses.
- **Interpretation.** Define an approach to interpret for similar and equivalent issues and/or emerging and unanticipated uses or specific types.
The city-wide frameworks and planning strategies envision housing in three primary contexts – traditional neighborhoods, suburban neighborhoods, and urban or mixed-use contexts. Each of these areas is appropriate for different scales and types of housing, and different neighborhood design strategies that make a range of housing types fit well to each distinct context. In contrast, residential uses under the current zoning ordinance are differentiated primarily on density – an abstract number that tells very little about the format or intensity of a project, the scale and mass of the buildings, or how a building orients on a site or relates to the public realm of the neighborhood.

Further Considerations
The following approaches should be considered to develop a more context-appropriate range of housing options, specific to the three-distinct neighborhood and housing contexts envisioned in the Master Plan:

- **“Building type” approach.** Consider standards that focus on the building form and scale, arrangement on the lot, and relationship to the block and streetscape, rather than an abstract density number.
- **Range of building types.** Focus on transitions between small-lot detached houses (currently 3,785 s.f. lot) and other small-scale, multi-unit buildings (3 to 4 stories; 3 to 20 units).
- **Mix of building types**. Identify appropriate typologies permitted in various districts (“by right,” subject to specific limits, or through discretionary review); focus on the R-4 or R-5 district for enabling the broadest mix of small-scale, multi-unit building types for use on the edge areas of downtown, transition areas to mixed use areas, portions of the Burlington Corridor.
- **Housing.** Promote building and site design standards to emphasize human-scale patterns, promote neighborhood character, avoid over-emphasis on car access and parking, particularly in zoning districts or contexts where compact, small-format (but higher density) patterns are enabled.
- **Building arrangement.** Consider a “courtyard” pattern for the arrangement of some building types around a common open space – this can be particularly strategic for infill situations, on deeper lots and blocks, or in mixed-use redevelopments.
- **Apartment complexes.** Maintain the R-3 district for more conventional, larger scale development.
- **Mixed-Use building types.** Enable upper level residential.
**Downtown**

The Master Plan suggests a Form-based Code for downtown. There are different approaches and degrees of integrating form-based principles into development codes. The most effective approach is to develop a block/street specific “regulating plan”. However, other options exist that can similarly mitigate some of the shortfalls of the current downtown zoning district (C-2). The discussion on these specific approaches is intended for the next phase of this project, and the general direction to more form-based strategies is recommended. The plan is also organized on the concept of two specific “typologies” for downtown – mixed-use commercial, and mixed-use residential. However, these typologies are too simple to address all of the various contexts and transition areas in and around Downtown.

**Further Considerations**

The following specific comments fall under these overarching plan themes and will help explore these issues and the appropriate approaches throughout the Discussion phase:

- **Drive-through facilities.** The current approach is use-based (i.e. bank teller vs. fast food). The location, arrangement and design of how car-oriented sites interface with the street and block are the crucial elements for downtown development.

- **Small-scale, mixed-use.** Consider a building type approach for urban scale and format (2K – 10K s.f. lots; 2 to 4 stories). Determine on a block-by-block basis which streets should require this type, versus which streets enable it. Specifically consider:

**Key Topics:**

- Drive-through facilities.
- Small-scale, mixed-use.
- Site design.
- Building types.
- Mixed-use.
- Housing types.
- Light industrial mix.
- Design guidelines.
Stipulating 2-, and 3-story building scale in all cases; eliminating the CP2 allowance for up to 144'; consider the design and market implications of 4- to 8+ story buildings.

Specify buildings by a required front building line – a specific strategy to engage the street front with placement, orientation and design of building facades and site frontages, rather than the permissive approach of allowing but not requiring a generic 0’ setback.

Coordinate design guidelines with different building types – some may be applicable for only certain types, others may need to get more explicit for certain types.

*Site design.* Specify standards and allowances for other site elements (by building type, by street/block, or generally) based on existing precedents from NKC or other communities. Include frontage design, access and parking locations, smaller open/civic spaces and other elements that determine how development relates to the public realm and downtown context.

**Building types.** Determine buildings that are appropriate, and whether any design or location limitations are appropriate for downtown, transition areas, or surrounding areas.

