

CITY OF KIRKWOOD

KIRKWOOD BY DESIGN

Zoning and Subdivision Code Update



INTRODUCTION

The purpose of this document is to provide an evaluation of the existing Kirkwood code sections that relate specifically to land use, development, signs, and subdivisions as part of the Kirkwood by Design project, which seeks to modernize those codes and implement multiple planning efforts. In particular, the project will evaluate and update the following four elements of the Kirkwood Municipal Code:

- Chapter 2, Article VII, Division 3: Architectural Review Board
- Chapter 5, Article II: Sign Code
- Appendix A: Zoning
- Appendix B: Subdivisions

These codes have been updated over the years to address ongoing issues and/or to make minor strategic changes as policies have changed in the community. The recent completion of the EnVision Kirkwood 2035 Comprehensive Plan and the Downtown Kirkwood Master Plan provides an ideal time to step back and take a more comprehensive look at all of the codes to implement those planning efforts as well as generally modernize the codes.

The intent of this evaluation report is to summarize the strengths and weaknesses of the existing code in terms of usability, organization, and substantive standards, and to provide options for improvement. This document also includes a proposed outline for the new regulations with a recommended approach that will ultimately result in a reorganization to allow for easier use and understanding of the codes. The recommendations of this report are based on discussions the consulting team had with staff, the steering committee tasked with overseeing the project, elected and appointed officials, and stakeholder groups who all provided insight into the City's current regulations and helped guide the recommendations within this document. The recommendations are also based on the consulting team's experience with drafting regulations for communities across the nation.

It is important to keep in mind that this evaluation does not necessarily identify every issue or individual problem with the existing code but tries to focus on broader issues that will need direction prior to the text amendments.

PART 1: MAJOR AREAS OF CHANGE

The current Kirkwood codes that are subject to this update have been periodically updated over the last several decades but with the completion of the City's comprehensive plan, it was time to undertake a comprehensive review of the various development-related codes. After reviewing the documents and facilitating discussions with staff, City Council, the Planning and Zoning Commission, the Architectural Review Board, Landmarks Commission, various stakeholder groups, and the project steering committee, the following are some key areas of change that should be addressed in the update of the various codes. The intent of this part of the evaluation is to provide an overview of the areas of major change summarized below, followed by a more in-depth discussion on the following pages:

1. Undertake a complete reorganization and reformatting of the codes to improve usability and to eliminate inconsistencies and conflicts;
2. Implement the recently adopted EnVision Kirkwood 2035, the City of Kirkwood's recent comprehensive plan as well as other planning efforts;
3. Clarify the roles of staff and the boards as well as the procedures for development review that each group utilizes;
4. Restructure how the City identifies permitted uses and modernize permitted use regulations; and
5. Strengthen and enhance the substantive standards of the code that include regulations for landscaping, parking, and signage.

1. Reorganization and Reformatting of the Codes

Kirkwood by Design includes the evaluation and update of the four different sections of the Kirkwood Code as noted in the introduction. While all four of these sections address land use and development across the City of Kirkwood, they have historically been located in different chapters and appendices with some internal cross-referencing. While this type of organization is not completely unusual, there are several changes that can be made to greatly increase the usability of the codes and clarify requirements. For example, by consolidating the zoning and subdivision appendices into a singular chapter, it can potentially make it easier to establish that public improvements (e.g., sidewalks, utilities, and streets) may be required as part of a development that is not within a subdivision but will still be subject to the same standards and reviews. Another example is that the establishment of the Board of Adjustment, including the board's roles and duties, are located in the zoning appendix yet the same information for the Planning and Zoning Commission and Architectural Review Board are located in Chapter 2, Article VII (Boards and Commissions) of the Kirkwood Code. In order to improve the general layout and organization of the codes, the City should consider the following changes to make it easier to find standards and improve overall usability.

1(A) REVISE THE STRUCTURE OF THE CODES

In terms of user-friendliness and the ability to locate particular standards and review procedures, the current code is not well organized. As stated above, there is not a lot of consistency of the organization of the codes. This lack of organization and flow not only makes finding the appropriate requirements difficult but also substantially increases the possibility of conflicting standards.

The usability of the various codes can be improved when the chapters, articles, and sections are ordered based on functions such as administration, review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). Because the current codes are located in four distinct chapters or appendixes, we recommend the following tasks for reorganization:

1. As stated earlier, there is no real need to keep the zoning and subdivision standards in independent appendixes. In fact, there are often regulations that apply to both development and subdivisions and the consolidation of these regulations into a unified code makes it much easier to establish the appropriate applicability. For this reason, we recommend that the current two appendixes for zoning and subdivision be combined into a singular code with updated applicability standards to make it clear where public improvements standards apply. Furthermore, we recommend that the regulations be shifted to a formal chapter, rather than appendix, to be consistent with the other regulations in the City. There is no known reason why these codes currently reside as appendixes and moving them to a chapter just creates more consistency with the rest of the Kirkwood Municipal Code. In addition to this consolidation, we also suggest the following new table of contents. An annotated description of the individual articles is located in Part 3 of this report.

CHAPTER #¹: KIRKWOOD ZONING AND SUBDIVISION CODE	
Article I:	General Provisions
Article II:	Review Procedures
Article III:	Zoning Districts and Principal Use Regulations
Article IV:	Community Unit Plans
Article V:	Accessory and Temporary Use Regulations
Article VI:	General Development Standards
Article VII:	Architectural Standards
Article VIII:	Landscaping and Buffering
Article IX:	Parking, Access, and Mobility
Article X:	Subdivision Design
Article XI:	Nonconformities
Article XII:	Enforcement and Penalties
Article XIII:	Definitions

2. The basic rules for the establishment of the Architectural Review Board, as well as their roles and duties, should be maintained in Chapter 2, Article VII (Boards and Commissions) as that article is much broader than planning and zoning and includes several other boards. The actual architectural standards and guidelines found in the same division as the Architectural Review Board should be moved to the new chapter for the consolidated zoning and subdivision code.
3. In the same manner, the establishment and roles and duties for the Board of Adjustment, currently found in the zoning appendix, should be moved to Chapter 2, Article VII, (Boards and Commissions) for consistency purposes. In all cases, the roles and duties of each board will be updated if any changes are made to the administrative roles of the various boards.

¹ The appropriate chapter number will be determined prior to drafting the updated codes. Additionally, if the sign code is moved to the zoning and subdivision code, an additional article will be incorporated into the table of contents.

4. The sign code has historically been located within Chapter 5 (Building, Construction, and Housing) of the Kirkwood Municipal Code, where the regulations for fences is also located. This is somewhat unusual as many communities maintain their sign regulations within the zoning code since it has regulations tied to zoning districts and the use of land. It is completely at the discretion of the City as to whether they want to maintain the sign code in this chapter or not. However, if the City opts to move the sign code to the new chapter for the consolidated zoning and subdivision code, then we would recommend also moving the fence regulations to the consolidated zoning and subdivision code.

