



Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

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DIRECTOR'S INTERPRETATION

TO: Unified Government of Wyandotte County/Kansas City, Kansas
FROM: Gunnar Hand, AICP, Director of Planning
DATE: September 27, 2022
SUBJECT: Required, Allowed, and Prohibited Compliance with the Narrow Lot Design Guidelines

The question presented to the Director of Planning and Urban Design (“Director”) is the conditions under which compliance with the Narrow Lot Design Guidelines (NLDG) is required, the conditions under which compliance with the NLDG is allowed, and the conditions under which compliance with the NLDG is prohibited when doing so would violate the lot’s applicable zoning district regulations. The Director interprets the NLDG as mandatory for all vacant lots east of Interstate-635 that are (1) within the R-1 District or are engaging in uses under the R-1 standard, and fail to meet the area minimum of Section 27-454(d)(3)b, or (2) within the R-1(B) District or are engaging in uses under the R-1(B) standard, and fail to meet the area minimum of Section 27-455(c)(3)a or the frontage minimum Section 27-455(c)(3)b; the Director interprets the NLDG as mandatory for all new construction within the Lower-Medium Density Residential land use district under the Northeast Area Master Plan; the Director interprets the NLDG as allowed—but not required—for all vacant lots east of Interstate-635 that are (1) within the R-1 District or are engaging in uses under the R-1 standard but which meet the area minimum of Section 27-454(d)(3)b, or (2) within the R-1(B) District or are engaging in uses under the R-1(B) standard but which meet the area minimum of Section 27-455(c)(3)a and the frontage minimum Section 27-455(c)(3)b; the Director interprets all other lots as prohibited from complying with the NLDG if such Guidelines violate district requirements.

I. The Authority and Discretion of the Director

Per Section 27-218(a), the “director of planning shall have authority to make all written interpretations concerning the provisions of these regulations and the official zoning map”.

II. Facts of the Question

A. Applicable Zoning Code

1. *NLDG as Applied to the R-1 and R-1(B) Districts.*

The zoning district regulations are linked to the NLDG on three (3) occasions, in Sections 27-454(d)(3)b and separately in both Sections 27-455(c)(3)a and 27-455(c)(3)b.

Section 27-454(d)(3)b states that a parcel within the R-1 Single-Family District shall not have a total area “less than 7,150 square feet per dwelling unit; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of [I]-635, if such lot contains less than 7,150 square feet and was owned as a separate lot on May 20, 1969, and is not and has not been a part of a larger ownership since that date. Residences east of [I]-635 shall be in accordance with the narrow lot design guidelines incorporated herein by reference dated February 18, 2008.”

Section 27-455(c)(3)a states that a parcel within the R-1(B) Single-Family District shall not have a lot width “less than 50 feet measured at the building line; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of I-635 that is less than 50 feet wide and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date. Residences east of I-635 can build at any width; given that the building is in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.”

Section 27-455(c)(3)b states that a parcel within the R-1 Single-Family District shall not have a total area “less than 5,000 square feet per dwelling unit; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of I-635, if such lot contains less than 5,000 square feet and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date. Residences east of I-635 shall be in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.”

2. *Application of Planned Districts to Equivalent Districts.*

Per Section 27-434, the RP-1 Planned Single-Family District is equivalent to the R-1 Single-Family District, and the RP-1(B) Planned Single-Family District is the equivalent to the R-1(B) Single-Family District. Thus, all regulations under Section 27-454 apply to the RP-1 District, and all regulations under Section 27-455 apply to the RP-1(B) District.

3. *Application of R-1 or R-1(B) District Standards for Single-Family Uses Within Other Districts.*

- a. *Application of R-1 District Standards.* Section 27-456(b)(1) states that a parcel within the R-2 Two-Family District allows for single-family dwellings “under the standards and requirements of [the R-1] [D]istrict”.

Section 27-464(b)(3)c states that a parcel within the C-1 Limited Business District allows for single-family dwellings “under the R-1 requirements”.

Similarly, Sections 27-465(b)(1) (C-D Central Business District) and 27-466(b)(1) (C-2 General Business District) allow “[a]ny use permitted in the C-1 [L]imited [B]usiness [D]istrict”, and Section 27-567(b)(1) allows “[a]ny use permitted in the C-2 [G]eneral [B]usiness [D]istrict”.

- b. *Application of R-1(B) District Standards.* Section 27-457(b)(1) states that a parcel within the R-2(B) Two-Family District allows for single-family dwellings “under the standards and requirements of [the R-1(B)] [D]istrict”. Similarly, Section 27-458(b)(1) states that a parcel within the R-3 Townhouse District allows for single-family dwellings “under the standards and requirements of [the R-1] [D]istrict”.

