AGENDA
PLANNING COMMISSION
CITY OF ROELAND PARK, KANSAS
ROELAND PARK
4600 W 51ST STREET
MAY 21, 2024 6:00 PM

I. **Roll Call**

II. **Approval of Minutes**

1. Approval of Minutes from February 20, 2024 Meeting

III. **Public Hearing**

IV. **Action Items**

V. **Discussion Items**

1. Review Zoning Code Updates

VI. **Other Matters Before the Planning Commission**

VII. **Adjournment**

Scheduled Meeting Dates

Item Number: **Approval of Minutes- II.-1.**
Committee Meeting Date: **5/21/2024**

City of Roeland Park

Action Item Summary

Date:	5/21/2024
Submitted By:	Jennifer Jones-Lacy, Assistant City Administrator/Finance Director
Committee/Department:	
Title:	**Approval of Minutes from February 20, 2024 Meeting**
Item Type:	Other

Recommendation:

Approve the attached Planning Commission minutes from February 20, 2024.

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Minutes 2.20.24	Cover Memo

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK, KANSAS
4600 W 51st Street, Roeland Park, KS 66205
February 20, 2024, 6:00 P.M.

The Roeland Park Planning Commission met on February 20, 2024.

Commissioners Present:

Darren Nielsen, Chair
Lisa Brunner, Vice Chair (online)
Mark Kohles
Macrina Abdouch
Joe Kmetz
Haile Sims (online)

Commissioners Absent: Josey Shaw

Staff: Jennifer Jones-Lacy - Assistant City Manager/Finance Director
Wade Holtkamp - Building Inspector

I. ROLL CALL

Ms. Jones-Lacy called the meeting to order. Commissioners Nielsen and Kohles were absent. Commissioner Brunner later joined the meeting online. In addition to Ms. Jones-Lacy, Building Inspector Wade Holtkamp was also present.

II. Approval of Minutes

1. Approve Minutes from January 23, 2024, Planning Commission meeting

MOTION: COMMISSIONER BRUNNER MOVED AND COMMISSIONER KOHLES SECONDED TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 23, 2024 AS PRESENTED. (THE MOTION CARRIED 4-0.)

III. Action Items

1. Review T-Mobile cell tower generator installation

Mr. Holtkamp highlighted several points from the staff report.

T-Mobile would like to apply for a building permit to install an emergency back-up generator near the Community Center to support their cell tower. Proposed is a diesel 80 kW Generac model SD080 with an added sound dampening enclosure. The generator runs a brief 5 minute weekly test cycle. It runs continuous in the event of a total power loss event. No

fuel tanks will be installed underground. The rated decibel level at 23 feet away is 74.8 db. For comparison, this is equivalent to the sound of a vacuum cleaner at 23 feet (https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf). Mature trees surround the cell town grounds further helping reduce noise levels. Nearby neighbor distances are residential apartments north, 200 ft. Residential homes west, 275 ft. Residential homes south, 385 ft.

As the cell tower is located in a residential neighborhood, we're asking the Planning Commission to review and approve the expansion. The installation of a backup generator will provide more consistent cell service for those who use T-Mobile's network in the event of a power outage. However, it would also generate consistent noise during an outage at a low volume. In addition, two mature trees would need to be removed prior to the installation. City administration will negotiate a new lease with T-Mobile and that will go to Council for final approval. For the actual expansion and installation, staff would like the Planning Commission's input and approval before proceeding.

Commissioners asked about the timing of tests for the generator and Mr. Holtkamp indicated it would only be done for about five minutes/week. They also asked about screening that exists and if additional screening would be required. Mr. Holtkamp indicated that there were arbor vitae screening that exists. Mr. Kohles stated that he would like to see dead or dying trees replaced by T-Mobile as part of this agreement. Mr. Sims concurred and stated that the trees that are being removed should be replaced. Mr. Moody stated that if trees are replaced they wouldn't necessarily need to be in the same vicinity, and could be designated by Public Works.

Several questions about the necessity of the generator and Mr. Moody indicated that staff requested T-Mobile to use a natural gas generator rather than a diesel engine but the applicant was not interested in going that route due to cost and reliability. He said he wanted the Planning Commission's clearance on whether this land use was an appropriate use for this addition.

Mr. Kohles said he would like the generator testing to be done at the same time as the JCPRD sports dome so it mitigates noise for neighbors.

Mr. Sims asked if they are removing two trees if we can mandate they replace those with four trees.

MOTION: DARREN NEILSEN MOVED AND LISA BRUNNER SECONDED TO APPROVE THE SUBMITTAL WITH THE FOLLOWING STIPULATIONS:

- THAT THE WEEKLY TEST WOULD BE AT A TIME COORDINATED ON THE SAME TIME OF DAY AS THE JOHNSON COUNTY TESTING OF THE SPORTS DOME GENERATOR
- REPLACEMENT OF THE TWO REMOVED TREES WITH A FOUR TREES A MINIMUM OF TWO-INCH CALIPER EACH
- PROVIDE EMISSIONS CONFIRMATION SHEET TO CITY BUILDING OFFICIAL THAT CONFIRMS TIER TWO GENERATOR AT A MINIMUM
- (THE MOTION CARRIED 6-0.)

Mr. Holtkamp asked if that they don't meet the second tier of emissions standards, that the permit get denied. The Commission agreed to that. They also would like to see the testing done during daytime hours.

IV. Action Items

1. Elect a Chair and Vice Chair of the Planning Commission

MOTION: LISA BRUNNER MOVED AND HAILE SIMS MOVED SECONDED TO APPROVE THE REAPPOINTMENT OF DARREN NIELSEN AS PLANNING COMMISSION CHAIR. (THE MOTION CARRIED 5-0.)

MOTION: MACRINA ABDOUCH MOVED AND JOE KMETZ SECONDED TO APPROVE THE REAPPOINTMENT OF LISA BRUNNER AS PLANNING COMMISSION VICE CHAIR. (THE MOTION CARRIED 5-0.)

V. Discussion Items

VI. Other Matters Before the Planning Commission

Ms. Jones-Lacy said that there will be a joint planning-council meeting to discuss the zoning code updates and that date is tentatively April 1st with the goal of getting everyone around the same table.

VII. Adjournment

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER SIMS SECONDED TO ADJOURN. (THE MOTION CARRIED 6-0.)

(Roeland Park Planning Commission Meeting Adjourned at 6:44 p.m.)

Item Number: **Discussion Items- V.-1.**
Committee Meeting Date: **5/21/2024**

City of Roeland Park

Action Item Summary

Date:	5/21/2024
Submitted By:	Jennifer Jones-Lacy, Assistant City Administrator/Finance Director
Committee/Department:	Admin
Title:	**Review Zoning Code Updates**
Item Type:	Discussion

Recommendation:

Review the zoning code updates previously suggested in prior joint meetings with the Planning Commission and Council as well as review additional regulations for postage stamp lots.

Details:

Chris Shires, the City's consultant with Confluence, took the feedback from the joint Planning Commission/Council meetings in April and updated the language in the following sections of Chapter 16 - Zoning and Subdivision Regulations:

- Article 2 - Definitions
- Article 4 - Zoning Districts
- Article 6 - Accessory Uses and Structures
- Article 9 - Sign Regulations
- Article 10 - Landscaping & Screening
- Article 14 - Subdivision Regulations

Those revisions are attached for review. In addition, you will find within the subdivision regulations, the addition of language defining postage stamp lots and draft regulations for said lots.

Chris will be reviewing all of the suggested changes in order to finalize the language to codify. Once the language is determined, staff will publish a notice for a public hearing to take place at a future Planning Commission meeting. The Commission will then review a draft ordinance and make a recommendation to Council for final approval at the next scheduled Council meeting.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Article 4 - Zoning Districts	Exhibit
Article 2 - Definitions	Exhibit
Article 6 - Accessory Uses & Structures	Exhibit
Article 9 - Sign Regulations	Exhibit
Article 10 - Landscaping & Screening	Exhibit
Article 14 - Subdivision Regulations	Exhibit
Presentation - 5.21.24	Cover Memo

Notes: Text from current code in black. New text in red. Includes a reordering of regulations into tables. Adds a new R-4 zoning district for townhomes and rowhouses. Includes a small modification to the first section of Division IV regarding Planned Districts but no other changes to Planned Districts.

ARTICLE 4. ZONING DISTRICTS

DIVISION I. - GENERAL PROVISIONS
Sec. 16-401. - Authorization and Regulation of Zones and Districts.
Sec. 16-402. - Zoning Districts Designated.
Sec. 16-403. - Official Zoning Map.
Sec. 16-404. - General Requirements Applicable to All Zoning Districts.
Sec. 16-405. - Prohibitions.

DIVISION II. - ZONING DISTRICTS DESCRIBED
~~Sec. 16-406. - Single-Family Residence Districts.~~
~~Sec. 16-406.1. - Single-Family Residence Districts; Exterior Surfaces, Materials and Finishes.~~
~~Sec. 16-406.2. - Single-Family Residence Districts; Wall Articulation and Windows.~~
~~Sec. 16-407. - Single-Family Residence Districts; Dimensions.~~
~~Sec. 16-407.1. - Single-Family Residence Districts; Setback Requirements for Detached and Accessory Structures.~~
~~Sec. 16-408. - Single-Family Residence Districts; Residential Parking Space.~~
~~Sec. 16-409. - Duplex Residence District.~~
~~Sec. 16-410. - Duplex Residence District; Dimensions and Parking.~~
~~Sec. 16-411. - Multiple Residence District.~~
~~Sec. 16-412. - Multiple Residence District; Dimensions.~~
~~Sec. 16-413. - Multiple Residence District; Parking.~~
~~Sec. 16-414. - Office Building District.~~
~~Sec. 16-415. - Office Building District; Dimensions.~~
~~Sec. 16-416. - Office Building District; Parking.~~
~~Sec. 16-417. - Retail Business District.~~
~~Sec. 16-418. - Retail Business District; Dimensions.~~
~~Sec. 16-419. - Retail Business District; Parking.~~
~~Sec. 16-420. - Retail Business District; Development and Performance Standards.~~
Sec. 16-406. – R-1 and R-2 Single-Family Residence Districts.
Sec. 16-407. – R-3 Duplex Residence District.
Sec. 16-408. – R-4 Townhouse/Row Dwelling District.
Sec. 16-409. – R-5 Multiple Residence District.
Sec. 16-410. – Residential Bulk Regulations
Sec. 16-411. - C-1 Office Building District.
Sec. 16-412. - C-2 Retail Business District.
Sec. 16-413. – Office and Retail Bulk Regulations.
Sec. 16-414. – Permitted and Special Uses.
Sec. 16-415. – Building Design Standards.
Sec. 16-416. – Performance Standards.

DIVISION III. - HEIGHT AND AREAS STANDARDS ~~EXCEPTIONS~~
~~Sec. 16-421. - Height and Area Exceptions; Generally.~~
Sec. 16-421. – Lot and Yard Regulations
~~Sec. 16-422. - Height and Yard Exceptions—Public or Semi-Public Buildings.~~
Sec. 16-422. - Yard Exceptions—Platted Setback Lines.
Sec. 16-423. - Yard Exceptions—Residential Districts; Front Yards.
~~Sec. 16-425. - Yard Exceptions—Required Yards.~~
Sec. 16-424. - Yard Exceptions—Sight Distance on Corner Lots.
~~Sec. 16-425. - Exceptions—Rear Yard Adjoining Alleys.~~

DIVISION IV. – PLANNED DISTRICTS
Sec. 16-428. - Planned Zoning Districts; Statement of Objectives.

CONFLUENCE

DIVISION I. GENERAL PROVISIONS

Sec. 16-401. Authorization and Regulation of Zones and Districts.

The Governing Body hereby divides the City into zones and districts, in order to regulate and restrict the location of trades and industries, and the location, erection, alteration and repair of buildings designed for specific uses, and the uses of the land within each district or zone.

Sec. 16-402. Zoning Districts Designated.

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, altering, moving or use of buildings and structures, the corporate area of the City is divided into six conventional zoning districts and five planned zoning districts.

(a) The conventional zoning districts are designated as follows:

(1) Single-Family Residence Districts.

a. R-1, Single-Family Residence District.

b. R-2, Single-Family Residence District.

(2) R-3, Duplex Residence District.

(3) R-4, Townhouse/Row Dwelling.

(4) R-5, Multiple Residence District.

(5) C-1, Office Building District.

(6) C-2, Retail Business District.

(b) The planned zoning districts are designated as follows:

(1) CP-O, Planned Office Building District.

(2) CP-1, Planned Restricted Business District.

(3) CP-2, Planned General Business District.

(4) P-I, Planned Industrial Park District.

(5) MXD, Planned Mixed Use District.

(c) The overlaying zoning districts are as follows:

(1) 47th and Mission Road Area Design Review Overlay District.

Sec. 16-403. Official Zoning Map.

The boundaries of the zoning districts enumerated in Section 16-402 shall be shown on a map officially designated as the Official Map, which map is reincorporated by reference as amended.

Sec. 16-404. General Requirements Applicable to All Zoning Districts.

(a) Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose other than is permitted in this chapter by the regulations of the zoning district in which the building, structure or land is situated.

(b) Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limits established in this chapter by the regulations of the zoning district in which the building or structure is situated.

(c) Except as otherwise specifically provided, no lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed, nor shall the density be increased in any manner, except in conformity by the regulations of the zoning district in which the lot or property is situated.

(d) Except as otherwise specifically provided, no building, structure or site improvement shall be erected, constructed, reconstructed, moved or altered except in compliance with any applicable final development plans, site plans or other development plans approved by the Governing Body or the Planning Commission. For the purposes of this section, compliance with approved plans shall include both compliance with the content of the plan drawings and compliance with any conditions or stipulations attached to the approval.

Sec. 16-405. Prohibitions.

Prohibitions from the zoning regulations of the City shall be as follows:

(a) No temporary or incomplete building nor any vehicular equipment, trailer, garage or appurtenance incident to a family dwelling, shall be erected, maintained or used for residence purposes in the City.

(b) No temporary or outwardly incomplete structure or building or excavation for a basement or foundation, and no building or structure so damaged as to become unfit for use or inhabitation shall be permitted, maintained or remain in this condition with the City for a period of more than six months, except by special permission of the Governing Body.

(c) No building material, equipment, machinery or refuse shall be stored or maintained upon a lot, tract or parcel within the City, other than during the period during which actual construction or repair operations are being regularly and continuously performed in accordance with the schedule of construction approved in conjunction with a building permit issued for these operations, as the schedule shall be amended from time to time, or otherwise beyond a reasonable period of time necessary to complete the construction or repair as

determined by the Building Inspector in his sole discretion; provided, however, that the Governing Body may waive the prohibition against the storage or maintenance in unusual cases for a limited time upon good cause shown therefor.

(d) No building, structure, or land now located within the City nor any building hereafter erected therein, shall be used or occupied for any of the following purposes, unless otherwise provided for in this article:

(1) Junkyard or junk storage room;

(2) Slaughterhouse, commercial poultry dressing or processing establishment where the use is primary and not incidental to some authorized use;

(3) Trailer camps;

(4) Circuses or carnivals;

(5) Storage or selling of volatile or explosive materials;

(6) Boarding houses or lodging houses;

(7) Flea markets.

DIVISION II. ZONING DISTRICTS DESCRIBED

Sec. 16-406. R-1 and R-2 Single-Family Residence Districts.

(a) Permitted Uses. See Section 16-414 for a list of Permitted and Special Uses.

(a) Bulk Regulations. See Section 16-410 for Bulk Regulations for Residential Zoning Districts.

(b) Accessory Structures Setbacks and Regulations. See Article 6, Accessory Uses and Structures, of Chapter 16 of City Code.

(c) Building Design Standards. See Section 16-415 for building design standards.

(d) Construction Across Lot Lines. No single-family or two-family residential building nor accessory structure shall be constructed over or across any property line, lot line, or parcel line unless approved for merger via a lot-tie agreement or re-platted. All such lot mergers and re-platting should comply with the following:

(1) Does not create a through lot that has more than two street frontages.

(2) Does not create a lot with a width greater than 150 percent of the average lot widths of all the lots within 200 linear feet measured property line to property line.

(3) Does not create a lot with an area greater than 150 percent of average lot areas of all lots within 200 linear feet measured property line to property line.

(4) Exceptions to the above standards may be approved to address unique or special circumstances of the subject property.

(e) Off-Street Parking Required. See Article 8, Vehicle Parking and Loading of Chapter 16 of City Code.

Sec. 16-407. R-3 Duplex Residence District.

(b) Permitted Uses. See Section 16-414 for a list of Permitted and Special Uses.

(a) Bulk Regulations. See Section 16-410 for Bulk Regulations for Residential Zoning Districts.

(b) Accessory Structures Setbacks and Regulations. See Article 6, Accessory Uses and Structures, of Chapter 16 of City Code.

(c) Building Design Standards. See Section 16-415 for building design standards.

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(3) Does not create a lot with an area greater than 150 percent of average lot areas of all lots within 200 linear feet measured property line to property line.

(4) Exceptions to the above standards may be approved to address unique or special circumstances of the subject property.

(f) Off-Street Parking Required. See Article 8, Vehicle Parking and Loading of Chapter 16 of City Code.

Sec. 16-408. R-4 Townhouse/Row Dwelling District.

(c) Permitted Uses. See Section 16-414 for a list of Permitted and Special Uses.

(a) Bulk Regulations. See Section 16-410 for Bulk Regulations for Residential Zoning Districts.

(b) Accessory Structures Setbacks and Regulations. See Article 6, Accessory Uses and Structures, of Chapter 16 of City Code.

(c) Building Design Standards. See Section 16-415 for building design standards.

(d) Construction Across Lot Lines. No single-family or two-family residential building nor accessory structure shall be constructed over or across any property line, lot line, or parcel line unless approved for merger via a lot-tie agreement or re-platted. All such lot mergers and re-platting should comply with the following:

(1) Does not create a through lot that has more than two street frontages.

(2) Does not create a lot with a width greater than 150 percent of the average lot widths of all the lots within 200 linear feet measured property line to property line.

(3) Does not create a lot with an area greater than 150 percent of average lot areas of all lots within 200 linear feet measured property line to property line.

(4) Exceptions to the above standards may be approved to address unique or special circumstances of the subject property.

(e) Off-Street Parking Required. See Article 8, Vehicle Parking and Loading of Chapter 16 of City Code.

Sec. 16-409. R-5 Multiple Residence District.

(a) Permitted Uses. See Section 16-414 for a list of Permitted and Special Uses.

(b) Bulk Regulations. See Section 16-410 for Bulk Regulations for Residential Zoning Districts.

(c) Accessory Structures Setbacks and Regulations. See Article 6, Accessory Uses and Structures, of Chapter 16 of City Code.

(d) Building Design Standards. See Section 16-415 for building design standards.

(e) Off-Street Parking Required. See Article 8, Vehicle Parking and Loading of Chapter 16 of City Code.

(f) Performance Standards. See Section 16-416 for applicable performance standards.

(g) Landscaping and Screening Standards. See Article 10, Landscaping and Screening of Chapter 16 of City Code.

Sec. 16-410. Residential Bulk Regulations.