**Mixed-use.** Strengthen option for upper-level residential, while also promoting upper-level office or services.

**Housing types.** Better integrate options for other residential building types (beyond upper levels of mixed-use buildings), considering the applicability of small-scale, multi-unit buildings on the edges or in transition areas (See Housing comments).

**Light industrial mix.** Consider the impact this has on the Industrial Transition area (i.e. try to avoid a new I-T zoning), and/or how to integrate with the Gateway Commercial area policies (Burlington Corridor, discussed below). If building scale and form standards are emphasized in these areas, a complimentary sub-district approach to uses could include the following distinctions for permitted uses: BCOD North, BCOD South, Industrial Transition mixed-use, Downtown Expansion mixed-use Downtown Core mixed-use.

**Design guidelines.** Consider whether more specific standards and requirements are necessary on certain blocks and/or of other blocks or transition areas warrant relaxing these standards.
Similar to Downtown, the Master Plan notes that a better strategy is necessary for the Burlington Corridor. The current Burlington Corridor Overlay was established in response to the vision of the 2007 Burlington Corridor Plan. This plan left many challenges to codifying design strategies unresolved due to questions regarding the public realm investments, the timing and transition of new private investment, and to what extent the character of the corridor could change from industrial or conventional mixed-use. Many of these challenges remain, however in the context of a comprehensive code update, there is an opportunity to reconcile a new approach to the corridor with the structure of the code and existing zoning districts, and advancement on the streetscape investments also help identify the practicality of different development patterns in the area. Also similar to downtown, the detailed discussion on these specific approaches is intended for the next phase of this project, and the general direction to more form-based strategies is recommended.

**Further Considerations**

*The following specific comments fall under these overarching plan themes and will help explore these issues and appropriate approaches throughout the Discussion phase:*

- **Appropriate uses.** In association with the revised use table, determine the appropriate mix of uses in the corridor and if transitions along the corridor warrant a more nuanced approach.  
  *(Note: the plan implies that a new base district should simply replace the BCOD based on the Gateway Commercial boundary; yet other commentary notes that sub-districts and transitions should be analyzed. The plan does not provide complete guidance on policies or transitions in this area, so this should be further considered in the Discussion phase in a similar manner to Downtown.)*

- **Appropriate building types.** Conduct a more detailed analysis of existing conditions, precedents and prototypes of comparable building types. Areas nearest downtown will more easily be accommodated by this approach, as it will be easier to codify the compact and urban building types.

- **Context and flexibility.** Consider where and how allowances for different scale (footprint and height), format/orientation (urban, street-front vs. car-oriented, setback), and design (mixed-use storefronts vs. office vs. flex / industrial) of buildings or building types should occur.

**Key Topics:**

- **Appropriate uses.**
- **Appropriate building types.**
- **Context and flexibility.**
**Mixed-Use and Commercial, Generally**

In addition to the unique contexts of Downtown and the Burlington Corridor, the Master Plan anticipates commercial and mixed-use development in other areas. Two specific areas are the Planned Mixed-Use area (which will maintain the previous codified strategy) and the Suburban Commercial areas (which are more geared to car-oriented development). However, the zoning update will need to consider other opportunities for mixed-use and commercial development, whether in more specific detail than anticipated within these plan framework areas, or for future application and updates to all of the non-residential district standards generally.

**Further Considerations**

*The following suggestions will help explore these issues and the appropriate approaches throughout the Discussion phase:*

- **Urban context.** Promote mixed-use building types and development patterns in most non-residential districts; particularly C-2, the downtown edges and industrial transition areas, mixed-use areas, and the Burlington Corridor.

- **Contemporary context.** Reconsider the C-3 district. Generally, it is very difficult to promote both “mixed-use” patterns and enable large-scale, car-oriented retail in the same district. These are two distinct development contexts, which often lead to mismatches between standards and investments.