4. *NLDG as Applied to the Northeast Area Master Plan.*

The NLDG are linked to the Northeast Area Master Plan, which states that properties located within the “Lower-Medium Density Residential areas must follow the [N]arrow [L]ot [D]esign [G]uidelines”.

B. Request for Interpretation

1. *Within the R-1 and R-1(B) Single-Family Districts.*

The language of Sections 27-454(d)(3)b, 27-455(c)(3)a, and 27-455(c)(3)b contains reference to the Narrow Lot Design Guidelines, but none of the subsections offer unambiguous textual instruction as to which lots 1) must comply with the NLDG, 2) may comply with the NLDG, and 3) are prohibited from complying with the NLDG in order to deviate from zoning district regulations.

Section 27-454(d)(3)b, titled “Lot area” in the Zoning Code, defines the minimum lot size of a parcel in the R-1 District as no “less than 7,150 square feet per dwelling unit”. The next sentence, however, states that residences east of Interstate-635 “shall be in accordance with the narrow lot design guidelines incorporated herein by reference dated February 18, 2008”. This sentence, while incorporated into the R-1 District lot area regulations, appears to operate separate from the first sentence. Therefore, a textual reading of the Section 27-(d)(3)b does not make it clear whether all R-1 parcels east of Interstate-635 are subject to the NLDG, or if only such parcels zoned R-1 that do not meet the minimum lot area. Secondly, it is unclear if the parcels in the group subject to the NLDG *must* comply with the NLDG or *may* do so at the discretion of the property owner.

The relevant language of Sections 27-455(c)(3)a (“...Residences east of I-635 can build at any width; given that the building is in accordance with The Narrow Lot

Design Guidelines incorporated herein by reference dated February 18, 2008.”) and 27-455(c)(3)b (“...Residences east of I-635 shall be in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.”) are similarly worded as Section 27-454(d)(3)b, and thus present the same ambiguity as to which parcels are subject to the NLDG, and if so, under which conditions is compliance with the NLDG required or optional.

2. *Within the RP-1 and RP-1(B) Planned Single-Family Districts.*

As the RP-1 and RP-1(B) Districts are the planned equivalents of the R-1 and R-1(B) Districts, respectively, an interpretation is therefore necessary in order to clarify the ambiguous language addressed above in II.B.1.

3. *Within Other Districts Permitting Single-Family Dwelling Uses Under the R-1 and R-1(B) Single-Family District Standards.*

As Section 27-456(b)(1) allows for single-family dwellings within the R-2 District, under R-1 District standards, an interpretation is therefore necessary in order to determine the conditions under which a single-family dwelling within the R-2 Two-Family District must, may, or must not comply with the NLDG.

As Section 27-464(b)(3)c allows for single-family dwellings within the C-1 District, under R-1 District standards, and as Sections 27-465(b)(1) and 27-466(b)(1) permit any uses allowed within the C-1 District, and as Section 27-467(b)(1) permits any uses allowed within the C-2 District, an interpretation is therefore necessary in order to determine the conditions under which a single-family dwelling within the C-1 Limited Business, C-D Central Business, C-2 General Business, or C-3 Commercial Districts must, may, or must not comply with the NLDG.

As Sections 27-457(b)(1) allow for single-family dwellings within the R-2(B) District, under R-1(B) District standards, and as Section 27-458(b)(1) allow for single-family dwellings within the R-3 District, under R-1(B) District standards, an interpretation is therefore necessary in order to determine the conditions under which a single-family dwelling within the R-2(B) Two Family and R-3 Townhouse Districts must, may, or must not comply with the NLDG.

4. *Within the Lower-Medium Density Residential Land Use District (Northeast Area Master Plan).*

The Northeast Area Master Plan only references NLDG in a single sentence: “Lower-Medium Density Residential areas must follow the [N]arrow [L]ot [D]esign [G]uidelines”. Therefore, an interpretation must clarify how this sentence regulates new and existing buildings and building types within the Northeast Areas Master Plan’s Lower-Medium Density Residential land use district.

III. Interpretation of the Zoning Code

There are two (2) questions to answer. The first is the conditions under which the option to apply the NLDG to a lot may be considered. The second is conditions under which compliance with the NLDG is required instead of merely allowed.

A. The Narrow Lot Design Guidelines Apply Only to New Development on Previously Undeveloped or Demolished Lots

1. *Within the R-1 Single-Family District.*

As Section 27-454(d)(3)b currently reads, there appear to be at least two (2) conditions that must be met in order for a lot within the R-1 District to be able to use the NLDG. First, the lot must be less than 7,150 square feet. Second, the lot must be located east of Interstate-635. Although no other requirements are explicitly contained within the language of the subsection, there is an implicit understanding that the NLDG may only be in effect if the lot in question is undeveloped (i.e. unimproved, improved without structures, or demolished) at the time. To interpret the Code otherwise would be to allow or require the NLDG to apply to every R-1 lot that is both under 7,150 square feet and east of Interstate-635, regardless of any primary residence, accessory building, or other existing improvements on the land. Such an application would result in either massive structural renovations or a series of variances in order for existing improved lots to meet the NLDG.