The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum green space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

TABLE 16-410.1: RESIDENTIAL BULK REGULATIONS

BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	Single Family Dwelling in the R-1 Zoning District	Single-Family Dwelling in the R-2 Zoning District	Duplex and Two-Family Dwelling in the R-3, R-4, or R-5 Zoning Districts	Townhouse or Row Dwelling (3+ units) in the R-4 and R-5 Zoning Districts	Multiple family dwelling (3+ apartment or condo units) in the R-5 Zoning District	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	7,500 sq. ft.	6,000 sq. ft.	7,500 sq. ft.	n/a	7,500 sq. ft. for each building	40,000 sq ft
Min. Lot Width[1]	60 ft	60 ft	60 ft	24 ft.	n/a	100 ft
Min. Lot Street Frontage[2]	35 ft	35 ft	35 ft	20 ft	80 ft	40 ft
Front Yard Setback[3]	30/~~35~~ ft.	25 ft	30/~~35~~ ft.	25 ft	35 ft	35 ft.
Side Yard Setback[4]	5 ft (max 80% of lot width)	5 ft (max 80% of lot width)	5 ft (max 80% of lot width)	8 ft.[6]	~~20 ft (max 75% of lot width)~~ 30 ft	30 ft
Rear Yard Setback[5]	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back-to-back or back to side	~~15 ft~~ 30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	n/a	30 ft	30 ft	30 ft
Max. Building Height	35 ft (2 ½ stories)	35 ft (2 ½ stories)	35 ft (2 ½ stories)	35 ft	~~40~~ 50 ft (3 stories)	35 ft[7]
Min. Green Space[8]	55-65%	55-65%	55-65%	25%	25%	25%
Max. Dwelling Units Per Acre	n/a	n/a	n/a	8	~~17.4 (2,500 sq. ft. per unit)~~ 18	n/a

[1] Measured at the front yard building setback line.

[2] Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line.

[3] Front stoops, stairs, open decks and unenclosed porches may encroach up to 8 ft into the required front yard setback.

[4] Horizontally projecting roof overhangs and other similar building projections may extend up to 30-inches into a required side yard setback provided no part of a building is closer than 5 ft to a property line.
[5] Decks, pools, and similar at or below grade structures may be located within a rear or side yard provided they are no closer than 5 ft to a property line.
[6] Zero feet from common lot lines of attached structures.
[7]May be increased by one foot for each additional foot that yards are increased on all sides above minimum requirements, up to a maximum height of 75 feet.
[8] Residential lots less than 15,000 square feet in size shall maintain a minimum of 55 percent of the lot area as green space. Residential lots 15,000 square feet to 18,999 square feet in size shall maintain a minimum of 55 percent of the lot area as green space plus an additional one percent of green space area for each 400 square feet of lot size over 15,000 square feet. Residential lots 19,000 square feet in size and larger shall maintain a minimum of 65 percent of the lot area as green space.

Sec. 16-411. C-1 Office Building District.

(a) Permitted Uses. See Section 16-414 for a list of Permitted and Special Uses.

(b) Bulk Regulations. See Section 16-413 for Bulk Regulations for Office and Commercial Zoning Districts.

(c) Accessory Structures Setbacks and Regulations. See Article 6, Accessory Uses and Structures, of Chapter 16 of City Code.

(d) Building Design Standards. See Section 16-415 for building design standards.

(e) Off-Street Parking Required. See Article 8, Vehicle Parking and Loading of Chapter 16 of City Code.

(f) Performance Standards. See Section 16-416 for applicable performance standards.

(g) Landscaping and Screening Standards. See Article 10, Landscaping and Screening, Chapter 16 of City Code.

Sec. 16-412. C-2 Retail Business District.

(a) Permitted Uses. See Section 16-414 for a list of Permitted and Special Uses.

(b) Bulk Regulations. See Section 16-413 for Bulk Regulations for Office and Commercial Zoning Districts.

(c) Accessory Structures Setbacks and Regulations. See Article 6, Accessory Uses and Structures, of Chapter 16 of City Code.

(d) Building Design Standards. See Section 16-415 for building design standards.

(e) Off-Street Parking Required. See Article 8, Vehicle Parking and Loading of Chapter 16 of City Code.

(f) Performance Standards. See Section 16-416 for applicable performance standards.

(h) Landscaping and Screening Standards. See Article 10, Landscaping and Screening, Chapter 16 of City Code.

Sec. 16-413. Office/Retail Bulk Regulations.

The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum green space, and maximum density requirements for each non-residential zoning district.

TABLE 16-413.1: OFFICE AND COMMERCIAL BULK REGULATIONS		
BULK REGULATION BY ZONING DISTRICT	ZONING DISTRICTS	
	C-1 Office Building	C-2 Retail Business
Min. Lot Size	n/a	n/a
Min. Lot Width	n/a	n/a
Min. Lot Street Frontage	n/a	n/a
Front Yard Setback	30 ft	30 ft
Side Yard Setback[1]	15 ft	15 ft
Rear Yard Setback[2]	20 ft	20 ft
Min. Separation Between Buildings Not Attached	20 ft	20 ft
Max. Building Height[3]	40 ft	40 ft
Min. Building Height	n/a	n/a
Min. Green Space	20%	20%
~~[1] 20 feet when said yard adjoins a residentially zoned property~~		
~~[2] 30 feet when said yard adjoins a residentially zoned property~~		
[3] *May be increased by one foot for each additional foot that yards are increased on all sides above minimum requirements, up to a maximum height of 75 feet.*		

Sec. 16-414. Permitted and Special Uses.

The following table identifies the allowable uses within each zoning district. A use identified with a "P" within a given zoning district column is a Permitted use. A use identified with an "S" within a given zoning district column requires approval of a Special Use Permit from the Planning Commission and Governing Body in accordance with this Chapter. A use identified with an "L" requires approval of a city license but does not necessarily require approval of a Special Use Permit. A blank space indicated that use is not permitted within the given zoning district. Uses not listed shall be considered not permitted uses.

The definitions for each listed use shall coincide first with the definition contained within Article 2 of this Chapter, second as may be defined elsewhere in the City Code, and finally the commonly understood definition as determined by the Zoning Administrator.

A proposed use may follow under more than one category; however, for the purposes of this section, the proposed use shall follow the closest, most similar or specific use as listed in the Use Matrix.

It shall be the sole discretion of the Zoning Administrator to make the determine as to where a proposed use falls within the Uses Table, whether it fits within or is similar to a use listed within the Uses Table or is otherwise not listed and therefore not permitted. The determination by the Zoning Administrator is appealable as provided in this Chapter.

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE								
USE	ZONING DISTRICT							
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
RESIDENTIAL USES								
Household Living								
Single-family dwelling, detached	P	P	P	P			
Single-family dwelling, semi-detached (traditional duplex on two lots)			P	P	P		
Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single-family home into 2 dwelling units			P	P	P		
Townhouse/row dwelling (3+ units)				P	P		
Multiple family dwelling (3+ apartment or condo units)					P		
Manufactured Home on one lot	P	P	P	P			
Accessory dwelling that is attached to or within the principal dwelling unit (includes the conversion of an existing single family detached dwelling into 2 units such as converting a basement or attached garage space into a separate dwelling unit)	S	S	S	S	S		
Accessory dwelling that is detached and separate from the principal dwelling unit	S		S	S	S		
Dwelling units located above the ground floor (mixed use building)						S	S
Short-term rental for single family dwelling or duplex, city license required (see Chapter 5, Article 7 of City Code)	L	L	L				
Short-term rental for townhomes, rowhouse, apartment				L	L		

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE							
USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Group Residential							
Group home as defined by K.S.A. 12-736	P	P	P	P			
Assisted living residential facility				P	P	P	P
Nursing or convalescent home				P	P	P	P
Supervised group residence, not including Group home as defined by K.S.A. 12-736							
PUBLIC AND CIVIC USES							
College, university, vocational and trades schools						P	P
Cultural exhibit, museum, or library						P	P
Membership or religions organization, social club or lodge, and other place of public assembly	P	P	P	P	P	P	P
Public or private elementary, middle, or high school	P	P	P	P	P	P	P
Public or private parks, golf courses, golf driving ranges, country clubs, swimming pools, playgrounds, and indoor or outdoor recreational facilities and ball fields	P	P	P	P	P	P	P
City, State, and Federal Government buildings and properties	P	P	P	P	P	P	P
County Office Buildings						P	P
Hospital						P	P
COMMERCIAL USES							
After hours business							
Agricultural Sales and Services							P
Animal services							
Kennel, public (indoor only - no outdoor runs) (including day kenneling)							P
Kennel, public (outdoor runs) (including day kenneling)							S
Veterinary services (without overnight kenneling)							P
Art gallery						P	P
Banks and financial services							
Banks, not including delayed deposit service business						P	P

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE								
USE		ZONING DISTRICT						
		R-1	R-2	R-3	R-4	R-5	C-1	C-2
	Delayed deposit service business (including check cashing, payday lending, car title loan business), city licensed required							S
	Pawnshop, city licensed required							S
	Freestanding automated teller machine (ATM)						P	P
Body piercing studio or tattoo studio								P
Commercial Day Care Facilities, state licensed required		S	S	S	P	P	P	P
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use								
	No outdoor storage							P
	With outdoor storage							
Drive-in or drive-thru facilities							P	P
Eating and drinking establishment								
	Restaurant							P
	Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales							P
	Tavern / Bar							P
Entertainment								
	Movie theater, performance hall, performing arts studio						P	P
	Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P
	Outdoor: drive-in theater, waterpark, miniature golf, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P
Funeral and interment services								
	Cemetery, mausoleum, columbarium						P	P
	Cremation services (the cremation of a human body)							

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE								
USE	ZONING DISTRICT							
	R-1	R-2	R-3	R-4	R-5	C-1	C-2	
Funeral Home including funeral services and retail sales with no outdoor display or storage							P	
Retail sales with outdoor displays and storage							P	
Lodging								
Bed & breakfast inn					P			
Boarding or rooming house								
Extended stay or apartment hotel						P	P	
Hotel or motel						P	P	
Campground								
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use						P	P	
Mini warehouse or self-storage facility								
In-door only							P	
Out-door storage including vehicle, boat, camper, recreational vehicle								
Motor vehicle and motor equipment-oriented businesses								
Automobile service center (auto parts sales)							P	
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							S	
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P	
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)								
Automobile sales, rental, storage lot, and off-street parking							P	
Automobile, truck and equipment auction facilities							P	

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE								
USE	ZONING DISTRICT							
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P
Light equipment sales, rental, or repair service							P
Heavy equipment sales, rental or repair service							
Truck Stop, not including trailer washout							
Commercial parking lots and parking structures (not ancillary to a principal use)							P
Personal and consumer service							
Beauty salon, barbershop						P	P
Dry cleaner and laundry service							P
Dry cleaner and laundry service (pick-up/drop-off service only)						P	P
Laundry (self-serve laundromat)							P
Massage Establishment, city licensed required						P	P
Fitness center, gym, health spa						P	P
Tailor						P	P
Print shop, copy center, retail shipping store						P	P
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)						P	P
Television and radio broadcast studio, offices, and production facilities						P	P
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)							P
Retail sale - intensive							
Small-Box Discount Retailers and Thrift Stores, city license required							P
Convenience store with fuel sales							P
Fireworks retail sales facility							
Hardware store, lawn and garden store, or similar use with outdoor storage							P

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE								
USE	ZONING DISTRICT							
	R-1	R-2	R-3	R-4	R-5	C-1	C-2	
Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)							P	
Liquor store							P	
Lumber yard and Construction Sales and Services								
Can and bottle redemption facility								
Smoking lounge or hookah lounge							S	
Tobacco store (including vape shop)							S	
Adult entertainment business, city licensed required							S	
Spectator sports								
Indoor							P	
Outdoor							P	
Sports and recreation, participant								
Outdoor							P	
Indoor							P	
INDUSTRIAL USES								
Animal feedlots, processing of animals or animal by-products								
Electrical power generation (utility scale for off-site use, distribution, or sale)								
Manufacturing, production and industrial services								
Limited (no food related processing and manufacturing, all activities wholly contained within a building)								
General (limited food processing, outdoor storage limited)								
Intensive (may include outdoor storage of materials and activities not contained within a building) and includes:								
Auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)								
Truck or trailer washout								
Cement, lime, gypsum, or plaster manufacture								

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE								
USE	ZONING DISTRICT							
	R-1	R-2	R-3	R-4	R-5	C-1	C-2	
Explosive and ammunition manufacture or storage								
Junk or garbage processing, recycling, storage, or transfer station (indoor only)								
Petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage								
Rubber goods manufacture								
sand or gravel pits, mining, and crushing								
Smelting and processing or ore, metal and scrap metal								
Medical cannabidiol manufacturer								
Repair service								
Electronics, appliance, household goods, furniture or similar							P	
Small engine							P	
Research laboratory and testing							P	
Storage of equipment, data and records, electronic data center, furniture and similar							P	
Trucking/freight terminal								
Wholesale fuel storage, sales, or distribution								
Grain storage and distribution								
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)								
Waste related use								
Junkyard including auto, truck and machinery wrecking and recycling								
Recycling facility								
Sanitary landfill								
OTHER USES								
Gas and electrical power distribution station	S	S	S	S	S	S	S	

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE							
USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)							
Communication Facilities							
New tower or base station or substantial change to the same	S	S	S	S	S	S	S
Collocation, approved under Article 11, Chapter 16 of City Code	P	P	P	P	P	P	P

Sec. 16-415. Building Design Standards.

(a) Applicability. The standards contained in this section shall apply to all new buildings, the redevelopment of any existing buildings, including building additions and expansions and changes or modifications to building facades. All new buildings, including accessory structures, and additions to existing buildings shall be subject to the standards of this section. However, minor building expansions or additions, including successive additions, totaling less than twenty percent (20%) of the gross floor area of the existing building, may use exterior building materials that match or complement the existing building materials and building design features that are aesthetically consistent with the existing building.

(b) Exceptions. The standards of this section apply to any changes in existing building facades but do not apply to existing building façade maintenance and repair, including repainting of existing painted surfaces, window, door, siding and roof replacement with identical or similar materials. At the full discretion of the review authority, any deviations from these standards may be considered and/or granted in order to achieve building additions that are aesthetically compatible with the existing building design and appearance.

(c) General Provisions. The design and construction of all buildings shall employ architectural design principles and high-quality materials in compliance with these standards to create structures that are durable and attractive while complimenting neighboring properties.

All buildings shall employ recognized architectural styles and design principles on all sides of each structure, with overall building massing and articulations that are proportional and scaled appropriately. Exterior building materials shall be integrated in an authentic and honest manner reflecting the material's purpose, weight, and typical use in order to convey a sense of permanence and durability. Every building shall clearly express a base, a body and a top.

The following specific provisions do not apply to single-family and two-family dwellings.

(1) *Application of Brick and Stone Masonry*. Heavy exterior materials, such as any type of brick and stone masonry, shall be applied so as to acknowledge its historic use as a building foundation and structural material. Brick or stone masonry that appears to be unsupported or 'float' within a façade shall not be permitted, e.g., stone applied to a roof dormer or stone placed directly above doors/windows without a supporting lintel above the door/window.

(2) *Use of EIFS*. Exterior Insulation and Finish System (EIFS) shall be "water managed" type and shall further not be permitted within ten (10) feet of the finished floor elevation of the façade on which it is located.

(3) *Thin Brick and Stone Masonry Veneer*. Thin brick and stone masonry veneer shall comply with the following:

a. Thin brick and stone masonry veneer shall only be used in applications where the actual brick or stone thickness will not be distinguishable or is otherwise addressed

by adjustments in the wall plane to provide the appearance of full depth brick or real stone.

b. 'L' shaped brick/stone corner pieces and full-depth brick/stone caps shall be utilized at all corners and edges to maintain the appearance of full-depth brick/stone.

c. Thin brick and stone masonry veneer shall be continued (returned) a minimum of 12-inches around all wall corners to further maintain the appearance of full-depth brick or real stone and shall be terminated at a 90 degree inside corner along the given facade.

d. More than one façade material may be used on a single building, however, transitions from one wall material to another must occur along all visible sides of a building and should always follow a horizontal and level line.

(4) *Building Mounted Equipment Screening (Roof-Top and Exterior-Mounted Mechanical Equipment)*. All exterior-mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be located out of view or otherwise appropriately screened by architectural features and landscape plantings from view from all adjacent public or private streets and residentially developed or zoned properties. Screening shall be accomplished via landscaping, site walls, and architectural building elements or screen walls, or a combination of these methods. For roof-top equipment not adequately screened by the parapet, a supplementary screen around all visible sides of the equipment shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials that are consistent with the overall architectural design and finish materials of the proposed building. The height of the screen shall be no lower than the height of the equipment. The above provisions shall not apply to solar energy panels and solar energy systems.

(d) Single-Family and Two-Family Dwelling Standards.

(1) Surfaces, Materials and Finishes. Exterior finish building and roofing materials for all single-family and two-family dwellings shall be based on the quality of its design, relationship and compatibility to building materials in the immediate neighborhood. The exterior of single-family dwellings must be composed of quality, exterior grade materials customary for residential construction, such as the following:

a. Brick and stone veneer.

b. Stucco traditional Portland based.

c. Wood panels, siding, and trim.

d. Cement fiberboard and composite wood - panels, siding, and trim.

e. Architectural grade metal and vinyl siding and trim designed for residential applications.

f. Exterior Insulation and Finish System (EIFS) - water managed.

g. Glass windows and doors, and glass blocks.

h. Concrete block and cast-in-place concrete - foundation walls only.

i. Roofing materials include:

- Laminate style asphalt shingles (architectural asphalt shingles).
- Standing seam metal roofing.
- Slate and tile (including synthetic and composite).
- Solar energy collectors and panels and related apparatus.

The non-glass exterior surfaces of the dwelling shall not be made of shiny metal or other highly reflective materials and shall, in general, not reflect light to a greater extent than would a coat of semi-gloss enamel applied to wood. Copper, standing seam and other metal roofing materials are acceptable for use in residentially zoned areas and if used, must be installed over a solidly sheathed surface. Painted metal or steel roofing and siding materials shall be limited to earth tones or typical colors produced by composition shingle manufacturers. However, corrugated metal siding and roofing materials shall be prohibited.

(2) Single-Family Residence Districts; Wall Articulation and Windows.

The following standards apply to residential dwellings and additions constructed after the date of the ordinance from which this section is derived.

a. Wall Articulation. The walls on all sides of each residential dwelling shall be varied by a combination of methods including window and door openings, dormers, changes in the wall plains, wall projections and off-sets, or changes in exterior building materials. No street facing building wall shall exceed 30 feet in width without a change of articulation in the wall plane by means of a horizontal off-set of at least two feet in depth or projection running vertically from top to bottom of the wall.

b. Windows. Each street facing facade of a residential dwelling shall include window openings that comprise at least ten percent (10%) of the total wall area of that facade.

(e) Manufactured Homes Standards. Manufactured homes shall be residentially designed and conform to the following architectural or aesthetic standards:

(1) The roof must be double-pitched and have a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run, and covered with roofing material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roofs.

(2) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.

(3) The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood or hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.

(4) The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (referred to as NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.

(5) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set in Chapter IV of the City Code and attached firmly to the primary structure and anchored securely to the ground.

(6) All fuel supply systems shall be constructed and installed within the foundation wall or underground in accordance with all applicable building and safety Codes except that any bottled gas tanks may be fenced so as not to be clearly visible from the street or abutting properties.

(7) The moving hitch, transporting lights, and wheels and axles shall be removed.

(8) The manufactured home must be oriented on the lot so that its long access is parallel with the street. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the street, is no less than 50 percent of the unit's long dimension.

(9) The lot must be landscaped to ensure compatibility with surrounding properties.

(10) The manufactured home has a length not exceeding four times its width, with length measured along the longest access and width measured at the narrowest part of the other access. The minimum dimensions of the manufactured home shall be 22 feet in width and 40 feet in length.