- **Neighborhood-scale commercial.** Reconsider how the C-1 district should be used, if at all. There is not a good district for enabling compact, walkable and mixed-use development outside of downtown contexts. This district could be re-purposed for that, particularly if the C-3 is reserved for more conventional development, as suggested above.
The Master Plan includes policy statements on Parking Management Plans, noting that more deliberate and creative solutions to parking. This will primarily involve policy, investment and management functions. However, the regulations need to support this with standards that prioritize specific public interests in regulation parking in different contexts, rather than simply ensuring there is “enough” private parking on individual sites. The current standards are typical of most zoning ordinances and do show some opportunities for better context and administrative flexibility of parking requirements.

Further Considerations
The parking standards should be clarified and strengthened through the following considerations:

- **Contextual parking strategies.** Provide flexibility for areas where on-street, shared, district or public parking is possible. While the ordinance currently has some reduction criteria at different thresholds, these should be simplified, clarified and made administrative.

  **Typical code thresholds for this include:**
  - No requirement in specific contexts (as is currently the case for NKC downtown / C-2);
  - No requirement for uses under a certain square footage (i.e. under 1,500 s.f.) to encourage small-scale formats which add vitality to walkable areas; promote uses with a high turnover of easily-sharable spaces; and avoid expensive site investments for small-scale, often entrepreneurial business;
  - On-street parking credits, typical at the block scale of 600 feet;
  - Bike-parking credits, if the use is likely to draw bicycle traffic or the use is near a bicycle network;
  - Reduction in minimum requirements for specific contexts where other transportation is feasible (i.e. 25% reduction for compact, walkable areas; 40% reduction within certain distance of reliable transit, etc.);
- Allowances for shared parking (location sharing or peak time sharing) and district parking solutions (currently in the NKC ordinance);
- Maximum parking standard (either converting minimum to a maximum; or maximum is certain percentage above minimum; or alternatively, not allowing a site to go over the maximum without some additional site design and mitigation strategies), tied to a specific context rather than looked at as something punitive. NKC currently uses 150%, so consider lowering this, or having a lower maximum that triggers mitigation. Further, later sections do require mitigation for percentages over the minimum – this should be simplified and coordinated with the “maximum” requirement.

- **Design standards.** Emphasize on location, size, and design standards that mitigate the impacts of parking on the public realm (aesthetic impacts and environmental impacts).
- **Current models and status quo.** The shared parking regulations use the ULI model. This model and table should be coordinated with updates in the use table. Further, in association with other reduction or flexibility standards, this should at least be a “by right” administrative process rather than a conditional use permit.
- **Required parking table.** Focus particularly on criterion that are difficult to interpret and enforce (i.e. “per employee” standards).
- **Mitigating required parking.** The Master Plan discusses the idea of eliminating minimum parking, except for residential uses. As many projects will still need parking (even if not by regulation), some uses tend towards providing too much parking at the expense of the context or site design. However, the idea that uses will not need parking (other than the downtown context where it is shared or managed with on-street parking and at a district level) or that parking is only provided in large quantities due to regulations, is not realistic for North Kansas City’s context.
SITE DESIGN / URBAN DESIGN STANDARDS

The Master Plan places a strong emphasis on “placemaking” – emphasizing the economic impact of vibrant, social, and human-scale places. It recognizes many diverse contexts within the City where the strategies and concepts should vary, while promoting an overall theme of improving the image and identity of the City and coordinating development standards with public realm investments (streetscapes, gateways, smaller social spaces). Although the zoning analysis recommends citywide design standards, other portions of the plan emphasize streamlining standards, promoting flexibility, and tailor standards towards specific contexts. To balance these interests, a framework for urban design elements should be created that build upon the zoning frameworks suggestion to regulate primarily “building scale, height, location relation to the street and general massing requirements”. Based on the building types, different contexts, and different urban design characteristics of places identified in the plan, the approaches to these common elements may vary as necessary or alternatively provide a mechanism for flexibility called for in the plan. One of the primary drivers for when or how building design standards should change will be the character and function of the public realm elements surrounding the project. Distinctions and transitions will be most important with respect to regulations impacting Downtown and the Burlington Corridor as mentioned in the above discussions on each. However, strategies identified for those area may have some application to the city-wide regulations on these same topics.