1(B) ILLUSTRATE ADDITIONAL KEY CONCEPTS, STANDARDS, AND PROCESSES

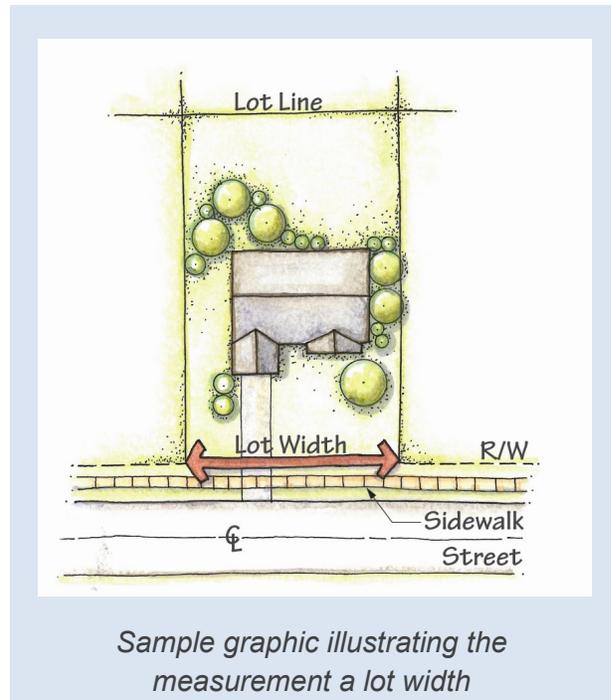
Modern codes explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. The current codes use these graphic tools in a limited manner. There are numerous standards, such as signage and parking, which would benefit from the inclusion of graphics, for the purposes of clarity. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much more simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages, and vastly improve the readability of a code.

The revised regulations should utilize illustrations, graphics, photographs, and tables to explain complex concepts and to summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.

All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new codes. Additionally, language will be included in the new General Provisions article that will clearly establish that the text of the regulations rule in case of conflict.

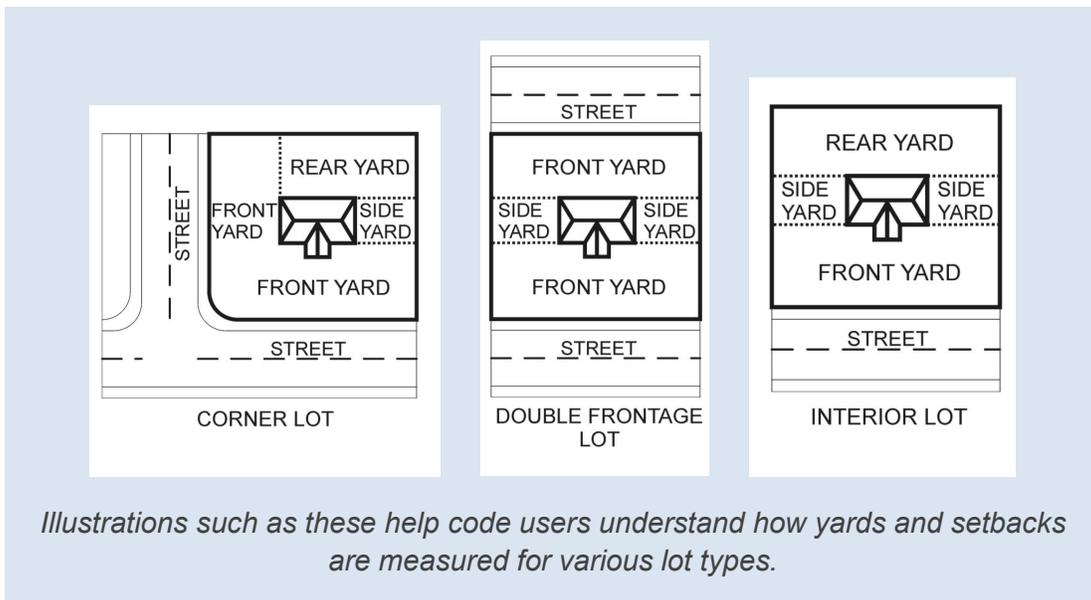
1(C) CLARIFY DEFINITIONS AND RULES OF MEASUREMENT

Many of the ongoing issues identified by stakeholders and staff have to do with questions of interpretation when it comes to definitions or how certain requirements are measured. For example, the City currently has requirements for how building heights are measured based on the grade of the surrounding area. While this seems like a very basic regulation, the issue that has come up is measuring the height for buildings on lots with different types of topography (e.g., a slope that rises from the street up (front of a basement area might be visible) versus where there is a slope downward from the front of the lot to the rear (walk-out basement scenario). The updated codes will work to clarify



these different scenarios as well as provide more graphics, where reasonable, to help establish more clarity for those types of rules of measurement.

In addition to clarifying rules of measurement, the new combined zoning and subdivision code will have a single, consolidated set of updated definitions that will greatly expand on the list of terms that are defined in the code but will also eliminate any potential for inconsistencies by having definitions scattered throughout the regulations. The new definitions chapter will serve as the glossary focused strictly on definitions. Currently, the City incorporates some development regulations within the definitions such as the regulations for restaurants with outdoor seating or those for family day-care homes. Instead, those regulations will be updated and relocated to more appropriate chapters in the codes such as regulations for accessory or principal land uses.



2. Implement Goals and Objectives of the EnVision Kirkwood 2035 & Other Long-range Plans

The City adopted the EnVision Kirkwood 2035 comprehensive plan in 2017 through a resolution passed by the City's Planning and Zoning Commission, establishing a long-term vision for the community. Zoning and subdivision regulations are just one of the tools available to the City in its efforts to implement parts of the plan. While some of the implementation will take place through the other recommendations outlined in this report, such as streamlining review procedures or enhancing development standards, there are still others that will allow the City to take the next steps in implementing the plan's vision that are highlighted below.

2(A) STRENGTHEN STANDARDS FOR INFILL HOUSING DEVELOPMENT

One of the major topics of discussion during the EnVision Kirkwood process was the growing number of infill homes, where a new house is either built on a vacant lot in an established neighborhood or where an older home is torn down and a new and significantly larger home is built in its place. Residents have

become concerned over this trend because many of the homes are perceived to be completely out of scale or character with the surrounding neighborhoods. The current Architectural Review Board (ARB) regulations establish an advisory role for the ARB in single-family home development along with some basic guidelines for infill development. However, while the ARB review itself is mandatory, and the board uses those guidelines as a point of making a decision, the board's ultimate decision is advisory. This is due to the fact that a property owner can opt to wait for a period of six months following the ARB review before building however they want as long as it meets the basic site standards including lot area and setbacks. While many applicants do not opt out of the ARBs recommendations, residents have still taken issue with some of the new construction being too out of scale with the neighborhoods. For this reason, the comprehensive plan specifically sets out an objective that states **“Establish more prescriptive design standards that address in-fill housing design standards, materials, and construction methods”** under the Housing and Neighborhood Goals.

To determine how much support there would be for actually incorporating more prescriptive standards for infill development into the codes, the consulting team developed an online survey for residents to react to specific questions on residential infill development. At the close of the survey on June 17th, there were 645 responses. Approximately 56 percent of respondents supported increasing the ARB's authority to make decisions that are binding on applicants, with 22 percent satisfied with the current level of review, 15 percent preferring staff-level review, and only 7 percent supporting elimination of architectural review altogether. Over 65 percent of the responses show support for creating stronger standards for infill development related to scale, massing, height, setbacks, and architectural character. In regards to architectural standards, respondents showed a lack of support for requiring infill development to use building materials that are compatible with the homes on the same block, with almost 52% opposed to these types of regulations.

For all of the above reasons, the new code should include more prescriptive standards for residential infill development that focuses on issues related to setbacks, mass, height, and the general scale of the new building supplemented with additional images to demonstrate appropriately scaled infill development. Furthermore, the role of the ARB in residential development review should be increased so that their decision on a single-family development application is binding so that an applicant cannot wait out a decision.