(11) A garage or carport, constructed in accordance with the requirements of Chapter IV of the City Code is required.

(f) Building Exterior Finish Materials.

(1) For the purpose of this Article, exterior building materials shall be divided into the following categories. All materials must be utilized in the application as intended by the manufacturer and follow property installation requirements and standards, including management of water migration and installation of appropriate substrate material.

The Zoning Administrator may recategorize a building material provided below or may categorize a building material not listed below if it finds that the material is similar or of higher quality to the other materials in the same category with regard to durability, quality, and appearance.

TABLE 16-415.1: EXTERIOR FINISH MATERIALS TABLE					
	Class 1	**Class 2**	**Class 3**	**Class 4**	**DEFINITIONS**
Masonry					
Brick veneer, fired clay	X				Fired clay brick, full-veneer masonry wall system
Brick veneer (thin), fired clay		X			Thin veneer fired clay brick adhered to a wall surface or wall anchoring system, with the appearance of full brick
Brick paneling, fired clay		X			Prefabricated panels of thin veneer fired clay brick
Brick veneer, synthetic			X		Synthetic bricks adhered to wall surface or wall anchoring system
Brick paneling, synthetic			X		Prefabricated panels of synthetic brick adhered to a wall surface or wall anchoring system
Terracotta rainscreen panels	X				Fired clay panels with a rainscreen wall anchoring system
	Class 1	**Class 2**	**Class 3**	**Class 4**	**DEFINITIONS**
Stone					
Stone veneer, natural	X				Genuine stone, full-veneer masonry wall system
Stone paneling, natural		X			Prefabricated panels of genuine stone adhered to wall surface or wall anchoring system
Stone veneer, synthetic			X		Synthetic stone adhered to wall surface or wall anchoring system (also referred to as cultured stone)
Stone paneling, synthetic			X		Prefabricated panels of synthetic stone adhered to a wall surface or wall anchoring system (also referred to as cultured stone)
	Class 1	**Class 2**	**Class 3**	**Class 4**	**Definitions**
Concrete Masonry Units					
Cast Stone	X				A highly refined architectural precast concrete masonry unit intended to simulate natural-cut stone
Burnished/ground-faced block		X			Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints
Patterned or shaped block			X		Concrete modular blocks, face surface has pattern or shape, not flat, and with mortared joints
Split-faced block			X		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block			X		Concrete modular blocks, plain, flat finish, and with mortared joints

	Class 1	**Class 2**	**Class 3**	**Class 4**	**Definitions**
Concrete					
Architectural quality precast concrete panels		X			Highest finish precast concrete panels, textured or burnished, and integrally colored - not painted
Cast-in-place concrete, board formed or decorative form liner		X			Architecturally designed cast-in-place concrete with a high-quality patterned or textured surface created by board forms or decorative concrete form liners
Cast-in-place concrete, plain			X		Textured or smooth finish, may be painted
Site cast and precast concrete panels			X		Site cast and precast concrete panels, plain, smooth finish, may be painted
	Class 1	**Class 2**	**Class 3**	**Class 4**	**Definitions**
Metal					
Architectural quality, composite metal wall panel systems	X				High quality insulated metal panels for decorative surface application, such as *Alucobond* panel systems
Architectural quality metal wall panel systems, concealed fastening		X			High quality metal panels for decorative surface application with concealed fasteners, such as *Firestone Delta*
Architectural quality metal wall panel systems, exposed fastening			X		High quality metal panels for decorative surface application with exposed fasteners, such as *Firestone Omega*
Metal (panels, siding, and trim)				X	Standard metal siding and panels, painted or coated for exterior application
	Class 1	**Class 2**	**Class 3**	**Class 4**	**Definitions**
Glass					
Clear glass (windows, doors, curtain walls, paneling systems)	X				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass blocks			X		Hollow translucent block of varying shapes and sizes made entirely from glass. Also, known as glass brick.
Mirrored glass				X	Glass with a reflective or mirrored coating or finish
Opaque or tinted glass (including color applied)			X		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Spandrel Glass	X				Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns floors and shear walls

	Class 1	Class 2	Class 3	Class 4	Definitions
Other Materials					
Architectural quality fiber cement wall panels textured to resemble stone or metal		X			The highest quality fiber cement wall panel systems textured to resemble stone or metal with concealed fasteners – such as *Nichiha*
Stucco, genuine		X			Traditional Portland cement-based stucco applied in 3 coats over a solid surface
Wood (panels and siding)			X		Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Cement fiber board (panels and siding)			X		Cement panels reinforced with cellulose fibers, such as *HardiePlank* and *HardiePanel*
Exterior Insulation and Finish System (EIFS)			X		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated
Composite wood (panels, siding, and trim)			X		Composite or other synthetic wood types, such as *LP SmartSide*
Vinyl and PVC (panels, siding, and trim)				X	Exterior siding and trim that is made from a synthetic resin or plastic - minimum thickness 0.46 mm
Ceramic			X		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel systems			X		Panels or blocks, typically hollow, made of translucent polycarbonate material - such as *Kalwall*
Fabric					(not permitted)

	Class 1	Class 2	Class 3	Class 4	Definitions
Roofing Materials					
Standing Seam Metal	X				Vertically run or horizontal-Bermuda style metal panels connected within interlocking raised seams
Metal roof panel system	X				High quality metal panels designed for roof application including metal shingles
Metal panel		X			Standard metal roof panels, designed for roof application
Slate	X				Natural stone tiles (or shingles) cut from slate, traditionally applied in an overlapping pattern
Tile	X				Fired clay, ceramic, or concrete roofing tiles applied in an overlaying pattern
Synthetic or composite slate		X			Molded plastic to mimic the appearance of slate tiles
Green roof	X				Low-slope roof covered with roof-top plants in a designed roof-top planting system
Simulated metal roofing		X			Membrane roofing system designed with the appearance of a standing seam metal roof
Membrane or ballast (not visible)		X			Typical roofing materials for low-slope roofs and is not visible from any adjacent public or private street or residential developed or zoned properties
Membrane or ballast (visible)				X	Typical roofing materials for low-slope roofs

Wood shake shingles	X				Shingle shakes constructed of rot resistance wood, such as cedar
Asphalt shingles (laminate or dimensional)		X			Asphalt shingles constructed with a heavy base mat and multiple adhered layers to provide a thicker, dimensional appearance - also known as laminated architectural shingles
Asphalt shingles (3-tab)				X	Asphalt shingles constructed with a single layer of material and 3 cut shingle "tabs"
Glass roofing	X				A roof constructed of glass panels or glass tiles within a glass framing system - also known as a roof glazing system
Fabric				X	Exterior rated fabric designed for application in a canopy or roofing system

(g) Building Exterior Finish Standards by Building Type, Except Single-Family and Duplex Dwellings.

(1) For the purposes of this Article, all buildings, except for single-family and duplex dwellings, shall be categorized in the following building use types. Any building type not listed or any question as to the appropriate categorization of a building shall be as determined by the Zoning Administrator. The building design standards shall be regulated by both building use type and the zoning district in which the building is located. Unless otherwise permitted by the Zoning Administrator, all accessory buildings and structures shall comply with the design standards required of the principal building.

TABLE 16-415.2: BUILDING DESIGN STANDARD BY BUILDING TYPE

BUILDING TYPE	Façade Materials	Façade Articulation	Entryways	Fenestrations	Overhead Doors	Roofing
Townhouse / Row Dwelling	Each primary façade shall have no less than 3 different Class 1 & 2 building materials.	The primary façade of each individual unit dwelling must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining units.				Roofs of minimum 4-12 pitch, except as appropriate based on architectural style. Class 1, 2, & 3 roofing materials.

TABLE 16-415.2: BUILDING DESIGN STANDARD BY BUILDING TYPE						
BUILDING TYPE	**Façade Materials**	**Façade Articulation**	**Entryways**	**Fenestrations**	**Overhead Doors**	**Roofing**
Multi-Family Residential	Each primary façade shall have no less than 3 different Class 1 & 2 building materials together comprising at least 50% of the façade area. Each secondary façade shall have no less than 3 different Class 1, 2, & 3 building materials. Class 4 façade materials shall not exceed 5% of any primary or secondary façade area.	No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features: - Projection or recess in the wall plane of at least two (2) feet in depth. - Columns, piers, pilasters or other equivalent structural and/or decorative elements.	Elevated and open walkways and stairways along exterior of building are prohibited. All main building entries must be covered by a projection from façade or recessed.		Overhead doors should not face a public street. If visible from a public street, overhead doors shall be recessed a minimum 4ft. from building façade line and architecturally treated with glass windows, archways, columns, canopies and overhangs.	Class 1, 2, & 3 roofing materials.
Commercial / Retail Buildings	Each primary façade shall have no less than 3 different Class 1 & 2 building materials together comprising at least 50% of the façade area. Each secondary façade shall have no less than 3 different Class 1, 2, & 3 building materials. Class 4 façade materials shall not exceed 5% of any primary or secondary façade area.	No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features: - Projection or recess in the wall plane of at least two (2) feet in depth. - Columns, piers, pilasters or other equivalent structural and/or decorative elements.	All main building entries must be covered by a projection from façade or recessed.	At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 25% clear glass fenestrations (windows and full glass doors) on the first level.	Overhead doors should not face a public street. If visible from a public street, overhead doors shall be recessed a minimum 4ft. from building façade line and architecturally treated with glass windows, archways, columns, canopies and overhangs.	Class 1, 2, & 3 roofing materials.

Sec. 16-416. Performance Standards.

(a) Trash or other like material storage. No material to be disposed of, trash, garbage, or like items, shall be visible to the public either within a building or structure or outside a building or structure and these items shall be disposed of in a safe and sanitary manner.

(b) Trash and Recycling Collection. The following trash and recycling collection standards shall apply to all sites excluding single-family dwellings, two-family dwellings, and townhouse/row dwellings:

(1) *Provisions Required*. All buildings and dwellings shall have adequate provisions for the collection of trash, grease, and recyclable materials with sufficient numbers and locations of collection containers as determined by the Zoning Administrator, at their sole discretion.

(2) *Screening of Collection Containers*. All outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be opaquely screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed of permanent materials such as textured block, split faced concrete block, brick or stone. Colors shall be compatible with the dominant architectural materials of buildings on site and shall be integral to a building on site whenever possible. The enclosure shall be located out of public view and constructed to visibly screen the views from the adjoining properties.

(c) Equipment Screening. The following equipment screening standards shall apply to all sites excluding single-family dwellings, two-family dwellings, and townhouse/row dwellings:

(1) All ground mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be screened from view from adjacent public streets and residential developed or zoned properties.

(2) Required screening shall be accomplished by one or more of the following: landscaping, screen walls, and building structure.

(d) Exterior Lighting. The following exterior lighting standards shall apply to all sites excluding single-family dwellings and two-family dwellings:

(1) All site and building lighting shall be LED type (light produced via light emitting diodes) of a soft-white or bright-white light color and quality.

(2) All light fixtures shall be downcast in nature and must possess sharp, cut-off qualities to limit off-site glare. Wall-pack type light fixtures are prohibited.

(3) All parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.

(4) Buildings and signage may be up-cast or downcast illuminated provided said lighting does not shine or glare off or past the sign or building wall.

(5) Upon the request of the Zoning Administrator, a photometric plan and cut-sheets of all light fixtures shall be provided to the City during the site plan and/or building permit review process to ensure compliance with the regulations of this section.

(e) Attached and Free-Standing Drive-Thru Canopies. The following regulations shall apply to all vehicle drive-thru or drive-up canopies, including bank ATM and teller service canopies, fuel pump island canopies, and restaurant drive-thru and drive-up canopies.

(1) Canopies shall meet the building setback requirements for the property on which it is located.

(2) The minimum vertical clearance for all canopies shall be 14 ft.

(3) The maximum height for all free-standing canopies shall be 20 ft.

(4) All structural and supporting columns shall be wrapped in a material consistent with or complementary to the primary building material of the principal building or buildings located on the same site. Canopies clad in any architectural metal panel shall consist of no more than two different colors.

(5) Under-canopy lighting shall be flush mounted.

(f) Office Building and Retail Business District Standards.

(1) All goods, merchandise and equipment shall be sold and rented, and all business activities or services shall be rendered or conducted within completely enclosed buildings; provided that, each permitted use shall be allowed to locate food and/or drink vending machines immediately adjacent to the enclosed building from which that activity or service is conducted.

(2) No goods, merchandise or equipment shall be stored or displayed outside of a fully enclosed building, except if the storage or display is screened or fenced in accordance with a plan reviewed by the Planning Commission and approved by the Governing Body.

DIVISION III. HEIGHT AND AREA STANDARDS ~~EXCEPTIONS~~

~~Sec. 16-421. Height and Area Exceptions; Generally.~~

~~The regulations and requirements relating to the height of buildings and structures and the area of lots and yards shall be subject to the following exceptions and additional regulations set forth in this chapter.~~

~~Sec. 16-422. Height and Yard Exceptions—Public or Semi-Public Buildings.~~

~~In any district, public or semi-public buildings, such as hospitals, churches and schools, either public or private, may be erected to a height of a public or semi-public building exceeds the maximum height established for the district in which the building is located, the building shall have yards which shall be increased one foot on all sides for each additional foot that these buildings exceed the maximum height.~~

Sec. 16-421. Lot and Yard Regulations.

(a) Corner Lots. For corner lots, the front yard regulation shall apply to each street side of the corner lot. The Zoning Administrator shall designate the rear yard of a lot which shall generally be that portion of yard opposite the narrow street side.

(b) Corner Lot Exception for Single-Family and Two-Family Dwellings. For corner lots for single-family and two-family dwellings, the Zoning Administrator shall designate the primary front yard, which shall generally be the side with the least dimension. The front yard building setback requirement shall apply to this yard. The second yard adjacent to the street shall be considered a secondary front yard and a 20-foot building setback requirements shall apply to this yard.

(c) Double Frontage Lots. The Zoning Administrator shall designate the front yard of a double frontage lot (also known as a through lot) which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard regulations shall apply to each street side of a double frontage lot.

(d) Double Frontage Lot Exception for Single-Family and Two-Family Dwellings. For double frontage lots for single-family and two-family dwellings, the Zoning Administrator shall designate the primary front yard which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard building setback requirement shall apply to this yard. The second yard adjacent to the street shall be considered a secondary front yard and a 20-foot building setback requirements shall apply to this yard.

(e) Postage-Stamp Lot. Structures built within a postage-stamp lot shall be setback no less five (5) feet from all lot lines, excluding shared walls located along a common lot line, and shall otherwise meet all other building setback requirements for the zoning district in which it is located. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an adjoining outlot or association held parcel.

(f) Projecting Overhang or Structure. The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, bay windows, or other similar architectural features, except for gutters and downspouts, may not project or extend more than three (3) feet into a required yard, provided no part of a building is closer than 5 ft to a lot line.

(g) Yard Encroachments.

a. Carports, cantilevered projections, chimneys, accessory buildings, and structures may not project into any required yard.

b. Air conditioning units, heat pumps, or other similar devices may encroach into the required side yard.

c. Steps providing access to the ground level of a dwelling may encroach no more than 30-inches into any required side yard.

d. Front stoops, stairs, open decks and unenclosed porches may encroach up to 8 ft into the required front yard setback.

e. Decks, pools, and similar at or below grade structures may be located within a rear or side yard provided they are no closer than 5 ft to a property line.

f. Uncovered patios, brick or stone pavers, concrete slab structures, or other paved surfaces constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards, except that no such patio or paved area shall encroach closer than two (2) feet of the property line.

Sec. 16-422. Yard Exceptions—Platted Setback Lines.

Where a setback line for a front yard, side yard or rear yard is established on any plat approved by the City, which platted setback is more restrictive than the yard requirements set forth in this title, the setbacks shall control and building permits shall not be issued for any building or structure outside of the platted setback which would not otherwise be allowed to be located in the yard pursuant to this title. An exception to this restriction can be made for a covered front porch as outlined in section 16-425(a)(1).

Sec. 16-423. Yard Exceptions—Residential Districts; Front Yards.

In residential districts where lots comprising 40 percent or more of the frontage on the same side of a street between two intersecting streets are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of these front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, but which is less than the established setback for the block as provided herein, the setback line shall control. Provided further, that the Board of Zoning Appeals may establish a reasonable setback by variance where the configuration of the ground and buildings is such as to make conformity with the front yard requirements established pursuant to this section impractical. An exception to this restriction can be made for a covered front porch as outlined in section 16-425(a)(1).

~~**Sec. 16-425. Yard Exceptions—Required Yards.**~~

~~(a) Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys buttresses,~~

~~ornamental features and eaves; provided however, that none of the above projections shall extend into a court more than six inches nor into a minimum yard more than 30 inches.~~

~~(1) Canopies or open porches having a roof area projecting a maximum of eight feet into the required front yard set-back and with a 120 square-foot maximum floor area shall be allowed to be added on to single-family residential structures where they meet the following criteria:~~

~~a. The porch must be designed and finished with materials that match the existing house, including the roofing shingles, as to appear that it was part of the original house;~~

~~b. The covered porch shall be attached to the main house structure;~~

~~c. The roof pitch shall be a minimum of a 3:12 pitch;~~

~~d. The covered porch shall remain open and free of any screening or glass that encloses the space; and,~~

~~e. The covered porch shall have a defined access point(s) with an open decorative railing, plantings, or other built items around it that complements the porch and house structure; the railing shall be no higher than 38 inches above the porch floor level and the minimum post size shall be at least six inch by six inches in nominal dimensions.~~

~~(2) Patios, pools or similar structures which are at or below grade may be located in any side or rear yard area provided they are at least three feet from any property line.~~

~~(b) In the case of corner lots or double frontage lots, the rules stated in subsection (a) of this section shall be modified as follows:~~

~~(1) No accessory structure of any kind shall be built in a platted landscape easement.~~

~~(2) In the case of a double frontage lot or corner lot the rear yard of which abuts a collector or local street, no accessory structure of any kind shall be built closer than 15 feet to the street right-of-way.~~

Sec. 16-424. Yard Exceptions—Sight Distance on Corner Lots.

All corner lots shall provide two sight distance triangles, the short leg of which shall be 15 feet, and the long leg of which shall be 140 feet measured along the edge of the pavement as depicted in Figure 16-297A. The area within the triangles, as depicted in Figure 16-297B shall be and remain free of shrubbery, fences or other obstructions to vision more than two feet in height measured above the edge of pavement at a point nearest the obstruction.

(INSERT SIGHT DISTANCE TRIANGLE GRAPHIC)

~~**Sec. 16-425. Exceptions—Rear Yard Adjoining Alleys.**~~

~~In computing the depth of a rear yard for any building where the yard adjoins an alley, one-half of the alley may be counted as a portion of the rear yard.~~

DIVISION IV. – PLANNED DISTRICTS

Sec. 16-428. - Planned Zoning Districts; Statement of Objectives.

The zoning of land to one of the planned zoning districts designated in section 16-402(b) shall be for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found in projects developed under conventional zoning, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of the planned zoning districts:

~~(a) The conventional zoning districts should generally not be applied to the improvement of land by other than lot-by-lot development. Consequently, with the exception of residential subdivisions, development proposals which are intended to be subdivided into multiple lots should generally be rezoned to one or more planned zoning districts to ensure the compatibility, coordination, timing and sequencing of development. From and after the adoption of these planned zoning provisions, property shall not be rezoned to either office building district or retail business district except under unique circumstances, and only upon a showing that requiring rezoning to a planned zoning district would result in undue hardship upon the landowner.~~

(b) Planned developments are groupings of buildings or building sites that are planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt or protect the portions thereof from complying with the development standards, architectural quality, sign concepts and other conditions that were committed to at the time of the rezoning. The submittal by the developer and the approval by the City of development plans represents a firm commitment by the developer that development will indeed follow the approved plans in concept, intensity of use, aesthetic levels and quantities of open space.