Key Topics:

✓ Landscape standards.
✓ Small social spaces.
✓ Building-type design.
✓ Flexibility.
✓ Public realm design.
Further Considerations
The following approaches can help identify the appropriate level of design standards for both the city-wide regulations, and with respect to any building-, area- or district-specific variations or alternatives:

- **Landscape standards.** Revise specific planting requirements for different contexts and components of a site but emphasize the relationship of sites to the streetscape and public realm.
- **Small social spaces.** Include standards for the design and function of “open spaces” and not simply a quantity.
- **Building-type design.** Promote simple scale, form and design standards for different building types. However, not all contexts warrant the same treatment, and the recommendation for “citywide architectural and design standards” should be avoided – particularly if the development standards trend towards a “building type” approach. In this case, basic form, scale and massing standards can be specific to each building type to avoid contrived designs that can result for generic city-wide standards.
- **Flexibility.** Make a clear distinction of the following:
  - **Base development requirements.** Only deviated from by BZA variance;
  - **Alternative compliance.** Standards with a clear “design objective” or “performance standard,” where an “equal or better” alternative can be administered through the permitting process (administrative or discretionary);
  - **Exceptions.** Other design standards that may not be applicable in every circumstance, and relief may range from administrative (identified in code; approved by staff) to discretionary (not specifically in code; approved by PC or CC);
  - **Guidelines.** These are recommended practice, but typically not required unless it is a discretionary approval (in which case not being able to meet the guideline can be a criterion that dis-favors the application).
- **Public realm design.** Develop standards for streetscapes, gateways, and other open and civic spaces. Note that many of these may implicate the subdivision regulations (which currently are very weak on these types of standards, but heavy on process) or Title 12 on Street, Sidewalks and Public Space in the City Code (which is more public safety oriented, rather than development and urban design oriented). The street types in the Master Plan should be codified, and improvement or refinement of these standards (particularly for improved street parking and/or improved pedestrian amenities) for different contexts should be considered in this process.
SUMMARY

The following are initial observations from the preliminary analysis; these issues will continue to be discussed with staff, stakeholders and public officials throughout the Discussion phase of the project and prior to creating the initial draft of the regulations:

- **Organization and Simplification.**
  - Establish a logical organizational framework for the entire zoning ordinance. The proposed framework in the master plan (Appendix B, page 18) is a starting point, but discussion of options and strategies in this report will require revisiting this to ensure the best grouping and approach to development standards.
  - Simplify standards using a combination of plain language drafting (removing legalese, even with no substantive change), converting text to tables wherever possible, and supporting or replacing text with supporting graphics.
  - Convert all district and use standards to a simplified use table; consolidate uses where appropriate; eliminate districts where they may be redundant; and revise which uses are enabled in each district and how (i.e. accessory use, permitted use, conditional use).

- **Flexibility.**
  - Build in flexibility, balanced with better predictability by using intent statements, design objectives, performance standards and clear decision-making criteria.

- **Housing Options.**
  - Improve housing options with a more refined approach to residential development standards – consider a “building type” approach the better accounts for small-scale, multi-unit formants as opposed to the current “density approach”

- **Urban Design and Social Spaces.**
  - Consider alternative patterns for lot and building arrangements (such as courtyard layouts) that can facilitate infill, development on deeper lots or blocks or new mixed-use areas.
  - Create a basic city-wide approach to urban design / site design based on common site and building elements that should be regulated (i.e. access, frontages, landscape design, building scale and mass, building orientation, etc.), but consider where variation of the standards should occur.
  - Coordinate development standards with improved public realm standards (i.e. streetscape, open spaces, etc.).

- **Building Type Approach.**
  - Explore form-based standards for Downtown emphasizing the small-scale, mixed-use building type(s) – 2K to 10K lot, 2- to 4-story; document prototypes of other building types and use a block- or street-scale analysis on where and how other building types should be enabled in downtown, or in the transition areas between downtown and other city-wide framework areas.

- **Commercial Areas.**
  - Create a more refined approach to uses in Downtown, the Burlington Corridor, and the Industrial Transition Area; base these considerations on the improved city-wide use table but consider sub-districts where certain future or established use categories should be prioritized.

- **Parking Standards.**
  - Improve parking standards by emphasizing flexibility in the quantity and design required in different contexts, and by focusing the public purpose on mitigating the impacts of parking rather than only ensuring each site has enough parking.