2(B) EXPAND HOUSING CHOICE OPPORTUNITIES IN APPROPRIATE AREAS

One of the overall housing goals for the City of Kirkwood is to **“promote development of a variety of housing types to accommodate residents based on population age, abilities and socio-economic needs.”** This can be somewhat of a challenge for communities such as Kirkwood that is predominantly built out with a significant amount of single-family detached housing. However, both the Comprehensive Plan and the Downtown Kirkwood Master Plan promote the idea of encouraging higher density housing in appropriate areas, generally as part of a mixed-use development and/or around the downtown area to allow for connectivity to the downtown core. To accomplish this, you first have to understand that zoning is only part of the solution as there still needs to be a market demand and developers willing to construct new housing types, which may require additional efforts by the City. The code update will work to remove any barriers to developing different types of housing with supplemental standards to make sure that such development blends in with the designated areas.

One approach to removing the barriers will be to incorporate more form-based residential development concepts, particularly in multi-family residential districts and in districts that make up downtown. Form-based regulations are where the building form, setback, and general character of the structure is more of a priority than the specific land use, which in this case are the number of dwelling units. For example, instead of simply stating that multi-family dwellings are permitted in the R-5 and R-6 Districts, the new use table might list certain types of attached housing types permissible (e.g., rowhouses, apartment houses, apartment buildings, four-plexes, etc.) and then make it as easy as possible to develop the most desired types of buildings, with each building type having to meet special architectural design standards, if desired by the City. Additionally, this type of approach can be used to expand how multi-family buildings might be constructed in downtown provided they do not take away from the commercial streetscapes the City is trying to encourage, as outlined in the Downtown Master Plan.



The image on the left is an “apartment house” that looks like a large single-family home but accommodated 4 to 6 units. The image on the right is a traditional set of rowhouses that are one form of a multi-family dwelling.



The image on the left illustrates multi-family uses that are commonly called court or garden apartments while the image on the right is a traditional apartment building.

2(C) REVIEW AND UPDATE REGULATIONS FOR VILLAGE RETAIL AREAS

The City of Kirkwood has some very distinctive business areas such as downtown and their regional commercial areas, but the City also has a number of smaller retail areas that are more neighborhood-focused that tend to form just around intersections. The City has made some adjustments to their zoning code in recent history to address these village retail areas but this process should continue those efforts as the plan identified the need to **“review existing zoning regulations for identified neighborhood village retail areas.”** This type of review will involve making sure that the uses allowed are appropriate for the village retail areas as well as taking into account that most of these areas developed decades ago, prior to the current zoning regulations, so there are nonconformity issues as well as potential conflicts in trying to meet modern standards for parking, landscaping, and signage. This update process will take into consideration the special needs for these areas as we move through the code text.

2(D) IMPLEMENT RECOMMENDATIONS OF THE KIRKWOOD PEDESTRIAN AND BICYCLE MASTER PLAN

In addition to goals for housing and commercial areas in the City, the comprehensive plan also focuses on mobility and infrastructure goals. Like many other communities, Kirkwood has embraced the importance of supporting all types of transportation including walking and biking. The comprehensive plan specifically calls out the objective to **“implement the recommendations of the Kirkwood Pedestrian and Bicycle Master Plan.”** Implementing these types of plans tends to take the form of investing in capital improvements to add trails, extend sidewalks, or improve streets in general without much concern for zoning. That being said, there are some improvements that can be made to the codes that can help implement the master plan as part of private development. For example, the new codes can require that where the master plan provides for off-street trail connections or improvements, such improvements need to be incorporated into any site plan review. Additionally, if there are areas where there are no sidewalks now, the code can require the extension of sidewalks if the site is adjacent to an existing sidewalk. Finally, many communities are now mandating internal pedestrian connectivity on a site that provides for safe walking between a public sidewalk and a public entrance to a commercial building. All of these improvements should be considered as part of the Kirkwood by Design process.

3. Clarification of Roles and Procedures

One of the more important attributes of an effective code is that procedures are efficient, logical, and easily understood by the average user. In particular, the board or department responsible for review should correspond with the required level of review.

One key step in the revision of the code will be clarifying the review procedures, eliminating excess “red-tape” where possible, and creating efficient review procedures.

3(A) MODIFY THE ARCHITECTURAL REVIEW PROCESS

As part of the effort to create more prescriptive standards for infill residential development, it is recommended that the Architectural Review Board have more authority when it comes to single-family homes. Currently, the Architectural Review Board only has binding decision-making authority over

development in downtown and for multi-family dwellings. Based on the recommendations from the comprehensive plan and the input gathered through the initial online survey for this project, we recommend extending that binding authority to single-family residential development when it is an infill development (i.e., not part of a completely new subdivision). That extension of authority, as well as the process, will be incorporated into the updated review procedures as part of this project.

3(B) CONSOLIDATE PROCEDURES INTO ONE SECTION AND CLARIFY REVIEW CRITERIA

The trend in land use regulations is to consolidate all procedural provisions into one main section. This enables the code user to locate, in one place, all procedures and the applicable review criteria governing each type of development review (e.g., zoning amendments, special uses, subdivisions, variances, architectural review, etc.). Currently, the city lacks clear information on the applicability and the individual steps in a review procedure. Additionally, there is a lack of review criteria for some procedures, which are needed to guide board or staff members as they make their decisions.

This report recommends consolidating all of the review procedures found in the current zoning code, subdivision code, and architectural review code under one article to make it easier to use and help readers understand the relationships among different procedures. Each procedure should include common sections (e.g., applicability, initiation, procedure, review criteria) so that the procedures are presented in a consistent format and order. Additionally, the article can include a common review requirements section outlined below.

3(C) DEVELOP A SECTION ON COMMON REVIEW REQUIREMENTS

The City lacks some general regulations regarding information that applies to all review procedures. These regulations are typically referred to as “common review requirements” that are established in a section before the detailed review procedures. This introductory section will include important information that is relevant to all procedures. For example, this new section could include provisions covering such common topics as public notice and public hearing requirements, authority to apply, and application filing fees, where the separate fee schedule is referenced but not included.

3(D) INCORPORATE AN ADMINISTRATIVE WAIVER PROCEDURE

One new procedure that the City should consider including in the new code is an administrative waiver procedure. This procedure would permit staff to modify a set of certain dimensional standards, such as setbacks and lot widths, under a set of given criteria and in a limited manner. This type of authority saves an applicant the time and expense of applying to the BoA for certain minor variances and allows the Planning and Zoning Commission to also consider a minor modification at the same time it is reviewing any development plans subject to their review. In practice, the provision has been most valuable to the average homeowner seeking a minor modification of dimensional standards, for example, to build a deck or fence.

Typically, staff is authorized to grant these minor waivers only if the modification advances the development code’s purposes, results in fewer impacts, or relieves practical difficulties associated with an unusual site. This authority is typically capped at a maximum percentage of change allowed, for example, up to a 10% change in a quantitative lot dimension or area standard, but not for items such as signs. In cases where the development plan would go to the Planning and Zoning Commission, the Commission would have the same authority.

3(E) BROADEN THE APPLICABILITY OF EQUIVALENCY PROVISIONS

The current code includes language under Subsection 220.2 that allows the City Council, after recommendation from the Planning & Zoning Commission, to approve modifications to certain development standards if the developer goes ‘above and beyond’ in certain development criteria. This process is new to the City and could benefit from additional structure. A similar procedure that could be incorporated is sometimes referred to as equivalency provisions, which are typical of modern codes and is highly encouraged. This is a method by which, in this case, the Planning and Zoning Commission can allow for an applicant to propose an alternative to a standard that essentially is equal to or better than a standard they are otherwise subject to. This is not the same as a variance as a variance allows for the reduction or elimination of a standard whereas this provision allows for an approach that may be better than the applicable standard. This can be very useful in the consideration of standards such as landscaping when unique products or even public art may be an effective and creative alternative to a fence or buffer. This code language should be clarified to establish it more as part of a clear review procedure with stronger language on what it takes to demonstrate that the proposed alternative is, in fact, a better approach to meeting the proposed standards.