(c) Planned commercial and industrial developments should be designed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.

(d) The developer will be given latitude in using innovative techniques in the development of land not feasible under application of conventional zoning requirements.

(e) Deviations from the performance and development standards, as provided for in section 16-449, may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality development is produced.

Text for the remainder of Division IV unchanged.

CONFLUENCE

Notes: Text from current code in black. New text in red. This is a significant rewrite of the current code.

ARTICLE 2. DEFINITIONS

Sec. 16-201. Definitions.

For the purpose of this Chapter, certain terms or words used herein shall be interpreted or defined as follows unless the context clearly indicates otherwise:

(a) *Accessory use or building* is a subordinate use or building or a portion of the main building, customarily incidental to and located on the same lot with the main use or building.

(b) *After Hours Business means any* business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.

(c) *Alteration* as applied to a building or structure is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

(d) *Antenna.* See Section 16-1102.

(e) *Apartment building or apartment house* means a building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building. Said buildings have dwelling units that are both vertically and horizontally attached to one another. (See "Multiple-family dwelling.")

(f) *Assisted living residential facility* means a building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed by the State of Kansas.

(g) *Automobile sales and storage lot* means an open, off-street area where two or more new and/or used operable motor vehicles are stored or offered or displayed for sale or advertising purposes. No motor vehicle may be sold or stored in any location other than an automobile sales and storage lot.

(h) *Automobile service center* means any building or premises where at least fifty percent (50%) of the business is derived from retail sales of auto parts and accessories. Major work, including (but not limited to) engine and transmission overhauls and/or changes, shall not be permitted.

(i) *Bar* means any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such beverages are consumed on the premises. (This definition includes and may also be referred to as a "Cocktail Lounge," "Tavern," or "Saloon.")

(j) *Basement* is a story having part but not less than one-half of its height below grade.

(k) *Bed and breakfast inn* means an owner-occupied dwelling unit that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation. For establishments to be considered a bed and breakfast inn, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays. This definition does not include short-term rentals as defined in Section 5-702 of the Code of the City of Roeland Park, Kansas).

(l) *Boarding or rooming house* shall mean every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests, other than a short-term rental (as defined in Section 5-702 of the Code). Provided, however, where a resident homeowner leases space to no more than two roommates for terms of a year or more, it shall not be considered to be a boarding or rooming house. This definition includes "Lodging house."

(m) *Body piercing studio* means any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service. (See "Tattoo studio.")

(n) *Building* is any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

(o) *Building height* is the vertical dimensions measured form the average elevation of the finished lot grade at the front of the building to the highest point of ceiling or the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

(p) *Commercial Vehicle* is any type of motor vehicle used for transporting goods/cargo or paying passengers.

(q) *Communications Facility.* See Section 16-1102.

(r) *Communication tower*. See Section 16-1102.

(s) *Concrete* pervious or impervious which is designed or used for residential dwelling purposes in the form of a driveway, patio, sidewalk, garage floor, shed floor, basement floor, step, porch or any other use designed to be permanent in nature shall be considered a structure. This excludes concrete used as an anchor for signs, posts or similar items.

(t) *Convenience store* means any retail establishment, generally less than 10,000 square feet in size, offering for sale food products, household items and other goods commonly found in grocery stores and may include automotive and truck fuel sales. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.

(u) *Delayed Deposit Services Business* means a person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:

(1) Accepts a check, draft, share draft, or other instrument for the payment of money dated after the date it was written.

(2) B. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.

(3) The above are typically referred to as "Check Cashing," "Payday Lending," or "Car Title Loan" establishments.

(v) *Drive-in or drive-thru facility* means an establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru vehicle stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. For the purposes of the Zoning Regulations, automotive and truck washes and automotive and truck fuel sales facilities will not be categorized as drive-thru facilities.

(w) *Driveways* which are designed or used for residential dwelling purposes shall be considered structures.

(x) *Duplex* is a dwelling designed for or occupied exclusively by two families.

(y) *Dwelling* is any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, and designed to be placed on, supported by and attached to a continuous perimeter foundation, which is permanent and constructed in accordance with the Roeland Park Building Code for site-built housing.

(z) *Dwelling, accessory*, means a separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within, attached to, or built separate from the principal single-family dwelling. Examples include: a dwelling over an attached or detached garage, a tiny house built on a separate foundation in the backyard, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.

(aa) *Dwelling, multiple-family*, means a building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two units. Said buildings have

dwellings units that are both vertically and horizontally attached to one another. (See "Apartment building or house.")

(bb) *Dwelling, row*, means three (3) or more horizontally attached dwelling units in a continuous row. (See "Dwelling, townhouse.")

(cc) *Dwelling, single-family detached*, means a detached dwelling erected on its own lot and designed for or occupied by one family only.

(dd) *Dwelling, single-family semi-detached*, means a dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such dwelling on one side only by a wall located on the lot line and which has yards on the remaining sides (commonly referred to as a duplex).

(ee) *Dwelling, townhouse*, means a dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit maintains an individual entrance from the exterior of the building. (See "Dwelling, row.")

(ff) *Dwelling, two-family*, means a dwelling designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, and erected on one lot.

(gg) *Dwelling unit* means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one family, containing sleeping, bathroom, and kitchen facilities.

(hh) *Family* means one or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than five persons, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

(ii) *Gas station or service station* means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, frame repairs, and major overhauling of engines requiring the removal of engine cylinder head or crankcase pan.

(jj) *Green Space* is an open area that is landscaped with turf grass, ornamental grasses, trees, shrubs, flowers, or vegetables and that contains no structures, garages, sheds, play structures, pools, decks, driveways, patios, walkways or other paved or hard-surfaced areas including permeable pavers or gravel.

(kk) *Hookah Lounge* an establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe or where customers use an electronic smoking or other

apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an "E-hookah lounge or bar."

(ll) *Hotel or motel* means a building containing guest rooms in which lodging is provided and offered to the public on a temporary basis for compensation, and which is open to transient guests, in contrast to a bed and breakfast inn, boarding house, or rooming house. For establishments to be considered a hotel or motel, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.

(mm) Hotel, extended stay or apartment hotel: A building containing furnished bedrooms with or without cooking facilities in which lodging is provided and offered to the public on a weekly or month basis for compensation.

(nn) *Liquor store* means a retail shop or establishment that primarily sells prepackaged alcoholic beverages, including wine, beer, and alcoholic liquors, intended to be consumed off the store's premises, and where 50% or more of total gross sales are derived from the sale of alcohol and tobacco.

(oo) *Lodging house* is a building where lodging only is provided for compensation to three or more, in contradistinction to hotels open to transients. (See "Boarding or rooming house.")

(pp) *Lot* is a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open spaces required by this chapter.

(qq) *Lot, corner* is a lot abutting upon two or more streets at their intersection.

(rr) *Lot, depth* of is the mean horizontal distance between the front and rear lot lines.

(ss) *Lot of record* is a lot which is a part of a subdivision, map of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas, or a lot described by metes and bounds the description of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas.

(tt) *Lot Tie Agreement* is an agreement executed by the property owner whereby the property owner agrees that the described lots and/or parcels shall be held under the same ownership and not sold separately unless otherwise approved by the City. Said agreement shall be recorded with Johnson County as a restriction on the subject property.

(uu) *Manufactured home* means a dwelling unit that is substantially assembled in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards (24 C.F.R. 320 et seq.), promulgated by the U.S. Department of Housing and Urban Development, and does not have a permanent hitch or other device allowing it to be moved

other than for the purpose of moving to a permanent site, and which does not have any permanently attached wheels or axles to its body or frame.

(vv) *Medical, dental or health clinic* is any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentistry, chiropractors, osteopaths, optometrists, podiatrists, and in which no retail sales are made.

(ww) *Mini-storage or self-storage* means a building or group of buildings, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers' goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials. No business activities other than rental of storage units shall be conducted on the premises.

(xx) *Mini-warehouse or self-storage facility* (See "Mini-storage or self-storage.")

(yy) *Motor Vehicle* is a self-propelled vehicle, commonly wheeled, used for the transportation of people or cargo.

(zz) *Nonconforming use* is any building or land lawfully occupied by a use at the time of the passage of the ordinance from which this chapter is derived or amendments hereto, which use does not conform to this chapter after the passage of said ordinance or amendment hereto.

(aaa) *Nursing or convalescent home* means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.

(bbb) *Parking area* is any parking lot and vehicular use area.

(ccc) *Passenger Vehicle* is a car or truck used for passengers, excluding buses.

(ddd) *Person* includes a corporation, members of a partnership or other business organization, committee, board, trustee, receiver, agent or other representative.

(eee) *Recreational Vehicle (RV)* is a motor vehicle or trailer which includes living quarters designed for temporary accommodation. Types of RVs include motor homes, camper vans, caravans (also known as travel trailers and camper trailers), fifth wheel trailers, popup campers and truck campers.

(fff) *Public utility* is any business, the purpose of which is to furnish to the general public either telephone service, telegraph service, cable television, electricity, natural gas, water, transportation of persons and property, sanitary sewer systems and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

(ggg) *Recycling collection point* is an accessory use or structure that serves as a drop-off point for pre-sorted recyclable materials. The temporary storage of these items is permitted, but no processing is allowed.

(hhh) *Restaurant* means an establishment that prepares and serves food and beverages to persons for immediate consumption. Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.

(iii) *Shall* is mandatory.

(jjj) *Single family attached residential* (See "Dwelling, row," "Dwelling, single-family, semi-detached," Dwelling, townhouse," and "Dwelling, two-family.")

(kkk) *Single family detached residential* (See "Dwelling, single-family.")

(lll) *Single-family dwelling* is a dwelling designed for or occupied exclusively by one family.

(mmm) *Story* is that portion of a building, other than a basement, included between the surface of any floor above it or, if there be no floor above it, the space between the floor and the ceiling next above it.

(nnn) *Story, half* is a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.

(ooo) *Structure* is anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground, but not including fences or single standing walls.

(ppp) *Tavern* (See "Bar.")

(qqq) *Tattoo studio* means any establishment in which tattooing is carried out professionally and may or may not include ear and body piercing. (See "Body Piercing Studio.")

(rrr) *Tobacco store* means a retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products, including nicotine products and supplies such as electronic cigarettes and other devices capable of providing an inhalable dose of nicotine, for off premise consumption and where 50% or more of total gross sales are derived from the sale of tobacco and nicotine products or a combination of tobacco products and alcohol. These establishments may also be known or referred to as an E-Cigarette, E-Hookah, Vape or Vapor Store or Shop.

(sss) *Townhouse* is a dwelling unit which is attached horizontally and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded

covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowner's association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

(ttt) *Use, occupy or occupied* as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

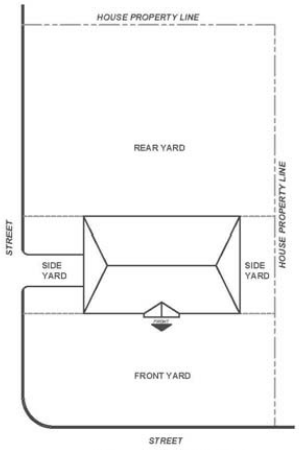
(uuu) *Watercraft* are water-born vehicles including ships, boats, and hovercraft. Watercraft usually have a propulsive capability (whether by sail, oar, paddle or engine).

(vvv) *Yard* is an open space on the same lot with a building, unoccupied and unobstructed by any part of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the property line and the adjacent wall of the main building shall be used.

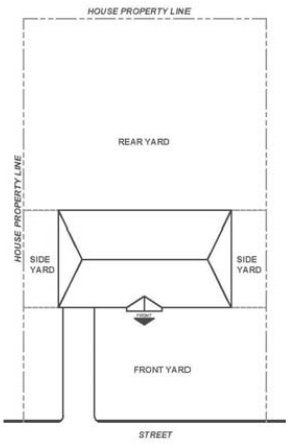
(www) *Yard, front* is a yard extending across the front of a lot between the side property lines and being the minimum horizontal distance between the front yard property line and the main building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The property line is a line common to the adjacent right-of-way (ROW), other than an alley. For corner lots, the front property line will generally be the side with the least dimension. The Building Inspector will make a determination. (See Figures 16-201.1a through 16-201.1d). Exception: When the house faces a corner, the house will have two front yards. (See Figures 16-201.1c and 16-201.1d.)

(xxx) *Yard, rear* is a yard extending across the rear of a lot measured between side property lines and being the minimum horizontal distance between the rear property line(s) and the rear of the main building or any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as opposite to the street upon which the lot has its least dimension. (See Figure 16-201.1a.) On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. One-half the alley width may be considered a part of the adjacent rear yard. (See Figures 16-201.1a through 16-201.1d.)

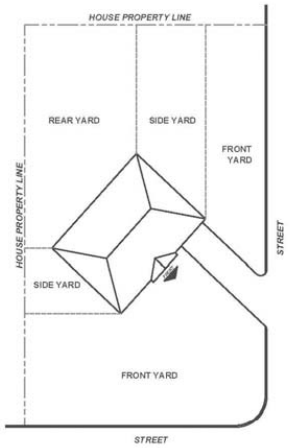
(yyy) *Yard, side* is a yard between the building and the side property line of the lot extending from the front yard to the rear yard. (See Figures 16-201.1a through 16-201.1d.)



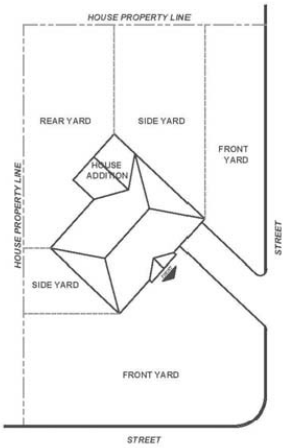
(Figure 16-201.1a.)



(Figure 16-201.1b.)



(Figure 16-201.1c.)



(Figure 16-201.1d.)

(Ord. No. 928, § 1, 4-18-2016; Ord. No. 944, § 2, 11-21-2016; Ord. No. 974, § 1, 10-22-2018; Ord. No. 1018, § 1, 11-1-2021)

Sec. 16-201.1. Additional Definitions Relating to Communications Facilities.

The additional definitions relating to Communications Facilities set forth in Section 16-1102 are incorporated herein by reference. (Ord. No. 944, § 3, 11-21-2016)

Sec. 16-202. Definitions Not Included.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

Notes: Text from current code in black. New text in red.

ARTICLE 6. ACCESSORY USES AND STRUCTURES

~~Sec. 16-601. – Accessory Uses and Structures; Intent and Interpretation.~~
~~Sec. 16-602. - Accessory Uses and Structures; All Residential Districts.~~
~~Sec. 16-603. - Accessory Uses and Structures; Multiple Residence District.~~
~~Sec. 16-604. - Accessory Uses and Structures; All Commercial Districts.~~
~~Sec. 16-605. - Accessory Uses and Structures; Office Building District and District CP-O.~~
~~Sec. 16-606. - Accessory Uses and Structures; Retail Business District and District CP-2.~~
~~Sec. 16-607. - Accessory Uses and Structures; District P-1.~~
~~Sec. 16-608. - Accessory Uses and Structures; Accessory Uses Permitted By Interpretation.~~
~~Sec. 16-609. - Accessory Uses and Structures; Hotels and Motel Hotels.~~
~~Sec. 16-610. - Accessory Uses and Structures; Hospitals.~~
~~Sec. 16-611. - Accessory Uses and Structures; Public Utility Buildings.~~
~~Sec. 16-612. - Accessory Uses and Structures; Construction Sites.~~
~~Sec. 16-613. - Accessory Uses and Structures; Development and Performance Standards.~~
Sec. 16-601. – Accessory Buildings and Structures.
Sec. 16-602. - Antennas, Satellite Dish Antennas, and Towers (Not Including Wireless Communications Facilities).
Sec. 16-603. – Fences and Walls
Sec. 16-604. - Hobby Activities
Sec. 16-605. - Home Occupations
Sec. 16-606. - Outside Storage and Use of Equipment, Material or Vehicles, and Other Provisions.
Sec. 16-607. - Little Free Libraries.
Sec. 16-608. – Accessory Dwelling Units

Sec. 16-601. - Accessory Buildings and Structures.

(a) Intent. Principal uses specified as permitted uses or special uses for a district shall be deemed to include accessory buildings and uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. These accessory buildings and structures include: free standing garages and carports for automobiles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, and above-ground and in-ground pools and hot-tubs. It is the intent of these standards herein this section to establish the basic regulations for accessory buildings and structures.

(b) General Provisions. No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

(c) Applicability. The following regulations shall apply to all accessory buildings and structures for agricultural uses, single-family dwellings, two-family dwellings, townhouse or row dwellings, and manufactured home parks. Accessory buildings and structures for all other uses shall comply with the regulations and standards as established for principal structures.

(d) Location and Setbacks. The following location and setback requirements shall apply to all accessory buildings and structures:

CONFLUENCE

Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory use or structure except basketball goals, flag poles and fences, as permitted, shall be located in any front yard. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building. An attached garage or carport shall be subject to the same required setbacks as the main structure. A detached garage or carport shall be subject to the setbacks required for detached accessory buildings.

(1) Accessory buildings and structures shall not be erected within any required buffer or easement.

(2) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.

(3) When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.

(4) No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line or street right-of-way line as may apply.

(5) Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.

(6) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.

(7) All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.

(e) Area and Height Limit.

(1) Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than 250 sq. ft. for each 3,000 sq. ft. of lot total lot area nor exceed a total square footage of 1,200 square feet.

(2) Accessory buildings and structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case be more than one and one-half (1.5) stories in height and shall not exceed a height of 24-feet.

(f) Building Design. Accessory buildings shall match the architectural style and design of the principal structure. The exterior building materials (siding and roofing materials) shall also be similar and of identical quality as that found on the principal structure.

(g) Exempt Structures. Accessory structures of one-hundred (100) square feet or less, no taller one-story, and of a movable design, plus ground mounted play structures no taller than ten (10) feet with a footprint of no more than 400 square feet, shall be exempt from permit requirements. These structures must conform to all setback requirements. The square footage of these structures shall be included in the maximum cumulative area requirements of this Chapter.

Sec. 16-602. - Antennas, Satellite Dish Antennas, and Towers (Not Including Wireless Communications Facilities).

(a) The following standards shall apply to all antennas, satellite dish antennas, and towers that are not part of a wireless telecommunications facility:

(1) Freestanding antennas, satellite dish antennas, and towers shall comply with the height restrictions and setback requirements for accessory buildings and structures.

(2) Antennas, satellite dish antennas, and towers attached to a principal building or structure shall comply with the height restrictions and setback required of that principal building or structure for the zoning district in which it is located.

(3) No satellite dish antenna, radio or TV antenna, or related tower use shall be permitted within any front or side yard or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the antenna or satellite dish antenna within the confines of the rear yard and obtain a signal.

(4) No satellite dish antenna with a dish diameter greater than three (3) feet or height greater than fifteen (15) feet shall be permitted in any residential zoning district. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public streets.

Sec. 16-603. - Fences and Walls

(a) *Fences or walls.*

(1) Fences or walls may be constructed to a maximum height of six feet above the average grade subject to the restrictions of this subsection. Where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained

from the Building Inspector. A fence permit shall also be required for the replacement or reconstruction of 50 percent or more of the linear length of the entire existing fence. Any replacement or reconstruction shall comply with all the provisions of this subsection, except setbacks.