2. *Within the R-1(B) Single-Family District.*

The relevant language in Section 27-455(c)(3)a is phrased differently than the other subsections in question (“...Residences east of I-635 can build at any width; given that the building is in accordance with The Narrow Lot Design Guidelines....”), but is more textual explicit in its instructions. It is clear that this subsection allows a residence to be constructed on any lot within the R-1(B) District and east of Interstate-635, regardless of frontage, so long as the development complies with the NLDG.

Section 27-455(c)(3)b regulates lot area within the R-1(B) District, the equivalent to Section 27-454(d)(3)b within the R-1 District. As both subsections address minimum lot areas and the exceptions from, identical language from independent sentences in both subsections should also be interpreted in the same manner. Therefore, within the R-1(B) District, the NLDG may only be in effect if the lot in question is undeveloped at the time.

3. *Within the Lower-Medium Density Residential Land Use District (Northeast Area Master Plan).*

The Northeast Area Master Plan simply states that “Lower-Medium Density Residential areas must follow the [N]arrow [L]ot [D]esign [G]uidelines”. To interpret this statement as requiring all existing residences and other buildings to retroactively comply with the NLDG would generate an untenable level of variances and/or renovations and cause unnecessary hardship on the Unified Government and property owners alike. Therefore, the text must be interpreted as to require that only

new construction on vacant lots within the Lower-Medium Density Residential land use district must comply with the NLDG.

B. Required and Allowed Compliance with the Narrow Lot Design Guidelines for New Development

1. *Compliance with the NLDG is Required.*

- a. *Within the R-1 District or Under R-1 District Standards.* Required compliance with the NLDG can extend both to identified lots within the R-1 District or for identified new single-family dwellings within other zoning districts but subject to the R-1 District standards.

The only application of the NLDG is found in Section 27-454(d)(3)b. As this subsection has been interpreted to apply only to undeveloped lots that are both east of Interstate-635 and which have an area of less than 7,150 square feet, compliance with the NLDG is only required within the R-1 District for lots that meet both of the aforementioned conditions.

Compliance is similarly required for new single-family residences allowed directly or indirectly under Sections 27-456(b)(1) or 27-464(b)(3)c on lots that are both east of Interstate-635 and which have an area of less than 7,150 square feet.

- b. *Within the R-1(B) District.* Under Section 27-455(c)(3), there are two (2) similar but separate sets of conditions for application of the NLDG.

- i. Section 27-455(c)(3)a clearly allows an exception to the frontage minimum for lots east of Interstate-635 so long as the development of said residence complies with the NLDG. Therefore, compliance with the NLDG is required for all undeveloped R-1(B) lots east of Interstate-635 with a frontage of less than 50 feet. For these lots, a variance from the frontage minimum is not required as Section 27-455(c)(3)a provides an explicit exception.
- ii. As Section-455(c)(3)b has the same language as Section 454(d)(3)b, the interpretation of the former subsection is the same as the interpretation for the latter. Therefore, as Section-455(c)(3)b has been interpreted to apply only to undeveloped lots that are both east of Interstate-635 and which have an area of less than 5,000 square feet, compliance with the NLDG is required within the R-1(B) District for lots that meet both of the aforementioned conditions.

Such compliance is similarly required for new single-family residences allowed under Sections 27-457(b)(1) or 27-458(b)(1) on lots that are both east of Interstate-635 and which have either a frontage of less than 50 linear feet or an area of less than 5,000 square feet.

- c. *Within the Lower-Medium Density Residential Land Use District (Northeast Area Master Plan).* The Northeast Area Master Plan clearly states that “Lower-Medium Density Residential areas must follow the [N]arrow [L]ot [D]esign [G]uidelines”. This interpretation has previously established that the NLDG only

apply to new construction on previously vacant or demolished lots, as compliance by existing buildings would be impractical and an unnecessary hardship. Therefore, all new construction on previously vacant or demolished lots within the Lower-Medium Density Residential land use district of the Northeast Area Master Plan must comply with the NLDG, regardless of lot frontage, lot area, or zoning district.