3(F) ELIMINATE SUBMITTAL REQUIREMENTS

The current code lists the exact number of plans, maps, and information required to be submitted as part of many of the review procedures. Not only does this add to the length of the codes, it complicates matters when the City wants to amend the submittal requirements because the lists are part of the adopted zoning text and any change requires a zoning text amendment. We recommend the specific application submittal requirements be removed from the new code and maintained as a checklist in an administrative manual or document outside of the codes. This makes the codes less cumbersome and ensures changes in application submittal requirements can be easily made without formal amendments to the codes.

3(G) ADD TRANSITIONAL REGULATIONS

The current codes do not fully address what happens to applications that are under review at the time the zoning code is amended and the updated code becomes effective. We recommend incorporating a new section called “transitional regulations” within the first article that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new codes or amendments are adopted. The provisions will allow an application, in general, to be processed under the rules in place at the time a complete application is submitted. Additionally, the transitional regulations section will include language stating that violations prior to the enactment of the revised codes shall remain violations after the effective date of the code. These provisions will also address what happens if a permit expires and the new codes are in effect.

3(H) INCLUDE A COMPLETE APPLICATION PROVISION

Part of the overall improvement to the new codes should be clarifying the steps in various review procedures. In order to ensure accountability and responsibility for moving applications forward for the City and applicant, the City should consider a “complete application” requirement. A complete application provision explicitly authorizes the City Planner to review submitted applications and to make a determination that they are “complete” and should be formally accepted for further review and action.

The provision, which would apply to all development applications, would state that no processing would begin on an application until after a formal determination by staff that such application is “complete.” Applications are complete when they contain all the required exhibits, including reports, maps, and plans, and are accompanied by the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to have to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the City from processing incomplete applications, which is frustrating to staff, decision-makers, and the applicant. Generally, if the staff determines an application is “incomplete,” and therefore unacceptable for further processing, the staff is required to notify the applicant in writing of any deficiencies they find.

Typically, staff should have no more than three to five business days to review and make a determination that an application is complete. An applicant, in turn, would have a prescribed period to remedy the deficiencies and resubmit, or risk rejection of the application.

4. Restructure the Permitted Use Provisions

One of the key purposes of this rewrite is to evaluate the existing district structure and make it easier to identify permitted uses and related use regulations (e.g., accessory uses, home occupations, etc.). During all of the discussions related to the existing code, it appears that the overall district structure (i.e., the number and types of zoning districts) the City currently has generally works for Kirkwood. That does not mean that the boundaries of the districts on the zoning map don’t need to be reevaluated in some areas, it simply means that there does not appear to be a need to add, remove, or consolidate any current zoning districts. However, there are a number of changes the City can make to the codes that will greatly enhance how people can use the code to determine what uses are permitted, how they are permitted, and where they are permitted. To address these issues, we recommend the City consider the revisions outlined on the following pages

4(A) CLEARLY DEFINE AND REORGANIZE PERMITTED AND SPECIAL USES

Currently, the only way a person can identify what uses are permitted in a particular zoning district is to go to the section of the zoning code for the applicable district and read through a laundry list of permitted and/or special uses. These lists are established for each individual district, which makes it very difficult to compare differences between multiple zoning districts. Modern zoning codes use permitted use tables that quickly identify what uses are permitted within each zoning district, and how they are permitted (e.g., permitted by-right, permitted with additional or special standards, or permitted as a special use). This is a very effective way of easily showing how certain uses are permitted, or not, across all districts in the City in one table. The updated zoning and subdivision code should include a permitted use table instead of maintain the long list of uses under separate sections.

TABLE 1218-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS																			
Land Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	Base Zoning Districts																	Use-Specific Standards	
	A	RSF-1	RSF-2	RSF-3	RSF-4	RTF	RFF	RMF	PF	OR	DB	GB	NB	HB	OS	O	O/IP	-	See Section:
Agricultural Uses																			
Agricultural (Raising of Crops)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural (Limited Livestock)	C																		
Community Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1218.04(b)
Mulch Processing Facility	C																		1218.04(c)
Wholesale Greenhouses	C																		
Residential Uses																			
Bed and Breakfast Establishments	C	C								C	C								1218.04(d)
Dwellings, Four-Family								P	P										
Dwellings, Multi-Family									P										
Dwellings, Single-Family	P	P	P	P	P	P				P									
Dwellings, Three-Family								P	P										
Dwellings, Two-Family								P	P										
Dwellings, Zero Lot Line Double								P											
Group Homes	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C	PS/ C									1218.04(e)
Skilled Nursing or Personal Care Facilities									C		C		C	C					1218.04(f)
Transitional Housing	C	C	C	C	C	C	C	C	C	C									1218.04(g)
Public, Institutional, and Recreational Uses																			
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1218.04(h)
Cemeteries	C	C	C	C	C	C	C	C	C	P									
Cultural Facilities	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	C		
Educational Institutions (Higher Education)										C					C	C	C		

Example of a permitted use table from another community that shows the list of districts across the top (color coded by district type) and a partial list of permitted uses along the left-hand column. The “P”, “PS”, “C”, or a blank cell identifies how the use is permitted in the given districts. Please note, a conditional use is the equivalent of a special use in Kirkwood.

In addition to consolidating the uses and districts into a use table, the updated code should completely revise how the City lists and defines uses that are allowed in Kirkwood. Right now, the City essentially tries to list out very specific types of land uses even though the general function of the uses is similar. For example, in the Current B-2 General Business District (Downtown), some examples of listed uses are art supply stores, book stores, camera and photography supply shops for retail sales, clothing stores, florist shops, gift stores, jewelry stores, etc., all of which are considered to be retail stores. This approach to identifying allowed uses can be a challenge for communities. First, this level of specificity can make it very easy to overlook certain uses (for example, a musical instrument store doesn't seem to be allowed downtown) while also making it difficult to address new uses. As an alternative, we recommend that this approach should be modified so that the land use terms in the table are simple, yet descriptive, and then are paired with stronger definitions for each of the terms. An example would be that instead of the very specific types of retail stores previously identified, there would be one land use type called “retail sales” and a new definition of the term “retail sales” that would include a definition of retail sales as well as a list of illustrative examples that does not try to be an exhaustive list of examples.

In addition to reevaluating how the City lists and defines specific use types, part of the update should include a complete evaluation of how the uses are permitted in each zoning district. Currently the City either permits a land use in a district, or the use is a special use that requires an extra approval from the Planning and Zoning Commission and City Council. This is not entirely uncommon, however, there

are a number of uses that may be appropriate in various zoning districts without needing a special use approval if such uses just met special design or site standards (e.g., lot size and setbacks). One example of this is that restaurants are a special use in all districts where they are allowed, yet restaurants tend to be desired uses in downtown as well as other commercial districts. Unless there is a very specific reason why a restaurant needs to be a special use everywhere, we recommend using this update process to determine if there are certain use-specific standards that could be added to the codes whereby restaurants, in this example, could be permitted provided they meet those standards. This type of evaluation will need to take place with other uses as well but if that approach is desirable, then those uses would be listed as “Permitted with Standards” in the use table and any use-specific standards would be enumerated following the use table, with a cross-reference to the appropriate section.