(2) Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the final development plan prior to the issuance of any fence permit.

(3) Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two feet from any street right-of-way, and where the wall does not extend more than 42 inches above the ground level of the land being retained.

(4) All fences or walls constructed prior to the adoption of these regulations which do not meet the standards of this subsection may be replaced and maintained resulting in a fence of the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in Section 16-424 of this Chapter.

(5) In residential districts the following restrictions and standards shall apply to all fences and walls:

(b) *Location.*

(1) *Front yard.* A fence or wall in excess of 30 inches high may not be constructed in the front yard or in front of the front platted building line, whichever is more restrictive. A decorative wall or fence 30 inches high or lower may be constructed in a front yard, provided that no fence or wall may be located in public right-of-way. For purposes of this subsection, a "decorative" wall or fence shall be limited to structures constructed of wood rail, masonry, wrought iron, or spaced wooden pickets; where the construction has both a finished and an unfinished surface, the finished surface shall face outward.

(2) *Rear yard.* A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. Fences on corner lots shall be restricted to 42 inches high once it passes the front building line of the house on the rear adjacent lot. No fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than 15 feet to the rear property line.

(3) *Side yard.* A fence or wall may be constructed in the side yard up to or on the side property line, except that no fence shall be closer than 15 feet to any collector or local street right-of-way with the exception of a 42 inches high fence which is permitted to be placed up to the right-of-way line and does not encroach on the sight distance triangle as defined in Section 16-424 of this Chapter of this Code. In addition, no fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan.

(c) *Design standards.*

(1) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface. Chain-link style fencing is prohibited within all front yards.

(2) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.

(3) *Exceptions for fences in landscape easements.* Where a master fence/screening plan has been approved as part of a final development plan, all fences in the platted landscape easement shall conform with the approved master fence/screening plan. Changes to this plan shall be permitted only if a new master fence/screening plan is approved in accordance with the procedures established in this chapter. In all commercial and industrial districts, a fence or wall may be constructed on any side or rear property line but shall not be located in any required front yard setback or be closer to any public or private street than the required setback for a building. Planning Commission approval will be required for fences or walls in any planned zoning district.

(d) Retaining Walls.

(1) Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height.

(2) Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.

(a) Materials and Maintenance.

(1) *Allowed Materials*.

a. Fences are to be constructed of customarily used materials such as chain-link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay and be protected with a wood sealant.

b. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as

fencing material; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.

c. An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of this chapter. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.

d. Walls and Retaining Walls. Walls and retaining walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc., and shall not be painted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.

(2) *Prohibited Materials*. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited. However, spikes or pointed pickets are permitted to discourage climbing.

(3) *Construction and Maintenance*. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting/sealing, and other acts required for maintenance. The Zoning Administrator after ten (10) days' notice to the owner of the fence, may order the removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

(b) Overland Flowage Easements.

(1) Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not cause siltation buildup or restrict the water flow.

(2) Permitted fence material includes chain-link, wrought iron fencing, picket style fencing that is at least fifty percent (50%) open, or other fencing styles that are at least fifty (50%) open.

(3) All fencing shall be elevated a minimum of three (3) inches through the swale part of the easement to allow water flowage.

(c) Exceptions to Fence Standards.

(1) *Recreational Purposes*. Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open space for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator.

(2) *Governmental Properties*. Fences associated with governmental (federal, state, county, city) facilities and properties.

(3) *Temporary Fences*. Temporary or seasonal fences, e.g., snow fence, garden fence, are exempt from permitting requirements providing they are not more than four (4) feet in height. Snow fence shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fence shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this Chapter.

(4) *Temporary Construction Fence*. Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.

(5) *Existing Fence*. Repair of existing, legal but nonconforming fences shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence. Complete replacement of an existing fence requires compliance with the terms of this Chapter. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence.

Sec. 16-604. – Hobby Activities.

(a) Hobby activities. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation so long as the activity is not in conflict with any City ordinance. Articles produced or constructed shall not be sold unless the activity complies with the requirements for a home occupation.

Sec. 16-605. – Home Occupations.

(a) Home occupations are permitted as an accessory use to a residence subject to the following provisions:

(b) Purpose and intent. It is the purpose and intent of these requirements to:

(1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses.

(2) Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors.

(3) Establish criteria for operating home occupations in dwelling units within residential districts.

(4) Assure that public and private services such as streets, sewers, water or utility systems are not burdened by home occupations to the extent that usage significantly exceeds that which is normally associated with a residence.

(c) Performance criteria. Home occupations shall comply with the performance criteria of Article 6, Chapter V, of the City Code, which are incorporated herein by reference as if set out in full.

(d) Other regulations. Home occupations shall comply with all other local, state or federal regulations pertinent to the activity pursued, and the imposition of requirements under this chapter shall not be construed as an exemption from these regulations.

Sec. 16-606. - Outside Storage and Use of Equipment, Material or Vehicles, and Other Provisions.

(1) Where permitted in residential districts, storage of not more than one of the following is permitted: a boat, a camping trailer, a pickup camper, a motor home, a recreational vehicle or a hauling trailer. Storage shall not occur in the front yard or the side or rear yard between the house and the street (see definition for "Front Yard"). On corner lots where the house is built diagonally across the corner, storage of these items shall not pass the front corner of the house structure on this or the adjacent lot whichever is more restrictive. Storage areas are not required to be paved. These items may be parked in the customary driveway for purposes of loading or unloading or trip preparation for a period of time not to exceed two 48-hour occurrences within a 30-day period during which these items are being loaded or unloaded.

(2) Except as may be otherwise provided in Chapter V or VII of the City Code, no other equipment, material or vehicle, other than operable passenger vehicles or motorcycles, shall be stored for more than 24 hours in a 30-day period in a residential district.

(3) Exceptions from the above may be granted by the Governing Body upon approval of plans indicating screening to be installed and setbacks to be used.

(4) In commercial districts, trucks, vans and trailers may be parked, but not for a period in excess of 72 hours, nor shall trucks, vans or trailers be used for storage or sale of merchandise.

(5) Notwithstanding the foregoing, useful items may be stored outside to the extent permitted elsewhere in the City Code. Storage of these items shall be permitted only to the extent that it is accessory to the residential use of the property; storage related to any business activity shall not be permitted.

(h) No temporary or incomplete building, and no automotive equipment, trailer, recreational vehicle, garage or other use or building accessory to a family dwelling shall be erected, maintained or used for residential purposes.

(o) A recycling collection point as defined in this chapter may be permitted as an accessory use only after approval of a final development plan by the Governing Body. Prior to granting any approval, the Governing Body shall consider the impact of the proposed activity and structure on:

(1) Adjacent properties and uses;

(2) The visual appearance of the area; and

(3) Traffic circulation on and off the site.

In all residential districts, recycling collection points may be permitted only in conjunction with a nonresidential use such as a school, church, or community building.

Sec. 16-614. - Little Free Libraries.

(a) Little free libraries. A little free library is a "take a book, return a book" gathering place where neighbors share their favorite literature and stories. In its most basic form, a little free library is a box full of books where anyone may stop by and pick up a book (or two) and bring back another book to share.

(b) Little free libraries are permitted to be placed on single-family residential lots, City properties, church properties and public or parochial school properties. These are considered an accessory structure and accessory use to the property and shall conform to the following guidelines:

(1) The little free library shall not be located in or overhang the public street right-of-way or any public or utility easement and shall be at least five feet behind the curb;

(2) The associated structures shall not obstruct vehicular, bicycle or pedestrian traffic, either physically or by a person utilizing the Little Free Library;

(3) The structures shall not obstruct access isles or paths utilized by persons in wheelchairs or for ADA accessibility;

(4) The little free library must be placed in the front yard between the face of the house or building and the street right-of-way. At its discretion, the City may make exceptions for churches and schools which may be approved administratively by City Staff;

(5) The library structure shall be designed to hold books. The overall structure shall be limited to a height not to exceed 66 inches; a width not to exceed 30 inches; a depth not to exceed 18 inches; and the box height shall not exceed 30 inches;

(6) The structures shall be anchored to the ground or securely attached to something having a permanent location on the ground;

(7) There shall be a limit of one little free library per address;

(8) A little free library meeting the above conditions will not be subject to any permits or special licensing requirements.

Sec. 16-615. - Accessory Dwelling Units

(a) All accessory dwellings, where permitted, shall comply with the following:

(1) No more than a total of two (2) dwelling units (principal and accessory) are allowed on a single lot or parcel.

(2) An accessory dwelling may be contained within, attached to, or detached and separate from the principal dwelling and must be located wholly within the same lot or parcel of the principal dwelling.

(3) The lot or parcel, principal dwelling, and accessory dwelling shall all be under the same ownership and the owner must live on the property either in the principal dwelling or the accessory dwelling as their principal place of residency.

(4) The total gross floor area of the accessory dwelling cannot exceed the lesser of eight hundred square feet (800 sq. ft.) or eighty-percent (80%) of the total gross floor area of the principal dwelling.

(5) The accessory dwelling shall have no more than one (1) bedroom and shall have its own bathroom and kitchen.

(6) The accessory dwelling shall comply with the building setback and bulk regulations for a principal building as applicable for the zoning district in which its lot or parcel is located.

(7) The exterior design and appearance of the accessory dwelling, attached or detached, must match and compliment the design, features, exterior building materials, and level of finish of the principal dwelling building and shall otherwise comply with the requirements of the architectural design standards found in the City's zoning code regulations.

(8) The accessory dwelling may have its own entrance or share an entrance with the principal dwelling but cannot have its own separate entrance on the same façade as the front or street-facing entrance of the principal dwelling.

(9) The principal dwelling shall have no less than two (2) off-street parking spaces and one (1) additional off-street parking space shall be provided for the accessory dwelling. Tandem style parking spaces (where access to a given space may be blocked by the designated parking space of another vehicle) shall not count towards meeting the parking requirements of this section. Unless specifically approved by the approval authority, accessory dwelling units shall not have a driveway separate from that of the principal dwelling.

(10) All accessory dwellings require approval of a Special Use Permit from the Planning Commission and Governing Body in accordance with the procedures outlined within this Chapter. To approve a request for a Special Use Permit, after a public hearing, the approval authority shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any or all of these requirements shall be cause to deny the request.

a. The size, location, layout, and appearance of the principal dwelling and the proposed accessory dwelling do not negatively impact the adjoining properties and surrounding neighborhood.

b. Adequate provisions for parking have been made for both the accessory dwelling and the principal dwelling.

c. The property is appropriately zoned for an accessory dwelling and all city code requirements have been satisfied.

Notes: Mostly a complete rewrite of this article. Text from current code in black. New text in red.

ARTICLE 9. SIGN REGULATIONS

Sec. 16-901. – Purpose.
Sec. 16-902. - Findings and Intent; Interpretation.
Sec. 16-903. – Severability.
Sec. 16-904. - Definitions.
Sec. 16-905. – General Requirements.
Sec. 16-906. – Prohibited Signs.
Sec. 16-907. – Exceptions to Sign Permit Requirement.
Sec. 16-908. – Sign Types.
Sec. 16-909. – Sign Regulations.
Sec. 16-910. – Sign Design Standards.
Sec. 16-911. – Sign Area Calculation.
Sec. 16-912. – Enforcement Authority
Sec. 16-913. – Permit Required.
Sec. 16-914. – Application for sign Permit
Sec. 16-915. – Approval of Electrical Wiring
Sec. 16-916. – Licensed Sign Contractor
Sec. 16-917. – Permit Issuance; Expiration
Sec. 16-918. – Revocability of Permit
Sec. 16-919. – Right of Entry
Sec. 16-920. – Inspection
Sec. 16-921. – Unsafe or Unlawful Signs
Sec. 16-922. – Nonconforming Signs
Sec. 16-923. – Removal of Irrelevant Signs
Sec. 16-924. – Variances and Appeal

Sec. 16-901. - Purpose.

The purpose of this article is to create the framework for a comprehensive and balanced system of content- and viewpoint-neutral regulation of signs to facilitate easy and pleasant communication between people while protecting the First Amendment rights of resident individuals and businesses of the City and preserving and improving the quality of the City's environment by avoiding visual clutter harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

Sec. 16-902. - Findings and Intent; Interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic investment. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all Signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article is based on the following legislative intent and findings.

(1) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interests identified above.

(2) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(3) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(4) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(5) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the federal government, the State of Kansas, Johnson County, or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of signs that falls within the immunities of the government from regulation.

(6) Many signs are intended to be temporary in nature, and so do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and present a potential hazard to persons and property. Severe weather conditions include, but are not limited to, thunderstorms with accompanying high winds, tornadoes, ice accumulation, and flooding, and are characteristic of local weather conditions.

(7) The primary purpose of signs unrelated to traffic and placed along a roadway is to attract the attention of drivers and distract them from their primary responsibility of constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers.

(8) Signs inherently are out of keeping with their surroundings; they are intended to attract attention. Their purpose fails if they meld into the landscape. As such, they are a visual blight where the visual clutter of signs is at odds with the City's policy to make structures blend into the topography and be compatible with their natural surroundings.

(9) Signs have an adverse effect on the aesthetic quality of a City, and thus risk depreciating property values. This potential adverse effect conflicts with the City's policy to enhance the quality of life through other land use regulations.

(10) Residents are virtually captive audiences of signs displayed by neighbors; signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the vista from the resident's property may become so marred by the clutter of signs that the resident cannot successfully avoid observing the sign clutter.

Sec. 16-903. – Severability.

Severability is intended throughout and within the provisions of this article. If any section, subsection, sentence, clause, phrase or portion of the article is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this article.

Sec. 16-904. – Definitions.

As used in this Article, unless the context otherwise indicates, the following terms have the meanings ascribed herein:

(a) "Animated sign" means any sign with actual motion, the appearance or illusion of motion, or light or color changes by mechanical or electrical means.

(b) "Air-Activated Graphics" means a sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

(c) "Awning" means any structure made of cloth type materials or metal with a metal frame attached to a building and projecting over a thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

(d) "Bag sign" is a sign designed to temporarily cover an existing monument sign or pole sign.

(e) "Balloon sign" is a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. Also known as Inflatable Devices. See also the definition for air-activated graphics.

(f) "Banner sign" is a sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, or wall, that is attached to the ground by secure attachments to stakes, poles, or similar devices and secured or mounted so as to limit movement of the sign caused by movement of the atmosphere. Banners do not include those signs which are defined as flags in this Article.

(g) "Billboard" means any structure, regardless of material used in the construction of the same, that is erected, maintained, or used for public display of poster, painted signs, wall signs, whether the structure is placed on the wall itself, pictures, or other pictorial reading matter.

(h) “Blade sign” is a temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure. May also be known as a “feather sign.”

(i) "Building sign" means a sign which is wholly supported by the building wall, parallel to the plane thereof, and which does not extend beyond the surface of said building wall more than twelve (12) inches. This definition includes walls signs, awning signs, canopy signs, fascia signs, parapet signs, painted signs and window signs as may be defined herein this Article. Internally illuminated color panels, strips, or bands and neon lighting shall be considered building signs.

(j) “Business” means a place where different types of trade, commerce, etc., is carried on, usually under the ownership of one person, company or partnership.

(k) “Canopy” means any structure, other than an awning, made of cloth type materials or metal with metal frames attached to a building, projecting over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

(l) “Canopy sign” is a building sign attached to or in any way incorporated with the face or underside of a canopy, marquee, or any other similar building projection, and which does not extend beyond the projection more than six inches.

(m) "Changeable message sign” means a sign that has the capability of sign copy being changed manually or mechanically.

(n) “Commercial sign” means any sign not defined herein as a “non-commercial sign”

(o) “Corporate flag” means a flag, other than a government flag, that contains a logo, corporate name, or other identification.

(p) "Directional sign" means any sign oriented internally intended to convey messages to internal users of a site and generally not intended to convey messages to persons off-site or from an adjoining street. Examples include directional or wayfinding signs, traffic directions and signs that provide parking instructions, security warning signs, business directories, or similar communications that are accessory to the use of the site and any building located thereon.

(q) "Directory sign" means a permanent diagrammed representation located near the entrance of a complex which shows the location and address of the unit designations within a complex.

(r) "Electronic message center" means a sign that is electronically or electrically controlled that displays a message center or reader board composed of a series of lights that may be changed through electronic means including LED or LCD displays.

(s) “Erect” means to build, construct, attach, hang, place, suspend, or affix, and also includes the painting of wall signs.

(t) “Feather sign” see “blade sign.”

(u) "Flag" means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, or logos.

(v) "Free standing signs," including pole and ground monument signs, as regulated by this Article, include any sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.

(w) “Facing or surface” means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign. The square footage of a sign, wherever the same is required to be computed for the purposes of this Article, shall be determined by computing the square footage of the facing or surface of such sign.

(x) “Government flag” means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, used as a symbol of a government or political subdivision, including flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction.

(y) “Government sign” means any type of sign that is constructed, placed or maintained by or at the direction of the federal, state, county, or local government. Examples include traffic control and safety signs and devices, public notices and informational signs, all public parks and public facilities signs, and directional and identification signs such as tourist oriented directional signs approved and placed by the Iowa Department of Transportation, memorial plaques, signs of historical interest, signs designating hospitals, libraries, public parks, schools, colleges, airports, and other institutions or places of public interest or concern.

(z) “Ground sign,” see “free standing sign.”

(aa) "Identification sign" means a sign that displays no more than the name, address, crest or insignia, occupation or profession of an occupant of the premises, name of any building on the premises or the trademark of the occupant.

(bb) “Illuminated sign” means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

(cc) “Incombustible material” means any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

(dd) “Logo” means a stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.

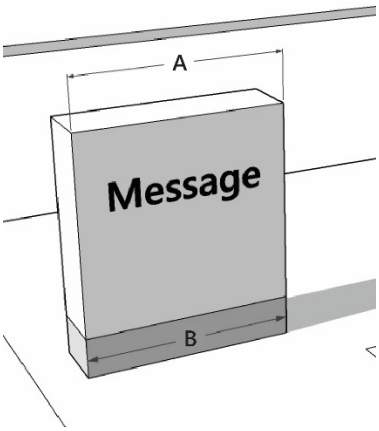
(ee) “Marquee” means any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

(ff) “Mobile sign” means a sign affixed to an automobile, truck, trailer or other vehicle.

(gg) "Monument ground sign" means a free standing sign which is anchored to the ground similar to a ground sign, but which has a monolithic or columnar line and which maintains

essentially the same contour from grade to top with the base of the sign being a minimum of 80% of the width of the widest component of the sign. Said signs may be doubled signed, perpendicular or parallel to the adjoining roadway but in no case shall consist of more than 2 sign faces.

Figure 1



Ground Monument Sign
B ≥ 80% of A

(hh) "Non-commercial sign" means any sign containing an ideological, political issue, religious or other message not related to the promotion of a commercial or business activity. All signs not defined as a "non-commercial sign" shall be defined as a "commercial signs."

(ii) "Off-premises sign" means a commercial sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located. This definition does not include non-commercial signs.

(jj) "On-premises sign" means a sign installed, erected, constructed, or hung on a site or property that is appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located.

(kk) "Other advertising structure" means any marquee, canopy or awning as further defined herein.

(ll) "Panel sign" means a sign consisting of a frame covered by a translucent material which may be internally illuminated. The entire sign structure is one unit and the copy is not intended to include three-dimensional individual letters.