2. *Compliance with the NLDG is Allowed.*

- a. *Within the R-1 District.* Section 27-454(d)(3)b grants an exception to the minimum lot area for existing residences on lots west of Interstate-635 “if...[the residence] was owned as a separate lot on May 20, 1969, and is not and has not been a part of a larger ownership since that date”. The next sentence of the subsection states that “[r]esidences east of [I]-635 shall be in accordance with the narrow lot design guidelines incorporated herein by reference dated February 18, 2008”. It has been previously stated within this Interpretation that this last sentence must be understood to apply only to new construction on an undeveloped lot. The proximity of the sentence granting exceptions for certain lots west of Interstate-635 and the sentence linking certain lots east of Interstate-635 to the NLDG, however, does indicate that the latter sentence could also hold some exception which may—but not must—be utilized. Therefore, any new development on a lot east of Interstate-635 and which is compliant with the lot area minimum set forth in Section 27-454(d)(3)b may adhere to the NLDG; optional compliance also applies to all new single-family dwellings permitted directly or indirectly by Sections 27-456(b)(1) or 27-464(b)(3)c. All development granted the option to adhere to the NLDG must comply in full, and no variances arising from adherence to the NLDG are permitted.
- b. *Within the R-1(B) District.* Section 27-455(c)(3) also grants exceptions for any existing residence west of Interstate-635 “that is less than 50 feet wide and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date” (§27-455(c)(3)a), or “if such lot contains less than 5,000 square feet and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date” (§27-455(c)(3)b). In Section 27-455(c)(3)a, the following sentence makes it clear that development east of Interstate-635 “can build at any width[,] given that the building is in accordance with the [NLDG]”, and therefore consideration of the proximity of other exceptions is necessary to make an interpretation. While lots with a frontage less than 50 feet must comply with the NLDG, lots with a frontage of 50 feet or greater have the option to either comply with the NLDG or to comply with the regulations of Section 27-455. In Section 27-455(c)(3)b, however, the language is the same as of Section 27-454(d)(3)b, and therefore is similarly interpreted as holding some exception which may—but not must—be utilized. Therefore, any new development on a lot east of Interstate-635 and which is compliant with the lot area minimum set forth in Section 27-454(c)(3)b may adhere to the NLDG; optional compliance also applies to all new single-family dwellings allowed by Sections 27-457(b)(1) or 27-458(b)(1). All development

granted the option to adhere to the NLDG must comply in full, and no variances arising from adherence to the NLDG are permitted.

IV. Interpreted Standards for the Requirements and Eligibility for Narrow Lot Design Guidelines

A. Compliance with the NLDG is required for any parcel that satisfies one (1) of the following sets of conditions:

1. General Residential Uses

a. An undeveloped lot (either vacant land or a previously demolished structure); and,

b. Located east of Interstate-635; and,

c. Satisfies one (1) of the following sets of zoning district requirements:

i. R-1 Requirements

(a) Within the R-1 Single-Family District, the RP-1 Planned Single-Family District, or engaging in use of a single-family dwelling in another district under the requirements and standards of either the R-1 or RP-1 District; and,

(b) Has an area less than 7,150 square feet.

ii. R-1(B) Requirements

(a) Within the R-1(B) Single-Family District, the RP-1(B) Planned Single-Family District, or engaging in use of a single-family dwelling in another district under the requirements and standards of either the R-1(B) or RP-1(B) District; and,

(b) Has a frontage less than 50 feet, has an area less than 5,000 square feet, or both.

2. Lower-Medium Density Residential Land Use

a. An undeveloped lot (either vacant land or a previously demolished structure); and,

b. Within the Lower-Medium Density Residential Land Use District of the Northeast Area Master Plan.

B. Compliance with NLDG, as an alternative to equivalent district regulations, is allowed for any parcel that satisfies one (1) the following sets of conditions:

1. An undeveloped lot (either vacant land or a previously demolished structure); and,

2. Located east of Interstate-635; and,

3. Satisfies one (1) of the following sets of zoning district requirements:

- a. R-1 Requirements, or
 - i. Within the R-1 Single-Family District, the RP-1 Planned Single-Family District, or engaging in use of a single-family dwelling in another district under the requirements and standards of either the R-1 or RP-1 District; and,
 - ii. Has an area of 7,150 square feet or greater; and,
 - iii. No additional variances arising from adherence to the NLDG are requested.
- b. R-1(B) Requirements
 - i. Within the R-1(B) Single-Family District, the RP-1(B) Planned Single-Family District, or engaging in use of a single-family dwelling in another district under the requirements and standards of either the R-1(B) or RP-1(B) District; and,
 - ii. Has a frontage of 50 feet or greater; and,
 - iii. Has an area of 5,000 square feet or greater; and,
 - iv. No additional variances arising from adherence to the NLDG are requested.
- C. The following lots shall not adhere to the NLDG in violation of said lots' zoning district regulations:
 - 1. Any lot with existing development, including standing structures that have not or will not be demolished before new construction commences, but not including paving or other flatwork, grading, nor installation of utilities; or
 - 2. Any lot west of Interstate-635; or,
 - 3. Any lot not within the R-1 or R-1(B) Single-Family Districts, the RP-1 or RP-1(B) Planned Single-Family District, or not engaging in use of a single-family dwelling in another district under the requirements and standards of the R-1, RP-1, R-1(B), or RP-1(B) District.