4(B) CLARIFY ACCESSORY AND TEMPORARY USE STANDARDS

The City has established what accessory uses and temporary uses are permitted in the City with provisions listed under each zoning district. We recommend consolidating all of the accessory and temporary use regulations into a new article that will focus only on these types of uses. Consolidating them into their own article will make them easier to find by a user and since much of Kirkwood is residential, accessory uses are going to be an on-going issue. The following are some general improvements that should be considered during the update:

- All of regulations need to be reorganized to clarify where and how each individual accessory use is permitted within each zoning district. This will be accomplished through the creation of a use table for accessory uses similar to the type proposed for principal uses as discussed earlier. This approach will ensure consistency in the use of terms and standards regardless of the zoning district.
- The list of allowable temporary and accessory uses will be expanded to cover some commonly overlooked accessory uses such as accessory day care facilities (business or institutional uses), urban agricultural uses, accessory retail services (in industrial and public or institutional uses), community gardens, clothing/donation drop-boxes, play structures, and others based on additional discussions with staff and the steering committee.
- The standards should more clearly establish rules for the most common accessory uses such as satellite dishes, swimming pools, and detached structures, many of which the city already has a reasonable set of standards but where some modernization is necessary. For example, one of the major complaints related to accessory buildings are the setback requirements. The general requirement is that buildings be set back a minimum of five feet from the lot lines. While this works for smaller accessory buildings, rather small in scale or height, a five-foot setback seems to be too little when accessory buildings are closer to two stories. The accessory use regulations need to be updated to consider the scale and size of accessory buildings when determining the required setback.
- As stated in earlier sections of this report, there is a desire to accommodate new housing options throughout the city. The previous section of this report highlights how changing some of the

requirements for permitted principal uses can remove barriers to housing development in certain areas of the city. Another change that can help with housing choice and affordability is allowing accessory dwelling units, which are secondary dwellings that contain a full housekeeping unit (e.g., bathroom, kitchen, and sleeping area) and can take the form of a dwelling unit above a garage, or an entirely separate accessory building. In surveying residents as part of this code update project, 73 percent of respondents supported allowing accessory dwelling units provided it did not increase the amount of accessory buildings allowed on a lot and that there were prescriptive standards for the units that could include that the property owner had to live on the lot (similar to requirements for bed and breakfast establishments) as well as general standards for size and location.

Provisions for accessory dwelling units should be incorporated into the updated code.



The image above is an example of an accessory dwelling unit incorporated into a garage.

5. Strengthen the Substantive Standards

One priority of the update to the codes is to maintain and improve the quality of development while making standards easy to understand and related to the purpose of the zoning and subdivision. This can be accomplished by upgrading the development standards within the codes and integrating new standards as needed. The following is a series of recommendations on how to improve the standards within the existing code sections

5(A) PARKING, ACCESS, AND MOBILITY

One major article of the updated code will address parking requirements as well as other related issues including access, mobility, and connectivity. While some of these issues, particularly related to sidewalks and connectivity are discussed in earlier sections of this report, this is a section of the code that will need a comprehensive review. The comprehensive plan even calls out the objective to **“review the parking code and investigate the need for new parking standards to meet city-wide market demand, while protecting residential neighborhoods.”** as an important recommendation under the Mobility and Infrastructure goal. Some changes the City should consider include:

- The vast majority of regulations related to off-street parking are located in the performance standards section of the zoning code but we are recommending that they not only be modernized but also be moved to one consolidated article of the new code. This is because in addition to parking regulations, the article should be expanded to address additional access management, mobility, and connectivity requirements as outlined in previous sections of this report.
- The City should establish clear standards for the overall design of all vehicular use areas to improve traffic flow and appearance. This also includes addressing what kinds of materials are appropriate for surfacing given the increase use of porous pavements and/or pavers to improve stormwater flow.
- The off-street parking requirements should be evaluated and updated to reflect modern standards and ratios based on current best-practices. There are multiple different approaches to how to establish parking requirements that we will discuss with the steering committee to gather more guidance on the best approach for Kirkwood. As part of this discussion, we will evaluate the different parking needs and impacts on various areas of the City including downtown, where the City recently modified parking requirements for the “Downtown Master Plan Study Area” based on the adopted Downtown Master Plan.
- The new code will include updated regulations for stacking spaces (drive-through queues). With a growing demand for drive-through facilities for banks, restaurants, and other uses, it is important to provide some basic design principles for such activities to reduce conflict with other traffic movements. Furthermore, the City can establish standards that would maximize how such waiting areas are located and screened from view.
- The City needs to establish clear regulations and examples for residential parking and driveways.

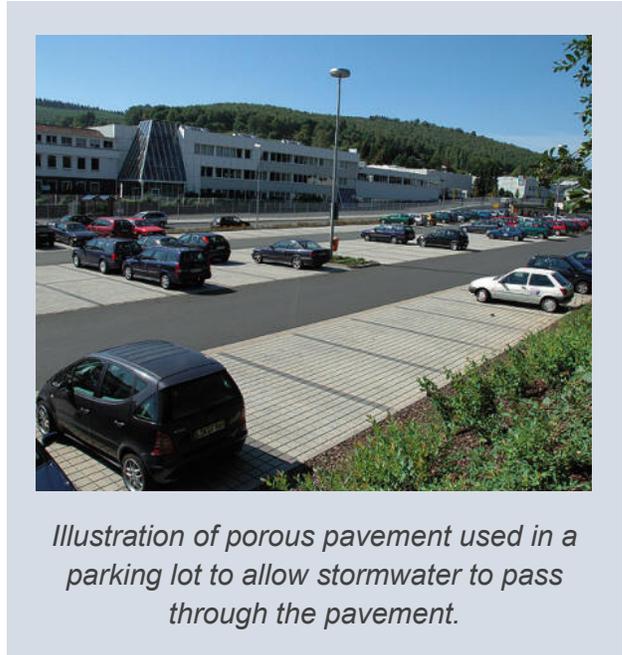


Illustration of porous pavement used in a parking lot to allow stormwater to pass through the pavement.

5(B) LANDSCAPING AND BUFFERING

As with parking requirements, the City has some landscaping requirements but the standards seem limited to basic site landscaping and parking lot landscaping with minimal requirements for landscaped screening or buffering, especially between different types of land uses. Additionally, the comprehensive plan specifically called out an objective to **“integrate native plantings into city projects and private development that are low maintenance and require minimal care.”** For these reasons, we recommend the following improvements to the landscaping standards.

- New standards should be incorporated that establish minimum requirements for the size and diversity of landscaping. Diversity requirements for the types of trees is becoming more important with the growing number of species-specific disease and insect infestations. This is also where language can be added to encourage or require the use of native vegetation in response to the comprehensive plan recommendations.

- The landscaping section would benefit from a reorganization to clarify applicability and differentiate between site landscaping, parking lot landscaping, and screening.
- We will work with staff and the steering committee to determine if there is a need for stronger buffering requirements that would require a certain level of landscaping between land uses of different intensities.

5(C) SIGNAGE

The City's sign code (currently located in the Building, Construction, and Housing chapter of the Municipal Code) will need to be completely reevaluated. The current standards are significantly in conflict with current case law which largely prevents any community from regulating signs based solely on the message of a sign. For example, the City currently has different regulations for real estate signs and political signs, as compared to other temporary signs. Those regulations hinge upon the message of the sign (a real estate sign is defined as a sign with a real estate message of "for rent" or "for lease"). That type of distinction has to be eliminated.