(mm) "Permanent sign" means a sign constructed of durable materials and attached to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a temporary basis.

(nn) "Pole sign" means a freestanding sign that is supported by one or more uprights not attached to, or braced by, any other structure. Pole signs shall have a clear open space of not less than ten (10) feet between the base line of said sign and the ground level.

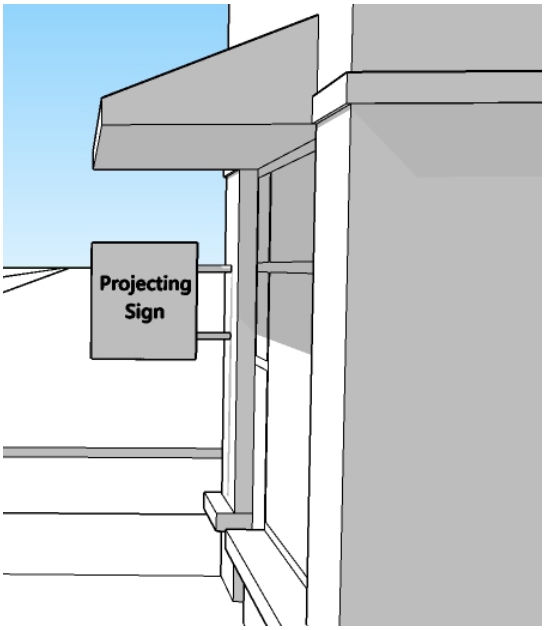
(oo) "Political issue sign" means a sign announcing, promoting (for or against), or drawing attention to any personal or political issue or candidate(s) seeking public political office.

(pp) "Portable sign" means a freestanding sign not permanently anchored or secured to the ground or any building or wall, which may be moved from place to place, including, but not limited to, signs design to be transported by means of wheels, and is not expressly permitted under this Article as a temporary sign.

(qq) "Projected-image sign" means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.

(rr) "Projecting sign" means any sign which is attached to a building or other structure and extends more than 12 inches beyond the building.

Figure 2

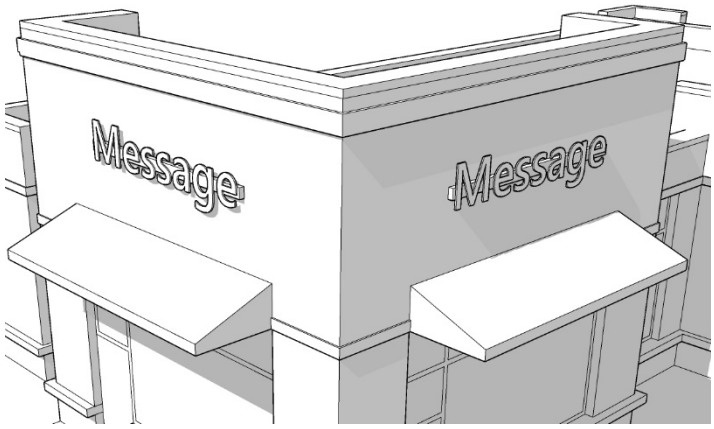


Projecting Sign

(ss) "Public school district sign" means any type of sign that is constructed or placed by a public school district on property owned or leased by that public school district.

(tt) "Raceway" means an enclosed channel designed expressly for holding wires, cables, or bus bars on which a sign in mounted.

Figure 3



Sign Mounted on Raceway

(uu) "Raceway, pan style" is a sign raceway that is shaped and contoured to follow the outline of the sign to which is mounted to the raceway.

(vv) "Roof sign" means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

(ww) "Sidewalk sign" means free standing portable sign. Typically designed as either A or T framed and to be used on daily basis and during business hours.

(xx) "Sight distance triangle" means the clear vision zone corner lots as defined in Section 16-426 of City Code.

(yy) "Sign" means any and every advertising sign, identification sign, freestanding sign, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning and canopy and includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.

(zz) "Sign area" means that area of a sign's exposed facing, determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. Such area shall be measured using one of the formulas in Section 16-911 of this Article.

(aaa) "Sign copy" means words, letters, logos figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.

(bbb) "Structural trim" means the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

(ccc) "Temporary sign" means any yard sign, portable sign, inflatable signs, bag or banner covering a permanent sign, or other sign, banner, pennant, valance or advertising display constructed of Vinyl, cloth, canvass, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.

(ddd) "Trailer sign" means any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.

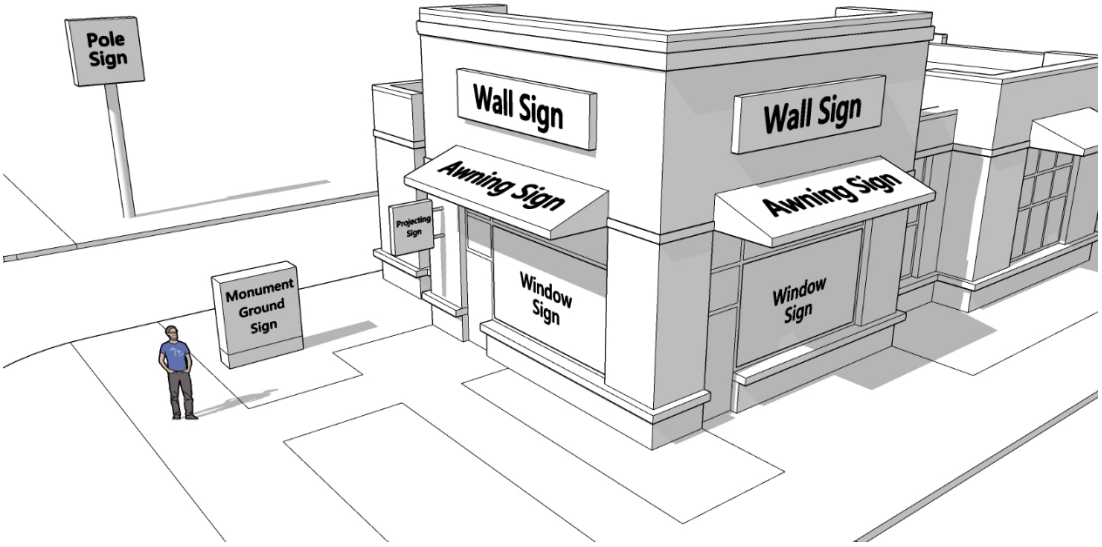
(eee) "Vehicle sign" means a message, inscription or logo painted, attached, or incorporated on a motor vehicle which advertises or promotes the interest of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.

(fff) "Wall sign" means any flat sign of solid face construction which is placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

(ggg) "Window sign" means a sign posted, painted, placed, adhered, or affixed in or on a window or door, or a sign that is located on the interior of a structure that is exposed to public view from the exterior of the structure through a window or glass door.

(hhh) "Work of art" means any mural painting or decoration, inscription, mosaic, painted glass, base-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on any lot or parcel or wall of any building or structure. A work of art shall not incorporate logos, advertisements, or other commercial speech nor shall a work of art contain images, letters, symbols or other representations designed to identify or market any commercial activities contained upon the site on which it is located.

Figure 4



Major Sign Types

Sec. 16-905. – General Requirements.

(a) No sign shall be allowed except as permitted by this Article.

(b) No sign shall be located within the clear vision area of a driveway or street intersection as defined in City Code. No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring a driver's or pedestrian's vision.

(c) No person shall install, erect, construct, hang, or alter any sign within the City without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this Article.

(d) No person shall replace the sign copy or sign face without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this Article.

(e) Signs shall be properly erected or attached to a structure and kept in good repair. Any lettering, logo, design, and other markings placed upon the sign shall be clear, distinct, and readable and maintained in that condition.

(f) Any permanent or temporary commercial sign allowed in this Article may be utilized as a non-commercial or political issue sign subject to the regulations contained herein.

(g) Strength of Signs. All signs and other advertising structures shall be designed and constructed to withstand a wind load and dead load as required in the Building Code or other ordinances of the City.

(h) Sign Maintenance: All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the City.

(i) Interference: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any overhead electrical power, telephone, fiber optic, or cable wires or supports thereof.

(j) Safe Ingress and Egress: No sign or part thereof shall be erected or maintained to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

(k) Illumination: All externally illuminated signs shall be constructed to direct the source of light away from adjacent properties or public streets.

(l) Free-Standing Sign Height Computation: The height of free-standing signs (including all temporary and permanent signs) shall be computed to be the distance from the base of the

sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to mean the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

(m) Free-Standing Sign Setback Measurement: The sign setback for free-standing signs (including all temporary and permanent signs) shall be measured from the nearest edge of the sign.

Sec. 16-906. - Prohibited Signs.

The following signs shall not be permitted, erected or maintained on any property within the City, unless located within the confines of a building, or not visible from outside the premises of the lot in which the sign is located.

(a) Air-Activated Graphics and Signs with Moving Parts. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermediate electrical pulsations, or by action of normal wind currents, except as part of Special Event approved by the City under Article 7 of City Code.

(b) Animated Signs.

(c) Balloon Signs.

(d) Banners. Banners, pennants, spinners, and streamers, except as specified in this Article as a permitted temporary sign or as part of Special Event approved by the City under Article 7 of City Code.

(e) Billboards.

(f) Flashing or Glaring Lights. Flashing lights, strobe lights, or rotating beams shall be prohibited outside of a building or visible from the outside of a building in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Illumination of signs shall be designed in such a way as to reflect light away from residential properties and motorists' vision.

(g) Mobile signs attached to or painted on an inoperable or unlicensed vehicle, truck, or trailer.

(h) Moving Lights. Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights. Except for a special event approved by the City Council per the City's special event procedures.

(i) Off-Premise Signs, except a permitted temporary sign, as specified in this Article, may be off-premise.

(j) Pole Signs.

(k) Portable Sign.

(l) Projecting Signs.

(m) Projected-Image Signs.

(n) Roof Signs.

(o) String Lights. String lights used in connection with commercial premises from November 1 to January 15 on a temporary basis are permitted.

(p) Discontinued Use. Signs on a property that is vacant or un-occupied for a period of more than six (6) months.

(q) Hazardous Sign. Any sign or sign structure which:

(1) Is structurally unsafe;

(2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;

(3) constitute an obstruction so as to prevent free ingress or egress through any door, window or fire escape;

(4) Is not kept in good repair; or,

(5) Is capable of causing electrical shocks to persons likely to come in contact with it.

(r) Obscene Matter. Signs that display obscene matters in violation of any State or Federal statute.

(s) Signs Projecting over Public Right-of-Way. It is unlawful to erect or maintain any sign on, over, or above any land or right-of-way belonging to City or other governmental entity unless specifically permitted by said entity, except as allowed by K.S.A. 25-2711 for political signs during the 45-day period prior to any election and the two-day period following any such election.

(t) Temporary Signs. All temporary signs except those that are specifically allowed by this Article.

(u) Interference with Traffic. No sign or other advertising structure as regulated by this Article shall be erected at the intersection of any street or alley in such a manner as to obstruct free and clear vision, or at any location, where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words STOP, LOOK, DRIVE-IN, DANGER or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(v) Unlawful Signs. Any sign unlawfully installed, erected or maintained in violation of this Article.

Sec. 16-907. – Exemptions to Sign Permit Requirement.

The following signs shall not require a sign permit.

(a) Government signs and government flags as defined herein this Article, are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.

(b) Signs located within the confines of a building, except those that are defined as window signs.

(c) Building addresses on buildings and signs as required by the City are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.

(d) Directory signs as required by the Fire Department for emergency identification are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.

(e) Works of art that meet the definition as provided herein this Article.

(f) Temporary Signs, to the extent that they meet the standards herein this Article, are exempt from the Sign Permits and Fees requirement.

Sec. 19-908. - Sign Types.

For the purposes of this Article, the following sign types as defined herein are placed into the following categories.

(a) Permanent Signs. Permanent signs may be commercial or non-commercial signs as defined herein this Article. Permanent, commercial signs must meet the definition of an on-premise sign. Permanent, commercial signs shall not include off-premise signs. Permanent signs are limited to the following sign types as defined and further regulated herein this Article:

(1) Building Signs

(2) Ground Signs

(3) Directional Signs

(4) Drive-Thru Facility Signs

(5) Signs Affixed to Automated Teller Machines (ATM)

(6) Corporate Flags

(b) Temporary Signs. Temporary signs may be commercial or non-commercial signs as defined herein this Article. Temporary, commercial signs may be on-premise or off-premise signs. Temporary signs are limited to the following sign types as defined and further regulated herein this Article:

(1) Free-standing signs

(2) Sidewalk signs

(3) Blade signs and flags

(4) Banner signs attached to a building wall or window or covering and affixed to an existing building sign

(5) Bag signs covering and affixed to an existing monument ground sign

CONFLUENCE

Sec. 19-909. – Sign Regulations.

(a) Permanent signs permitted by zoning district.

TABLE 19-909.1: PERMANENT SIGNS							
BUILDING SIGNS	**ZONING DISTRICT**						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**C-1**	**C-2**
Number of Signs Permitted	1 sign per principal building facing a public street for all permitted multi-family residential and non-residential uses.					Building signs may be located on any side of a building so long as the total sign area does not exceed the total allowed for the building. The area of all wall, awning, and window signs shall be included in the total building signage area calculation.	
Maximum Sign Area	25 sq. ft.					10% of the total sq. ft. of the wall area of a principal building facing a public street. No more than two sides of a building facing a street shall be used to calculate the allowable signage. The sign area of all building signs (including wall, awning, and window signs) shall be calculated using sign area Formula A as defined herein this chapter.	
GROUND SIGNS	**ZONING DISTRICT**						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**C-1**	**C-2**
Number of Signs Permitted	1 per public street frontage for each lot of record for all permitted multi-family residential and non-residential uses.					1 per public street frontage for each lot of record.	
Maximum Sign Height	8 ft.					10 ft.	
Maximum Sign Width	8 ft.					10 ft.	
Maximum Sign Area	25 sq. ft. calculated using sign area Formula B as defined herein this chapter.					50 sq. ft. calculated using sign area Formula B as defined herein this chapter.	
Minimum Sign Setback Requirements	16 ft. from all property lines.					Minimum setback from all property lines is equal to twice the sign height, but no less than 10 ft.	

DIRECTIONAL SIGNS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number of Signs Permitted	2 per each lot of record for all permitted multi-family residential and non-residential uses.					2 per each lot or record.	
Maximum Sign Height	3 ft.						
Maximum Sign Area	9 sq. ft. calculated using sign area Formula B as defined herein this chapter.						
Sign Setback Requirements	10 ft. from all property lines.						

DRIVE-THRU FACILITY SIGNS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number of Signs Permitted	For sites with a permitted drive-thru facility, 2 drive-thru facility signs, as provided herein, shall be permitted for each drive-thru lane. Signs may be free-standing (one-sided only) or building/wall mounted.						
Maximum Sign Height	8 ft.						
Maximum Sign Area	Each sign shall be no greater than 36 sq. ft. using sign area Formula B as defined herein this chapter.						
Minimum Sign Setback and Placement Requirements	25 ft front yard and 10 ft from all property lines. Must be within 10 ft of the drive-thru lane.						

SIGNS ON ATMS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Maximum Sign Area						Sign copy may be adhered or placed upon any surface of a permitted ATM or ATM kiosk; however, the total area of all signage shall not exceed 48 sq. ft.	

CORPORATE FLAGS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number Permitted	Not Permitted.					1 per lot of record or 1 per principal building.	
Maximum Height						30 ft.	
Maximum Flag Size						15 sq. ft.	
Minimum Pole Setback						Minimum setback from all property lines is equal to the pole height, but no less than 5 ft.	
Other Requirements						May only be displayed concurrent with the display of 1 or more government flag(s) attached either on a shared pole or separate pole located in close proximity to the pole(s) displaying the government flag(s).	

(b) Temporary signs permitted by zoning district.

TABLE 19-909.2: TEMPORARY SIGNS							
COMMERCIAL SIGNS	**ZONING DISTRICT**						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**C-1**	**C-2**
Number of Signs Permitted	1 sign per public street frontage for each lot of record.					1 sign per public street frontage for each lot of record plus 1 per building or individual business. Each building or individual business may also display 1 "A-frame" or 1 "blade sign" during the hours in which the business is open provided no more than 3 such signs are displayed on a single lot of record.	
Maximum Sign Area	24 sq. ft. for permitted multi-family residential and non-residential uses and 6 sq. ft. for all other uses. Sign area shall be calculated by using sign area Formula B as defined herein this chapter.					32 sq. ft. using sign area Formula B as defined herein this chapter.	
Maximum Free Standing Sign Height	6 ft.					8 ft.	
Maximum Free Standing Sign Setback Requirement	5 ft. from all property lines.						
NON-COMMERCIAL SIGNS	**ZONING DISTRICT**						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**C-1**	**C-2**
Number of Signs Permitted	3 per lot of record, except as allowed by K.S.A. 25-2711 for political signs during the 45-day period prior to any election and the two-day period following any such election.						
Maximum Sign Area	8 sq. ft. using sign area Formula B as defined herein this chapter.					32 sq. ft. using sign area Formula B as defined herein this chapter.	
Maximum Free Standing Sign Setback Requirement	5 ft. from all property lines.						

Sec. 19-910. – Sign Design Standards.

(a) Permanent Signs. The following regulations are established for all permanent signs as may be permitted by this article.

(1) **Building Sign Regulations.**

a. Prior to installation of any building signage, all multi-tenant buildings and multi-building commercial centers shall provide a signage plan detailing how and where signage will be allocated to each individual tenant space. This plan shall be adhered to unless an alternate plan is provided to the City by the building owner. In the case of commercial condominium or horizontal property regime, each owner shall be allocated an amount of signage proportional to the size of their unit.

b. No wall sign shall cover wholly or partially any wall opening, nor project beyond the

ends of the wall to which it is attached.

c. All building signs, but not including awning and window signs, shall consist of solid individual letters and symbols that have a three-dimensional appearance with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.

d. Signs with exposed florescent tubes or light bulbs are prohibited.

e. Painted signs, including any lettering, graphics, images, and logos, are prohibited except as may be permitted on awnings and windows.

f. Signs in any residential zoning district shall not be internally illuminated.

~~g. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed four (4) feet in height and four (4) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.~~

h. No individual letter or symbol shall exceed four (4) feet in height and four (4) feet in width. All letters and symbols should be individually attached to the building wall. Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator. Panel signs no greater than 32 square feet in size shall be permitted.

i. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the building wall.

(2) **Ground Sign Regulations.**

a. Ground signs shall be restricted to monument grounds signs. Pole signs are prohibited.

b. All sign structures shall be architecturally designed and incorporate design details, materials, and colors of the associated building.

c. Signs with exposed florescent tubes or light bulbs are prohibited.

d. Painted signs, including any lettering, graphics, images, and logos, are prohibited.

e. Signs in any residential zoning district shall not be illuminated, neither internally nor

externally. All other signs may be internally or externally illuminated provided they do not cause glare towards public streets or neighboring properties.

f. Permitted ground signs may include a changeable message sign that is double-sided (back-to-back) and no larger than 32 sq. ft. in size per sign face.

g. Permitted ground signs may include an electronic message center sign that is double-sided (back-to-back), subject to the following design regulations:

- The maximum electronic message center sign size within any non-residential zoning district is 32 sq. ft., per sign face, for a double-sided (back-to-back) sign.
- The maximum electronic message center sign size within any residential zoning district is 12 sq. ft., per sign face, for a double-sided (back-to-back) sign.
- Electronic message center messages and images may not include video, animation, scroll, or flash and shall not display full-motion graphics in a series of frames to give the illusion of motion or video.
- The images and messages displayed on an electronic message center must have a minimum dwell time of at least 10-seconds before changing to the next image or message. The transition or change from one message to another must be instantaneous and involve no animation or special effects.
- Electronic message centers shall be integral to and a part of an approved monument sign.
- An approved monument sign may have more than one individual electronic display provided the total area of all such displays does not exceed 32 sq. ft. of the total sign copy area.
- The brightness of any electronic message center shall not exceed a maximum illumination of 5,000 candelas per square meter (nits) during daylight hours and a maximum illumination of 250 candelas per square meter (nits) between dusk and dawn, as measured from the brightest element on the sign's face. Electronic message centers must be equipped with a light detector or photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

(3) **Temporary Sign Regulations**

a. The following types of temporary signs may be permitted in accordance with the regulations herein this Article. All other temporary sign types not listed herein below are prohibited.