- We will be conferring with the City Attorney but in general, the updated sign regulations will only make distinctions between signs based on:
 - The sign structure (e.g., monument sign, wall sign, awning sign, banner sign, etc.);
 - Whether the sign is a permanent or temporary sign;
 - Whether the message is related to off-premise or on-premise activities;
 - Whether the message is commercial speech or noncommercial speech (free speech); and
 - How the signs are illuminated (no illumination, internal illumination, external illumination, digital messaging, etc.).
- There is not an extensive amount of information on how signs are measured for area or height. This will need to be incorporated and supplemented with graphics for ease of understanding. This along with the very broad guidelines for the architectural review of signs could potentially limit flexibility and creativity in the design of signs. For example, one guideline requires that signs should be compatible with signs in the surrounding area. This is not clear enough to define what "surrounding area" means nor does it recognize the potential that the previously existing signs may not be a good model of comparison. This type of language needs to be updated to provide clarity but also establish better guidelines that give a little more flexibility to both applicants and the architectural review board to allow for more creativity.
- The City should consider allowing banner signs to be used as an interim sign option as a business moves into an existing building or is working to determine the best sign design. The temporary sign regulations need to be very clear on what types are allowed and for what duration. Additionally, some small temporary signs should be exempt from the permit requirement.
- Overall, the sign regulations need a complete overhaul to reflect modern regulations while still allowing for a reasonable amount of signage to ensure business visibility.



Example of a temporary banner sign being used as an interim sign until the new permanent sign can be installed.

PART 2: ANALYSIS OF EXISTING CODES

This portion of the report sets forth a broad level review of the current codes and identifies any proposed changes in either organization or substance based on our initial discussions with staff, City Council, appointed board members, stakeholders, and the steering committee. The intent of this section is not to provide line-by-line edits, but to identify key issues that should be addressed in the code update process.

Chapter 2, Article VII, Division 3—Architectural Review Board

This division sets forth the basic rules for the establishment of the Architectural Review Board (ARB), along with its roles and responsibilities. Unlike other divisions in this article, it also currently contains a lot of additional information on review procedures, a separate list of definitions, and specific architectural design standards for single-family homes and nonresidential structures. The following is a list of some of the significant changes suggested for this division:

- As discussed in the first section of this report, the advisory role of the ARB will be changed so that approval is mandatory for residential infill projects.
- The separate list of definitions found here will be consolidated with other definitions in the zoning code. The definitions will be reviewed and clarified if needed. New words and images will be added where necessary.
- Any design criteria found in this section will be consolidated into the zoning code in the new Article VII (Architectural Standards) to ensure that design standards for single-family, multi-family, nonresidential, and signs are all in the same place. In that new article, more prescriptive standards for single-family development will be incorporated to clarify expectations and improve review consistency. The design criteria for nonresidential properties will likely be enhanced by creating more refined zones that will allow for standards that more specifically address the needs of commercial districts of varying characters, such as the neighborhood village retail areas. In addition, sign design guidelines will be clarified to address any content neutrality issues.
- Any review procedures/processes found here will be consolidated into the zoning and subdivision code in the new Article II (Review Procedures).

Chapter 5, Article II—Sign Code

The City's sign code is currently housed in Chapter 5 and is not part of the zoning code. Consolidation of the sign code with the zoning code is a formatting option discussed in the first section of this report, but if the City opts not to do so, the information will stay here as a stand-alone section. In either location, the sign code requires major changes to comply with recent case law that generally requires sign regulations to be content neutral, meaning that the City cannot create different regulations based on the actual message of the sign. The first part of this report spells out several suggested major changes to the sign code, including addressing case law issues. The following are some additional issues that will need to be addressed when updating this portion of the code:

- More regulations should be incorporated to address sign issues in residential zoning districts including, but not limited to, the amount of signage allowed for developments (subdivision

identification) and nonresidential uses (e.g., churches, schools, etc.), as well as the illumination of signs.

- There is a need for better clarification of what counts towards the calculation of signs and sign areas. These regulations need to clarify that the use of corporate colors alone may not necessarily serve as signage.
- Because the focus of the regulations has to be on the type of sign structure (e.g., monument sign, yard sign, banner sign, etc.) instead of the message, the code will be updated to address the specific types of permanent and temporary signs the City wants to allow or prohibit.
- There will be more clarification on where signs are permitted on any given lot.
- The entire section on exemptions will have to be reevaluated because many of the exemptions given are based on the content of the message. Furthermore, there is a need for more clarification on what types and sizes of signs are subject to a full review by the ARB.

Appendix A, Article I—General Provisions

Most of the technical information in this section (e.g., title, severability, and rules for construction of language) will remain unchanged. However, all of the definitions found in this article will be moved and consolidated into the new Article XIII (Definitions) of the zoning and subdivision code. Those definitions will be reviewed and clarified and additional terms may be added. Currently, several of the definitions (e.g., family day-care home, home occupation, and restaurant outdoor seating) contain specific regulations that should be relocated to the new Article III (Zoning Districts and Principal Use Regulations) or Article V (Accessory and Temporary Use Regulations), as applicable.

Appendix A, Article II—Applicability of Provisions

As currently written, the site plan review process is the primary content of this article. Procedures for other types of development review (e.g., zoning amendments, special uses, and architectural review) are scattered throughout the zoning code or other areas of the Municipal Code. The following is a list of some of the significant changes suggested for this article:

- All development review procedures (e.g., zoning amendments, special uses, subdivisions, variances, architectural review) should be consolidated into a single article as recommended in the first part of this report. Each should follow a standard format (such as applicability, initiation, procedure, review criteria) to make it easier for a user to understand the differences between procedures.
- The somewhat lengthy descriptions of the review processes can be simplified by being preceded with a section that covers “Common Review Requirements” which apply to all procedures. This way, the same text will not need to be repeated multiple times within the article. This technique will also help improve consistency between processes.
- Each procedure will need to have clear review criteria. While some level of judgement will inevitably be required, it is important to provide as much guidance as possible to ensure consistency in review.
- For all procedures, lists of submission requirements should be removed from the zoning code so that these requirements can be easily updated administratively at any time, eliminating the need for an official text amendment with every change. These lists can be incorporated as checklists for each type of application.

- The new code should incorporate an administrative waiver procedure that would allow staff to allow for minor modifications to some dimensional standards (e.g., setbacks and lot widths) as discussed in the first section of the report. This will lessen the number of small projects (such as fences and decks) that require review by the Board of Adjustment.
- The information in Section 220.2, which allows for modification of certain zoning requirements if the developer can demonstrate that other objectives are being met at a higher level, should be enhanced. This type of provision is commonly called an “equivalency provision”. Rather than being listed as an objective of the site plan review process, this language should be a clear part of a review procedure and more specific information should be provided to help guide decision makers determine appropriate alternatives.
- Section 220.6(2) (Administrative Action) provides some basic provisions for staff to review a permit and determine that the application is complete. As recommended in the first section of this report, this process will be clarified and enhanced, preventing piecemeal applications that do not allow for adequate review.
- Section 230 (Architectural Review) currently makes references to Chapter 2 to show what types of permits require review. The review procedures from Chapter 2 (Administration) will be moved to the new Article II (Review Procedures) to keep it together with site plan review, zoning amendments, and other procedures. Architectural design standards will be consolidated into the new Article VII (Architectural Standards).

Appendix A, Article III—Establishment of Districts

This small article lists the 13 different zoning districts for the City of Kirkwood and has a small requisite paragraph that references the City’s zoning map and officially incorporates it as part of the code. This information does not need to be a separate article and will be used as introductory information for the new Article III (Zoning Districts and Principal Use Regulations).