- Free-standing signs including sidewalk signs, flags, and blade signs.

- Banner signs attached to a building wall or window or covering and affixed to an existing building sign.

- Bag signs covering and affixed to an existing monument ground sign.

b. Prohibited Within Public Street Right-of-Way and Public Property. No temporary sign shall be placed within a public street right-of-way nor on public property.

c. Time Limit. No temporary sign shall be in place for a period greater than six (6) months unless removed and replaced with a new sign.

Sec. 19-911. – Sign Area Calculation.

The area of a sign shall be as determined by the Zoning Administrator using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants. The area of each sign type is to be measured with either Formula A or Formula B as noted below. The application of either Formula A or Formula B is established by sign type as defined elsewhere in this article.

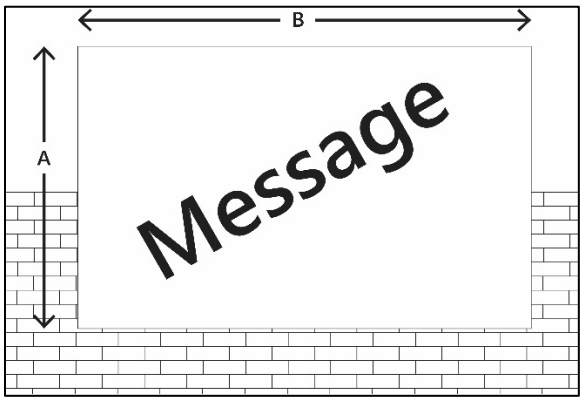
(a) **Formula A.** The sign area is the sum of the area of two (2) contiguous rectangles, squares or circles that enclose the extreme points or edges of all copy, logos and symbols of said sign.

Figure 5

Sign Area = (A1 x A2) + (B1 x B2)

(b) **Formula B.** The sign area is the area of one rectangle, square or circle that encloses the extreme points or edges of all areas where copy may be placed on a sign. This area does not include structural or architectural features of the sign where copy will not be located.

Figure 6



Sign Area = A x B

Sec. 19-912. – Enforcement Authority.

The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this Article.

Sec. 19-913. – PERMIT REQUIRED.

Except those signs as expressly exempted by Section 16-907 of this Article, it is unlawful for any person to erect, repair, alter, relocate or maintain within the City any sign or other advertising structure as defined in this Article, without first obtaining an erection permit from the Community Development Department, and making payment of the fee required herein. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code of the City.

Sec. 19-914. – Application For Sign Permit.

Application for sign erection permits shall be made upon forms as determined by the Zoning Administrator and shall contain or have attached thereto the following information unless any such information is deemed unnecessary by the Zoning Administrator:

(a) Application fee as established by resolution of the City Council.

(b) Name, address and telephone number of the applicant and building and/or property owner.

(c) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(d) Position of the sign or other advertising structure in relation to nearby buildings or structures.

(e) Site plan, sign elevations, details, and specifications and method of construction and attachment to the building or in the ground.

(f) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this Article and all other laws and ordinances of the City.

(g) Name of person, firm, corporation or association erecting the structure.

(h) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected if different from the applicant.

(i) Such other information as the Zoning Administrator shall require to show full compliance with this Article and all other laws and ordinances of the City.

Sec. 19-915. – Approval Of Electrical Wiring.

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Zoning Administrator. The Zoning Administrator shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the City, and the Zoning Administrator shall approve such permit if the said plans and specifications comply with said code, or disapprove the application if noncompliance with such code is found.

Sec. 19-916. – Licensed Sign Contractor.

All permanent, free standing and building signs shall be constructed by a professional sign contractor licensed to conduct business within the City. The licensing application and insurance requirements shall be as determined by the City.

Sec. 19-917. – Permit Issuance; Expiration.

It is the duty of the Zoning Administrator, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if all the requirements of this Article and all other laws and ordinances of the City are complied with, the Zoning Administrator shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six months after date of issuance, the said permit shall become null and void.

Sec. 19-918. – Revocability of Permit.

All rights and privileges acquired under the provisions of this Article, or any amendment thereto, are mere permits revocable by the Council, and all sign permits shall contain this provision. In the event that by action of the Council any permit is revoked, it shall be unlawful thereafter to permit such sign to continue to remain on the premises, and it is the duty of the owner, agent, or person in possession of said premises, and each of them, to remove such sign forthwith.

Sec. 19-919. – Right Of Entry.

Subject to constitutional limitations and upon presentation of proper credentials, the Zoning Administrator or any duly authorized representatives may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon the Zoning Administrator by this Article.

Sec. 19-920. – Inspection.

All signs for which a permit is required by this Article or any ordinance of the City shall be subject to inspection by the Zoning Administrator. Footing inspections will be required for all ground signs. Electric signs shall be inspected before erection.

Sec. 19-921. – Unsafe Or Unlawful Signs.

If the Zoning Administrator finds that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Article, the Zoning Administrator shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply, by the Zoning Administrator at the expense of the permittee or owner of the property upon which it is located. The Zoning Administrator shall recommend to the City Manager the revocation of the permit covering such sign or other structure regulated herein, and thereupon said permit may be revoked by order of the Council. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. Existing signs shall comply with the provisions of this section.

Sec. 19-922. – Nonconforming Signs.

(a) Intent: It is the intent of this Article to allow existing legal, nonconforming signs to continue to be maintained and used until they are removed under the terms of this Article, while encouraging legal, nonconforming signs to be brought into conformity. Every sign or other advertising structure lawfully in existence on insert date, but which is prohibited by the terms and conditions of this Article, shall not be altered or moved except in compliance with this Article.

(b) Modification: A legal nonconforming sign or sign structure shall be brought into conformity with this Article if it is altered, reconstructed, replaced, expanded, or relocated. A change in sign copy, or the replacement of a sign face, is not an alteration or replacement for purposes of this section, but conditions may be placed on the approval to bring the sign closer to compliance with the intent of the provisions of this Article.

(c) Maintenance: Legal nonconforming signs must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and it is not a change or modification for purposes of subsection (d)1 of this section.

(d) Removal: Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:

(1) Fifty percent (50%) or more of the entire sign structure of a legal nonconforming sign is damaged, destroyed, or for any reason or by any means taken down; or

(2) The condition of the legal nonconforming sign or legal nonconforming sign structure has deteriorated without maintenance as required by this section; or the legal nonconforming sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event; and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty percent (50%) of the cost of reconstruction of the sign structure; or

(3) The use of the legal nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of thirty (30) consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

(e) Sign Permit Application: For any new sign permit applications filed under this Article, the City may review all signs within the subject property for compliance with this Article. Should it be determined that there are legal nonconforming signs on the premises, the City may require that any nonconforming sign displayed on the premises that would affect the compliance of the new sign with this Article be altered or removed before a new permit may be issued under the provisions of this Article.

(f) Site Plan Application: Any site that is the subject of a site plan application shall be required as a condition of approval to bring all nonconforming signs on the premises into conformity with the provisions of this Article.

Sec. 19-923. – Removal of Irrelevant Signs.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the use of the building or structure upon which such sign may be found, within 10 days after written notification from the Zoning Administrator, and upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Sec. 19-924. – Variances and Appeals.

Any variance from these regulations may be approved only by the Board of Zoning Appeals after an application for a permit has been denied for the proposed sign, by the Zoning Administrator or Building Inspector as provided in these regulations.

Any person aggrieved by an order, requirement, decision or determination of the Zoning Administrator or Building Inspector in the enforcement of this Article may file an appeal with the Board of Zoning Appeals in accordance with City Code.

Notes: Text from current code in black. New text in red. This is a significant rewrite of the current code.

ARTICLE 10. LANDSCAPING AND SCREENING

Sec. 16-1001. – Statement of Intent.
Sec. 16-1002. - Applicability.
Sec. 16-1003. - Definitions.
Sec. 16-1004. - Open Space and Landscaping Required.
Sec. 16-1005. – Screening and Buffering.
Sec. 16-1006. – Plant Materials Standards.
Sec. 16-1007. – Review and Approval Process.
Sec. 16-1008. - Maintenance and Replacement.

Sec. 16-1001. Statement of Intent.

The intent of the following provisions is as follows: to provide greenery to visually soften paved areas and buildings; to establish optimum environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, retardation of storm water runoff, and abatement of noise glare and heat; to ensure the replenishment of the local stock of native trees by utilizing plant materials that are generally native or hearty to the region; to preserve existing trees; to screen certain unsightly equipment or materials from the view of persons on public streets or adjoining properties; and to buffer uncomplimentary land uses and generally enhance the quality and appearance of developed properties within the City.

Sec. 16-1002. Applicability.

These regulations shall apply to new development, the redevelopment of existing sites, all site modifications including building additions and expansions, new parking lots and paved area expansions, and the subdivision of land within all zoning districts. The approval authority can approve alternative landscaping standards in order to address special or unique circumstances provided the overall intent of this Article is met.

Sec. 16-1003. Definitions.

The following terms are defined for this Article:

(a) **Deciduous Ornamental Tree.** A deciduous tree (often an ornamental type tree) that reaches a mature height of less than 30 feet.

(b) **Deciduous Shade Tree**. Defined as a deciduous tree with one vertical stem or trunk which begins branching at a height of six (6) feet or more and has a distinct crown that reaches a mature height of at least 30 feet.

(c) **Evergreen / Coniferous Tree.** Defined as a tree that has needle-shaped or scale like leaves that remain green throughout the year; commonly referred to as pine, fir, and spruce trees. These trees generally reach a mature height of over 25 feet.

(d) **Invasive Plant Species**. A plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition,

natural processes or habitat quality. Invasive plants are those plants recognized by the US Department of Agriculture as an invasive plants including the invasive plants defined in Section 8-901 of City Code.

(e) **Noxious Weeds**. A plant recognized by the Kansas Department of Agriculture as a noxious weed including the noxious weeds as defined in Section 8-901 of City Code.

(f) **Open Space.** Any area not covered by a building, structure, parking lot, loading area, driveway, or other similarly paved area. Open space may include sidewalks, trails, pedestrian plazas and patios, and landscaped parking lot islands.

(g) **Ornamental Grasses**. Defined as tall perennial grasses, generally over 24-inches at mature height, that are specifically grown and cultivated for their decorative properties. Most of the commonly used ornamental grasses are non-native, introduced species such as: Feather Reed Grass, Blue Oat Grass, Silvergrass, and Fountain Grass.

(h) **Prairie Grass Plantings.** Native grasses and forbs (flowering plants) found within the native prairie environment typical for the area prior to clearance and cultivation of the land by European settlers. For the purposes of this Article, prairie plantings may contain native grasses without forbs to simplify prairie plant installation and maintenance.

(i) **Turf Grass.** A continuous plant coverage consisting of a grass species that is mowed or maintained at an established height of 6 inches or less and can include native and non-native vegetation, e.g., Kentucky Blue Grass, Perennial Ryegrass, Tall Fescue, Fine Fescue, Buffalo Grass.

Sec. 16-1004. Open Space and Landscaping Required.

(a) **Open Space.** All sites shall provide no less than the minimum amount of landscaping as required for each zoning district.

(b) **Landscaping.**

(1) Ground Cover. All areas unencumbered by buildings, paving or hard-surfacing, shall be landscaped with turf grass, prairie grass plantings, plant beds, shrubs, and trees.

(2) Use of Mulch. Except for single-family and duplex dwellings, wood-based mulch shall be used around all plantings and in all plant beds. Large areas of wood mulch that do not contain plantings shall not be permitted except when used around play structures. Inorganic ground cover material, including rock, chip brick, and synthetic turf (unless part of a designated sport field or play surface), is prohibited except along building foundations, around drainage structures, and in other limited applications as may be deemed acceptable by the Zoning Administrator.

(3) Minimum Open Space Landscape Requirements. The following minimum open space plantings shall be required for all sites except for except for single-family and duplex dwellings. Each single-family and duplex dwellings constructed after the adoption of this

ordinance shall be required to plant two (2) trees (ornamental or shade) per lot or unit prior to the issuance of an occupancy permit.

a. One (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs shall be planted for every 2,000 square feet of required open space. However, the minimum required landscape for all sites shall be no less than one (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs.

b. This landscaping is in addition to landscaping required for street frontage and parking lot landscaping. Open space plant materials shall not count towards the fulfillment of any other landscaping requirement.

(4) Street Frontage Landscaping. The following street frontage landscaping shall be required for all sites except for except for single-family and duplex dwellings. One overstory street tree shall be required for every 40 feet of public or private street frontage. These trees may be clustered or arranged with varying spacing and need not be placed evenly at 40-feet intervals. These trees are encouraged to be located within close proximity to the street right-of-way and may be located within the public street right-of-way, if so approved by the City.

(5) Off-Street Parking, Driveways and Loading Areas. The following standards shall apply to all off-street parking and loading areas with ten (10) or more parking stalls or with more than 2,500 square feet of paved area. Off-street and loading area required plant materials shall not count towards the fulfillment of any other landscaping requirement.

a. Parking Lot Design.

- All rows of parking shall be terminated with a curbed landscaped island that is a minimum nine (9) feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
- No off-street parking or loading area shall be more than 100 feet from a deciduous shade tree located within a landscaped open space area.
- Sidewalks that abut the front edge of any parking stall shall be no less than seven (7) feet wide to accommodate a two (2) feet vehicle overhang.

b. Landscaping Required.

- All parking lot islands shall be landscaped with a combination of turf grass, prairie grass plantings, plant beds, shrubs, and trees.
- Rock, chip brick, pavers, pavement and similar hard surfacing shall not be permitted within a parking lot island. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation.
- No less than one (1) deciduous shade tree shall be planted within each required landscaped island.

c. Parking Lot Screening.

- Whenever an off-street parking area fronts along a public street an average of one (1) deciduous shade tree and two (2) deciduous ornamental trees shall be planted every 50 feet within the parking lot setback area.

- Additionally, a periodic clustering of ornamental grasses and/or shrubs and earth berming should be installed within the parking lot setback area to provide some screening of the parking lot area.

Sec. 16-1005. Screening and Buffering.

(a) **Buffers Required.** Buffers are required, as provided in this Article, for the following conditions. Properties separated by a public street right-of-way are not considered adjoining for the purposes of this Article.

(1) Between any residentially zoned or developed property and any adjoining commercial, office, or industrial uses.

(2) Between any single-family residentially zoned or developed property and any multi-family residential use.

(3) Double Frontage Lots. Any proposed single-family residential lot that has both its front and rear lines abutting a street shall have a buffer from the street along its rear yard. No fences or structures shall be permitted within this buffer and the rear yard building setback shall be measured from the buffer yard line.

(b) **Burden of Providing a Required Buffer.** The burden of constructing and maintaining a required buffer shall be determined as follows:

(1) In the case of a buffer required between two (2) undeveloped properties, the property with the more intensive zoning shall be burdened with the buffer requirements.

(2) In the case of a buffer required between an undeveloped and a developed property, the property proposing the development shall be burdened with the buffer requirements.

(3) In the case of a buffer required between a property proposed for redevelopment and a developed property, the property proposed for redevelopment shall be burdened with the buffer requirements.

(4) Two properties may agree to transfer or share the burden of a required buffer.

(c) **General Buffer Provisions.**

(1) No structures or parking lots or loading areas may be permitted within a required buffer. Fences, sidewalks, and trails may be permitted within a required buffer except that no fence may be constructed within a buffer that fronts along a street.

(2) Buffer plantings should be in small groupings to appear more natural versus evenly spaced in a line.

(3) Earth berming required within a buffer may vary and undulate to accommodate drainage and to provide a more nature appearance.

(d) **Buffer Options.** The following buffer options may be utilized to meet the buffering requirements of this Article, unless an alternate standard is established by the approval authority as a condition for approval of a Special Use Permit or by the City Council as a condition of a rezoning or site plan approval to mitigate conditions that may otherwise be detrimental to adjoining residential properties.

(1) 15-Foot Wide Buffer.

a. Minimum Width: 15 feet.

b. Landscape Requirements: For every 25 linear feet of required buffer a minimum of 1-overstory tree, 2-evergreen trees, and 6-shrubs shall be planted.

c. Earth Berming: three (3) foot tall.

(2) Buffer Reduction. Should the burden of a buffer requirement cause a property to become practically undevelopable, at the sole discretion of the Zoning Administrator, the width of a required buffer may be reduced in lieu of the installation of additional landscaping, a minimum six (6) foot tall privacy fence or masonry screen wall, and other measures necessary to mitigate the impact on the property to be buffered.

Sec. 16-1006. Plant Materials Standards.

(a) Plant Materials. All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals.

(1) To reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site. All trees, shrubs, and perennial plants must be drought resistant or drought tolerant.

(2) No less than 50% of the plant material on an individual site shall be species native to Kansas.

(3) Ornamental and prairie grass plantings must be appropriate in size, scale, quantity, and type for the location they are being placed so not to appear unkept or encroach walkways and driveways.

(4) Prohibited Plants and Trees. The City declares that invasive species and noxious weeds are a public nuisance that degrades landscaped and natural areas. The City shall prohibit the planting of any invasive plant species and noxious weeds in all public and private

properties. Noxious weeds must be controlled and removed from all properties. (See Section 8-901 of City Code.)

(5) Minimum Plant Sizes. All plant sizes shall meet the following size and design requirements:

a. Deciduous Shade Trees – minimum 2.0-inch caliper, measured six (6) inches above the immediate ground level.

b. Deciduous Ornament Trees – minimum 1.5-inch caliper, measured six (6) inches above the immediate ground level.

c. Evergreen / Coniferous Tree – minimum 5-feet in height.

d. Shrubs – minimum three (3) gallon container.

e. Ornamental Grasses – minimum one (1) gallon container.

(6) Seeded Plants. Turf and approved prairie grass areas may be established by hydro-mulch seeding, planting grass plugs, or laying of sod. Seeding without the use of mulch is discouraged.

(7) Plant Locations. All plantings shall comply with the following:

a. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.

b. Trees shall be located no closer than six (6) feet to the back of curb along any street or driveway and no closer than four (4) feet to the edge of any parking lot, sidewalk or walkway.

c. Ornamental and prairie grasses with a mature height of over four (4) feet shall not be permitted within the front yard area of any residential property.

d. Landscaping must meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.

e. Deciduous shade trees should not be placed within any public sanitary sewer, storm sewer or watermain utility easement.

f. No landscaping shall be planted in violation of the City's sight distance triangle for corner lots (see Section 16-426 of City Code).

g. A permit must be obtained prior to planting any street tree or landscape material in the public right-of-way and shall comply with all City clearance and setback requirements.