Appendix A, Articles IV, V, & VI—Residential, Business, and Industrial Districts

Articles IV, V and VI currently list each district separately with similar sections such as purpose, permitted uses, lot area requirements, etc. With the current structure, it’s extremely difficult to compare the zoning districts and there is a lot of repetition such as multiple descriptions on how to determine the lot width and setbacks. As described in the first section of this report, this code language will be significantly reorganized and some modifications to the underlying requirements will also be made. The following is a list of some of the significant changes suggested for these articles:

REORGANIZATION

- The information in the article will be significantly reorganized. Principal uses for all 13 zoning districts will be consolidated into a new Article III (Zoning Districts and Principal Use Regulations). There will be a separate Article V (Accessory and Temporary Use Regulations) that will compile all code requirements for accessory/temporary uses and the new Article VI (General Development Standards) will contain all site development standards (e.g., lot area, lot width, setbacks, etc.).

PRINCIPAL USES

- The way the City lists permitted principal uses will change in two significant ways. Wherever possible, definitions will be created that will allow lists of uses to be simplified. Also, long lists of uses will be replaced with tables that easily summarize all relevant information and make it easy to compare districts. This table will also have hyperlinked references to all use-specific standards, which will follow the table.
- Permitted uses will be evaluated and expanded (e.g., to allow for a wider variety of residential products such as rowhouses and apartment houses.)
- Some uses designated as special uses may be converted to permitted uses if the City can better define the specific issues with the uses and address them through use-specific standards rather than the catch-all special use review.

DEVELOPMENT STANDARDS

- As mentioned above, development standards (e.g., lot area, lot width, setbacks, etc.) will be moved to the new Article VI (General Development Standards). Wherever practical, these standards will be summarized in table format for ease of use and comparison. In some instances, these standards may also be simplified by consolidating repeated information into one place, (e.g., the method for determining setbacks on infill properties).
- For residential districts, setbacks will be reevaluated, paying particular attention to the types of side yard encroachments permitted on lots with small side yard setbacks. These will also likely be supplemented with new neighborhood compatibility requirements that require the evaluation of development characteristics along the same block face.
- Issues regarding the determination of building height, finished first floor height, half stories, basements, and floor area ratio will be clarified with new code language and graphics.

TEMPORARY/ACCESSORY USES

- As mentioned above, temporary/accessory uses for all districts will be moved to the new Article V (Accessory and Temporary Use Regulations). Temporary/accessory uses and regulations listed elsewhere in the code (e.g., A-1050 Devices for Generation of Energy) will also be compiled in Article V. Similar to the principal use regulations, these lists of uses will be simplified, paired with enhanced definitions, and presented in table format.
- The list of temporary/accessory uses will be updated to include those not already accounted for such as community gardens and accessory day care facilities
- For residential districts, the setbacks for accessory structures must be reevaluated. While the current setback of 5 feet is appropriate for smaller buildings, the new code will likely include a sliding scale so that larger setbacks will be required for taller structures that in some cases appear to be almost 2 full-stories tall.
- Based on the comprehensive plan, feedback from stakeholder interviews, and results from the online survey, there is significant community support for accessory dwelling units, extra living units that could be incorporated into the upper floor of a garage or in a separate accessory structure. The new Article V (Accessory and Temporary Use Regulations) would be the appropriate location for regulations relating to this new use. Restrictions will likely require the owner to live on the premises and will not allow the property to exceed regulations for the number of accessory structures, lot coverage, etc.

PROCEDURES

- Article V currently includes a section with separate procedures for mixed-use and planned development for the B-2, B-4, and B-5 districts. These review procedures need to be consolidated with all others in the new Article II (Review Procedures) and application requirements will be removed. Specific standards can be maintained here, or may be listed under review criteria in the new Article II.

Appendix A, Article VII—Special Districts (Floodplain District)

The floodplain zoning district will be reorganized in the same manner as all others. It will be listed as a district in the new Article III (Zoning Districts and Principal Use Regulations) along with its principal uses. Accessory/temporary uses will be with all other districts in new Article V.

Appendix A, Article VIII—Community Unit Plans

In the updated code, Community Units Plans will remain as a separate article (renumbered to Article IV). Application requirements will be removed from the zoning code and any procedural information will be consolidated to the new Article II. This tool is not expected to be used frequently in the future given the specific applicability requirements and is being maintained primarily for protecting existing developments.

Appendix A, Article XI—Supplemental Regulations

The information in this chapter will not undergo significant changes, but will be reorganized by moving sections to appropriate locations in the code. For example, special use procedures will be consolidated into the new Article II (Review Procedures) and submission requirements will be eliminated from the code. Communication antennas and support structures will be moved to Article III (Zoning Districts and Principal Use Regulations) like any other use that has specific standards associated with it.

The regulations for nonconforming uses and buildings will be slightly expanded to make a clearer distinction between nonconforming uses, nonconforming structures and buildings, and nonconforming lots. The entire set of updated regulations will be moved to the new Article XI (Nonconformities).

Appendix A, Article X—Performance Standards

Article X (Performance Standards) currently contains regulations for parking, loading, landscaping, stormwater regulations (by reference), lighting regulations, and devices for generation of energy. As discussed in the first section of this report, this information will be reorganized/regrouped and the parking and landscaping standards will undergo a complete reevaluation. The following is a list of some of the significant changes suggested for this article:

PARKING/LOADING

- Parking regulations will be moved to a new Article IX (Parking, Access, and Mobility). In addition to basic regulations regarding vehicular parking and loading spaces (size, quantity, and layout), this article will be expanded to include regulations for vehicular access and pedestrian

connectivity within a development site and along roads where sidewalks have not been previously installed.

- The consultant team will review best practices for parking regulations (e.g., off-street parking requirements, drive-thru requirements, change of use) and work with the steering committee to determine which methods can be incorporated into the updated city code.
- Parking regulations that apply to neighborhood village retail areas should be reexamined to ensure that these existing commercial hubs can continue to thrive and attract users who will be a benefit to the surrounding neighborhoods.
- The City should consider reevaluating the permissible paving materials to determine when porous pavements and pavers may be allowed to decrease stormwater runoff.

LANDSCAPING

- Landscaping regulations will be moved to a new Article VIII (Landscaping and Buffering), which will provide more detailed information on parking lot landscaping as well as buffering of adjacent properties.
- This section should be reorganized to make a clear differentiation between the individual requirements for parking lot landscaping, site landscaping, and screening.
- The landscaping requirements should be updated to require native landscaping and to establish minimum requirements for the size and diversity of landscaping.
- Buffer/screening requirements will be reevaluated to determine if stronger regulations are needed.

LIGHTING

- No major changes are anticipated in this section. Some minor points of clarification are needed regarding average versus minimum levels of illumination in parking lots.

DEVICES FOR GENERATION OF ENERGY

- No major changes anticipated for this information; it will simply be moved to Article V (Accessory and Temporary Use Regulations) as accessory use-specific standards.

Appendix A, Article XI—Administration

The bulk of Article XI sets forth the basic rules for the establishment of the Board of Adjustment (BOA), along with its roles and responsibilities. Within this article, there are two additional sections that cover general administration and enforcement, and violations and penalties. The only significant changes to this article are anticipated to be in reorganizing the content as follows:

- To be consistent with other boards and commissions (e.g., Planning and Zoning Commission and Architectural Review Board), the first section of this report recommends information on the Board of Adjustment be consolidated into Chapter 2, Article VII (Boards and Commissions).
- Administration and Enforcement as well as Violation and Penalties will likely be moved to the new Article XII (Enforcement and Penalties).

Appendix A, Article XII—Amendments

This Article sets forth how changes to the zoning code and map can be made. No major changes anticipated for this information; it will simply be consolidated with all other procedures in the new Article II (Review Procedures).

Appendix A, Article XIII—Conflicting Ordinance Repealed

The language in this section will be expanded and relocated to the new Article I (General Provisions).

Appendix B—Subdivisions

The information currently found in Appendix B will be fully integrated as an article of the zoning code. To be consistent, any definitions found in Appendix B will be moved to the new Article XIII (Definitions) and procedures will be consolidated with all others in the new Article II (Review Procedures). Instead of listing specific design requirements (such as street cross-sections) within the zoning code, staff would like to reference a separate design manual that is more up to date and can be regularly updated with ease. If staff has not developed the design manual in advance of the adoption of the updated code, the standards will be maintained in one section, temporarily, until such a time that the City can remove those and simply cross-reference the design manual.

PART 3: PROPOSED OUTLINE OF NEW ZONING AND SUBDIVISION CODE

The following is a proposed outline for the new Kirkwood Zoning and Subdivision Code that reflects the reorganization and major substantive changes discussed in this report. For reference purposes only, the table below sets forth the proposed structure of articles within the proposed new zoning and subdivision code only. This table is followed by a summary of the overall purpose of each article and a general description of the contents of each article.

Please note that this outline does not include the sign regulations. Should the City want to consolidate the sign regulations, as stated as an option in the first part of this report, that article will be integrated into this outline.

CHAPTER #: KIRKWOOD ZONING AND SUBDIVISION CODE	
Article I:	General Provisions
Article II:	Review Procedures
Article III:	Zoning Districts and Principal Use Regulations
Article IV:	Community Unit Plans
Article V:	Accessory and Temporary Use Regulations
Article VI:	General Development Standards
Article VII:	Architectural Standards
Article VIII:	Landscaping and Buffering
Article IX:	Parking, Access, and Mobility
Article X:	Subdivision Design
Article XI:	Nonconformities
Article XII:	Enforcement and Penalties
Article XIII:	Definitions

Article I: General Provisions

This section will include basic provisions including the purpose and intent of the zoning and subdivision code, severability, and transitional regulations. This section is not intended to include any development standards or substantive regulations but will specify that compliance with the code is mandatory.

Article II: Review Procedures

This article will summarize all of the review procedures in a step-by-step method. This section will include cross-references to the building permit procedure as necessary (administrative permitting), text and map amendments, special use permits, subdivision plats, etc. This section will also include a new section on common requirements that will include standards that apply for all procedures including, but not limited to, cross-references to the fee requirements, complete application requirements, notices, and common procedural requirements that are otherwise duplicated in all of the current procedural language.

Article III: Zoning Districts and Use Regulations

This article will establish all of the zoning districts and identify where and how uses are permitted in all of the zoning districts. The use table, described earlier in this report, will be followed by a section that contains all of the use-specific standards, whether the use is a conditional use or permitted but with additional requirements.

Article IV: Community Unit Plans

This article will incorporate the procedures and regulations for Community Unit Plans. Currently there are two variations of this planning tool and it is not anticipated that there will be an extensive use of the tool in the future so it will be largely maintained for the purpose of protecting current Community Unit Plans.

Article V: Accessory and Temporary Use Regulations

This article will contain all regulations related to accessory and temporary use regulations with improvements to allow accessory dwelling units as well as changes to better direct minimum setbacks for accessory buildings based on the height and bulk of the building.

Article VI: General Development Standards

This article will be where we propose to group a number of standards that are small enough that they do not generate a need for individual articles but are important nonetheless. For example, there will be a section on site development standards (e.g., lot area, lot width, setbacks, etc.), exterior lighting, and other supplemental regulations.

Article VII: Architectural Standards

This article will consolidate all of the architectural standards that are currently found in the code section for the Architectural Review Board. This section will include the stronger architectural standards for single-family dwellings as well as improved standards for multi-family and nonresidential development, as discussed earlier in this report.

Article VIII: Landscaping and Buffering

This article will encompass enhanced landscaping and buffering standards including recommendations for incorporating native vegetation.

Article IX: Parking, Access, and Mobility

This article will address off-street parking spaces, loading spaces, circulation, and general access that will be carried through with some changes to encourage implementation of the plan recommendations and other amendments discussed in other parts of this document. As part of the update, adjustments will be made to clarify applicability of the standards to building expansions and site changes, updating

parking space requirements, and all of the standards related to parking and access. This section will also include standards for pedestrian access within development sites and along roads where sidewalks have not been previously installed.

Article X: Subdivision Design

This article will contain the basic design and improvement requirements for subdivisions that will be pulled from the current Appendix B. The City wants to work towards having a street design manual that defines the very technical requirements for street designs including more details for street cross-sections. Once completed, those street design standards now found in the appendix will be completely removed with a cross-reference to the street design manual.

Article XI: Nonconformities

This article will incorporate updated language to address the grandfathering of any uses, structures, or lots that will no longer comply with the zoning code after the amendment is adopted.

Article XII: Enforcement and Penalties

This article will also include the provisions for enforcement of the code including violations, penalties, and remedies.

Article 15: Definitions

The last article will be the revised and updated section that consolidates all of the definitions from the entire zoning and subdivision code and incorporates any general rules of construction or interpretation that apply to the codes.

APPENDIX A: STYLE GUIDE

The purpose of this appendix is to identify the writing style we propose to use in the zoning and subdivision code text. This guide will allow the City to provide feedback on basic rules of writing and grammar style. Having an agreed upon writing style helps ensure consistency throughout the document and minimizes large-scale formatting changes at the end of the writing process. Generally, we will follow the style used consistently under the current city codes, or where not established, we will follow recommendations from *The Chicago Manual of Style*. The following highlights some of the rules that we will follow and that we would like to have agreement on before proceeding with drafting the updated codes.

Capitalization

- We will use sentence capitalization and punctuation on major headings and section titles.
- We will capitalize the phrase “the City” regardless if the phrase stands alone or is followed by a proper noun such as the City Planning and Zoning Commission.
- We will capitalize any plans, maps, or studies that the City of Kirkwood has adopted either as part of the codes we are updating or as separate documents. This includes the Comprehensive Plan, the 2018 Downtown Master Plan and Parking Study, etc.
- We will capitalize all boards including City Council, Planning and Zoning Commission, Architectural Review Board, etc.
- We will capitalize the full names of zoning districts.
- When referencing the code itself or generally identifying “this article,” or “this section,” we will not capitalize the words “code,” “article,” or “division.” However, we will capitalize the name of any formal code adopted outside of the specific chapter we are updating. For example, we will capitalize “Building Code.”
- We will not capitalize the names of processes or permits.

Numbers

- To minimize the potential for inconsistencies, we will only write out or use a number once (see next bullet). We will not write out the number and then place the numeral in parentheses (e.g., eleven (11), twelve (12), etc.).
- We will write out all single-digit numbers (e.g., zero, one, two, three, etc.) and use numerals for all other numbers (e.g., 10, 11, 12, etc.).
- In tables, we will only use numerals, regardless of the rules above.

Lists

When using vertical lists of related statements that are dependent to one another, we will use semi-colons to separate the listed items with a period on the last item. If the listed items are independent of one another, we will use the appropriate punctuation for each item.

Section Numbering

We will use the numbering system for chapters, articles, and sections as currently used for the remainder of the Kirkwood Municipal Code to ensure consistency.