(8) Plant Substitutions. Substitution of required plant materials may be made as follows:

a. One (1) deciduous shade tree may be substituted in place of 10 required shrubs.

b. One (1) deciduous ornamental tree may be substituted in place of five (5) required shrubs.

c. One (1) evergreen/coniferous tree may be substituted in place of one (1) required deciduous shade tree.

d. One (1) deciduous shade tree may be substituted in place of two (2) required deciduous ornamental trees. Deciduous ornamental trees may not be substituted for required deciduous shade trees.

e. Three (3) ornamental grasses may be substituted for one (1) required shrub.

(b) Tree Preservation Credit. The preservation of existing trees on a site is encouraged when they are in good condition. Such trees, when preserved, may be counted as part of the required number of trees on a site. The tree credit shall be calculated as follows:

a. A credit of one (1) tree shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over 2.0-inch caliper in size measured six (6) inches above the immediate ground level.

b. A credit of two (2) trees shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over 10-inch caliper in size measured six (6) inches above the immediate ground level.

However, this credit may not be applied in reducing the number of required interior parking lot trees, unless the tree is located within the parking lot area.

Sec. 16-1007. – Review and Approval Process.

(a) **Plan Approval Required.** A landscape plan that follows the provisions of this Article shall be submitted as part of any application for approval of a Site Plan and as part of any application for approval of a Preliminary Plat that is for a single-family residential subdivision. No building permit shall be issued without an approved landscape plan in accordance with this Article.

(b) **Plan Submittal Requirements.** The landscape plan shall be prepared and signed by a licensed landscape architect or other licensed professional with competency in preparing landscape plans. The plan set shall include the following:

(1) Property boundary and general location of all existing and proposed structures, fences, walls, paved areas, parking lots, utilities, easements, and storm water management facilities.

(2) Existing and proposed grades.

(3) Identification of all existing landscaping including whether it is to be preserved or removed.

(4) Details for the methods by which existing landscaping planned to be preserved will be protected during site construction.

(5) Identification of all proposed landscaping include plant species and size.

(6) Identification of all proposed ground cover.

(7) Width and details for all required buffers including buffer type and plant quantities.

(8) Details of all required screening.

(9) Specifications for soil conditioning and plant installation.

(10) Summary of the following site details:

a. Square footage of the total site area.

b. Sum square footage of all impervious areas.

c. Square footage of the current and proposed building footprint area and paved areas (not including sidewalks, patios, and pedestrian plaza).

d. Required open space calculations and square footage of open space provided.

e. Calculation of the require landscaping and summary of landscape provided.

(11) Other information as required by the Zoning Administrator.

(12) The Zoning Administrator may waive any of these required elements if determined unnecessary to ensure compliance with this Article.

(c) **Final Approval.** Prior to approval of a Final Plat for any single-family residential subdivision and prior to issuance of a Certificate of Occupancy for any building, all landscaping must be installed in accordance with the approved landscape plan. Should any of the required landscaping not be installed prior to a request for Final Plat approval or Certificate of Occupancy, due to weather conditions or time of the year, the Zoning Administrator, at their sole discretion, may accept a cash surety or performance bond as a guarantee of installation and approve the Final Plat or issue a temporary Certificate of Occupancy. The surety amount shall be no less than the cost of installation.

(d) **Modifications.** The Zoning Administrator may administratively review and approve requests for minor changes to any approved landscape plan, such as changes in plant materials or plant locations, provided those changes comply with the requirements of this Article and do not materially alter the appearance of the site.

(e) **Nonconformities.** Existing developed sites seeking approval of a building permit or site plan approval for any site modifications including building additions and paving expansions shall attempt to bring the entire property into full compliance with the requirements of this Article. At a minimum, all new buildings, building additions, new parking lots, and new paved areas

shall comply with the regulations of this Article. No site plan or building permit shall be approved that causes or increases a site's nonconformity with this Article.

Sec. 16-1008. - Maintenance and Replacement.

(a) **Maintenance.** All property owners shall maintain all landscaping including regular mowing, trimming, and pruning and removal of dead, dying, or diseased plant material and keep the property clear from weeds, debris, and litter. Plant material shall be regularly trimmed and pruned to keep from encroaching sidewalks, walkways, driveway, and parking areas.

(b) **Replacement.** The owner of any lot or parcel for which a landscape plan has been approved under this Article shall further be responsible for the replacement of any dead, dying, or diseased plant material to remain in compliance with the approved landscape plan. Should a tree for which a landscape credit was given, die, become diseased, or is otherwise removed, the owner of the property on which the tree is located shall replace the tree at the same ratio at which the credit was originally given. Failure to maintain the landscaping in accordance with this provision shall constitute a violation of the site's site plan and/or building permit approval and certificate of occupancy.

Notes: Text from current code in black. New text in red. This is a significant rewrite of the current code.

ARTICLE 14. SUBDIVISION REGULATIONS, LOTS AND LOT SPLITS

DIVISION I. - GENERAL PROVISIONS
Sec. 16-1401. - Area Covered.
Sec. 16-1402. - Authority.
Sec. 16-1403. - Rules of Interpretation.
Sec. 16-1404. - Definitions.
Sec. 16-1405. - Subdivision Approval.
Sec. 16-1406. - Conditions Stated on Plat.
Sec. 16-1407. - Endorsement and Filing of Plats.
Sec. 16-1408. - Protection From Flooding.
Sec. 16-1409. - Subdivision Arrangement.
Sec. 16-1410. - Regulation of Streets to Adjoining Streets and Land.
Sec. 16-1411. - Culs-de-Sac.
Sec. 16-1412. - Street Arrangements for Oversized Lots.
Sec. 16-1413. - Street Design Standards.
Sec. 16-1414. - Private Streets.
Sec. 16-1415. - Block Lengths.
Sec. 16-1416. - Pedestrian Walkways.
Sec. 16-1417. - Lots on Collector Streets.
Sec. 16-1418. - Lot Frontage.
Sec. 16-1419. - Double-Frontage Lots.
Sec. 16-1420. - Residential Lots on Arterials.
Sec. 16-1421. - Acreage Depth of Residential Lots.
Sec. 16-1422. - Minimum Lot Dimensions.
Sec. 16-1423. - Rule Exceptions.
Sec. 16-1424. - Building or Zoning Permits.
Sec. 16-1425. - Relationship to Private Restrictions.
Sec. 16-1426. - Penalty for Violations and Civil Remedies.
Sec. 16-1427. - Dedication of Right-of-Way for Abutting Streets.
Sec. 16-1428. - Reservation of Open Space or Parkland.

DIVISION I. - GENERAL PROVISIONS

Sec. 16-1401. Area Covered.

The subdivision regulations contained in this article shall govern the subdivision of land located within the City.

Sec. 16-1402. Authority.

These regulations are adopted pursuant to the authority of applicable provisions of the Kansas Statutes Annotated and Article 2, Section 5 of the Kansas Constitution.

Sec. 16-1403. Rules of Interpretation.

For purposes of interpreting these regulations, the following rules shall apply.

(a) Unless the context clearly indicates to the contrary words used in the present tense include the future tense, words used in the singular include the plural, words used in the plural include the singular, words importing the masculine gender include the feminine and neuter, the word

CONFLUENCE

"shall" is mandatory, the word "building" includes the word "structure", and the term "used for" includes "designed for" or "intended for".

(b) Unless specifically provided, in computing any period of time prescribed or allowed by these regulations, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. A half-holiday shall be considered as other days and not as a holiday. "Legal holiday" includes any day designated as a holiday by the Congress of the United States or by the Kansas legislature. Whenever a notice, petition or other document is required to be filed within a specified time period, the notice, petition or document must be filed with the appropriate City official or in the appropriate City office not later than 5:00 p.m. on the last day of the period as computed above.

(c) Where these regulations permit or require an act on the part of an "owner" or "landowner," or and a particular lot or tract of land is owned by several persons, whether in joint tenancy, tenancy in common, partnership, joint venture or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all these persons.

Sec. 16-1404. Definitions.

(a) Where a word or term is not defined in this article but is defined elsewhere in this chapter or in the City Code, the definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate.

(b) Where a word or term is defined in this article and also defined elsewhere in this chapter, the definition contained in this article shall be generally applicable except in the Article or section to which the other definition applies.

(c) The words and terms contained hereinafter shall be defined to mean as follows:

(1) The City Code means the Code of the City of Roeland Park, Kansas.

(2) *Flood plain* or *100-year flood plain* means the area within the floodway and the floodway fringe.

(3) *Floodway* means the channel of a river or other waste course and the adjacent land areas that must be reserved in order to discharge a flood having a one percent change of being equaled or exceeded in any given year without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

(4) *Platted* means real property which is the subject of a final plat, or replat, recorded with the Register of Deeds of Johnson County, Kansas. Final plat means a drawing of a permanent nature showing the precise location and dimension of the feature as streets, lots, easements and other elements pertinent to transfer of property and prepared for

permanent record. Preliminary plat means a drawing showing the proposed general pattern of streets, lots and land uses within a tract to be subdivided.

(5) *Postage-stamp lot* means a small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line.

(6) *Rule exceptions* means the allowing of a subdivision to deviate from one or more specific standards and requirements of these rules and regulations.

(7) *Subdivider* means a person, firm or corporation undertaking the subdivision of land.

(8) *Subdivision*, except for "lot-split" as defined below, means the division of a lot, tract or parcel of land into two or more lots, plots or sites, and includes the re-subdivision of land and the vacation of streets, lots or alleys. The creation of a street, alley or other public way by dedication shall be deemed a subdivision. "Lot-split" means the division of a lot into two or more lots or portions thereof.

Sec. 16-1405. Subdivision Approval.

Except as otherwise provided in this article, no subdivision may be developed within the City until both a preliminary and final plat have been filed and approved in accordance with the provisions set forth herein; provided, however, that the landowner may elect to submit a final plat without first having had a preliminary plat approved. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal of street construction plans to the City Engineer, and the approval thereof.

Sec. 16-1406. Conditions Stated on Plat.

All conditions to approval of a subdivision by the Planning Commission which run with the land or the acceptance of dedications of land by the Governing Body, and all rule exceptions granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording by appropriate City officials.

Sec. 16-1407. Endorsement and Filing of Plats.

Approval of a final plat by the Planning Commission shall be endorsed on the plat by the chairman of the Planning Commission acceptance of lands dedicated for public purposes that have been approved by the Governing Body shall be endorsed on the plat by the Mayor. Thereafter, the final plat shall be filed with the Register of Deeds as provided by law; no plat shall be filed with the Register of Deeds prior to its endorsement by the appropriate City officials. No final plat shall be recorded except by the City without approval of the City Engineer, or his or her designee.

Sec. 16-1408. Protection From Flooding.

Subdivision proposals shall be designed to assure that all proposals are consistent with the need to minimize flood damage, that all public utilities and facilities (such as sewer, gas, electrical and water systems) are located, elevated and constructed to minimize or eliminate flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.

Sec. 16-1409. Subdivision Arrangement.

Care shall be exercised in the design and layout out of streets, lots and other elements of a subdivision so that good planning principles are followed, efficient use is made of land and natural assets, such as trees and topography, can be retained wherever practicable. Except as provided in section 16-1411 dead-end streets shall not be permitted except where the streets are provided to connect with future streets on adjacent land, off-center street intersections with an offset of less than 15 feet between center lines shall not be permitted. Surface drainage easements shall be provided as necessary, and the City may request installation of pipe, masonry or rip-rap flumes, or other protective devices in order that adjacent or surrounding property shall not be endangered and maintenance requirements will be kept to a minimum.

Sec. 16-1410. Regulation of Streets to Adjoining Streets and Land.

The system of streets designated for a subdivision must connect with any streets already platted to its boundary from abutting subdivisions. Streets must be continued to the boundaries of the tract subdivided at reasonable intervals so that future abutting subdivisions may connect therewith.

Sec. 16-1411. Culs-de-Sac.

Culs-de-sac may be permitted where a vehicular connection is not essential. Culs-de-sac shall provide proper access to all lots and a turnaround shall be provided at the closed end with a outside street line radius of at least 50 feet. The length of culs-de-sac shall not exceed 700 feet, measured from the near-side right-of-way line of the intersecting street to the center line of the cul-de-sac turnaround.

Sec. 16-1412. Street Arrangements for Oversized Lots.

A tract subdivided into parcels larger than normal building lots shall be arranged so as to permit the opening of future streets and a logical pattern of re-subdivision.

Sec. 16-1413. Street Design Standards.

All streets within subdivisions shall conform to the applicable minimum design standards set forth in Section 13-108 of the City Code.

Sec. 16-1414. Private Streets.

No plat containing proposed private streets shall be approved by the Planning Commission unless the proposal to utilize private streets has been previously approved by the Governing Body and adequate assurances are provided for maintenance of those streets. Private streets shall be designed in conformance with the minimum design standards set forth in Section 13-107 of the City Code, and shall be designated as a separate tract or tracts under common ownership on the plat. In addition, public access easements shall be dedicated to assure adequate access to all subdivision lots served

by the private street for government agencies and public utilities consistent with access provided elsewhere by public streets.

Sec. 16-1415. Block Lengths.

Intersecting streets determining block lengths shall be provided at intervals as to serve cross traffic adequately and to meet existing or future streets. Where no existing plats control, block lengths shall not exceed 1,500 feet.

Sec. 16-1416. Pedestrian Walkways.

In blocks where substantial pedestrian traffic may occur, e.g., adjacent to schools, the Planning Commission may require pedestrian walkways through blocks: The walkways shall be ten to 15 feet in width, constructed of concrete the entire length and adequately fenced. These walkways may be required to be dedicated to the public in the same manner, as streets.

Sec. 16-1417. Lots on Collector Streets.

The number of residential lots facing onto collector streets shall be kept to a minimum in each subdivision. The street patterns shall be so designed that the side lines of lots abut collector streets wherever land shapes and topography permit.

Sec. 16-1418. Lot Frontage.

(a) Every residential lot shall front on a public or private street.

(b) Every non-residential lot shall front on a public or private street or have access to a public or private street by means of a public access easement to a point approved by the City.

(c) Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an owner's associate held common lot or outlot.

Sec. 16-1419. Double-Frontage Lots.

The use of double-frontage lots shall be minimized in all subdivisions.

Sec. 16-1420. Residential Lots on Arterials.

Residential lots shall not be designed so as to face onto existing arterials. No person shall construct or have constructed a driveway on a residential lot with direct access onto a designated thoroughfare. All plats shall contain language prohibiting the construction of driveways onto arterials.

Sec. 16-1421. Acreage Depth of Residential Lots.

Residential lots in conventional zoning districts shall have an average depth of not less than 115 feet. This provision does not apply to approved postage-stamp lots.

Sec. 16-1422. Minimum Lot Dimensions.

All lots shall conform to the applicable zoning district regulations pertaining to minimum lot dimensions. Lots otherwise containing sufficient lot area may have a width at the front lot line of not less than 35 feet when the lots front on a cul-de-sac. This provision does not apply to approved postage-stamp lots.

Sec. 16-1423. Rule Exceptions.

(a) In case of hardship caused by the size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the subdivider may request a rule exception from the requirements of this article relating to lot and street layout, block lengths, cul-de-sac lengths, or minimum lot dimensions. Rule exceptions shall be requested at the time of filing the application for the preliminary or final plat on forms provided by the City. Rule exceptions shall not be approved by the Planning Commission unless it finds that the approval will not be contrary to the public interest or unnecessarily burden the City.

(b) Rule exceptions may also be granted to facilitate conveyance of land between two adjacent platted lots under the following circumstances: the sale is to an adjacent property owner; both lots in question are platted; legal descriptions of the resulting lots are prepared and recorded with the Register of Deeds following approval of the rule exception by the Planning Commission; no extension or relocation of public infrastructure is required; no easements are affected or required; and the transaction does not create nonconforming lots or nonconforming site improvements. Application for such rule exceptions shall be requested on forms provided by the City and shall not require replatting. Rule exceptions shall not be approved by the Planning Commission unless it finds that the approval will not be contrary to the public interest or unnecessarily burden the City.

(Ord. No. 936, § 1, 8-15-2016)

Sec. 16-1424. Building or Zoning Permits.

No building or zoning permits shall be issued pursuant to other provisions of the City Code unless the applicant can demonstrate compliance with the provisions of this article. Provided, however, that land which has already been platted need not be replatted so long as all other requirements of this article, including development standards and required improvements, are satisfied. Provided further, that the owner of a single lot may apply to the Board of Zoning Appeals for a variance from any applicable development standards in appropriate cases. The Board of Zoning Appeals shall consider variance requests in the same manner, and subject to the same standards, as requests for variances from the zoning regulations.

Sec. 16-1425. Relationship to Private Restrictions.

The provisions of these regulations are not intended to abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. Provided, that, where the provisions of this chapter are more restrictive or impose higher standards than any private restriction, the requirements of this chapter shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this chapter, private restrictions

shall control, if properly enforced by a person having the legal right to enforce these restrictions. Private restrictions shall not be enforced by the City.

Sec. 16-1426. Penalty for Violations and Civil Remedies.

(a) The violation of any provision of these regulations is hereby declared to be a public offense and subject to the general penalty provisions contained in section 1-117 of the City Code. Each day's violation of these regulations shall constitute a separate offense.

(b) The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of these regulations and to abate nuisances maintained in violation thereof. In the event that any building or structure is or is proposed to be erected constructed, altered, converted or maintained in violation of these regulations, or any building, structure or land is proposed to be used in violation of these regulations, the City Attorney, or other appropriate authority of the City may, in addition to any other remedies, institute injunction, mandamus or other appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land.

Sec. 16-1427. Dedication of Right-of-Way for Abutting Streets.

Whenever a proposed subdivision abuts a public street, or a proposed public street as indicated on the plat or the official street map, and adequate right-of-way does not exist for the street or proposed street in accordance with the standards set forth in section 13-107 of the City Code, or other right-of-way requirements established by a transportation corridor study, traffic analyses or area plan accepted by the City, the subdivider shall dedicate to the City the right-of-way as is necessary to provide conformity with the standards up to a total of one-half of the dedicated right-of-way requirements, the dedication shall be shown on the preliminary and final plat.

Sec. 16-1428. Reservation of Open Space or Parkland.

In residential subdivisions, the Planning Commission shall require the reservation or dedication of land for open space or public recreational use in order to ensure the proper balance of uses and to avoid the overcrowding of land. The reservation or dedication shall be determined by the geometric design of the streets, lots, blocks or other natural features of the subdivision, but the reservation or dedication shall not exceed ten percent of the tract being subdivided, exclusive of streets, alleys, easements or other public ways. Dedication of land for open space or public parkland shall be subject to acceptance by the Governing Body as provided in subsection 16-1437(d). In lieu of dedication of land or open space or public parkland, the Planning Commission or Governing Body may require the developer to pay a fee to the City. Any fees shall be in the amount of the fair market value of the land otherwise required to be dedicated, or other amount which appropriately reflects the proportionate benefit to the subdivision, and shall be deposited in a fund earmarked for the recreational facilities. The determination of the amount of the fee to be paid shall be made by the Governing Body at the time the plat is submitted to the Governing Body for consideration of acceptance of land to be dedicated for public purposes. The landowner shall be entitled to present evidence to the Governing Body concerning the appropriate fee to be paid, including, but not limited to, evidence of the fair market value of the land.

Development Code Update

ROELAND PARK, KANSAS

May 21, 2024

Planning Commission Meeting

CONFLUENCE

ROELAND PARK

est 1951

OUTLINE

- Focus Areas
- Draft Code Review

FOCUS AREAS

FOCUS AREAS

Updates to:

- Article 2 – Definitions
- Article 4 – Zoning Districts
- Article 6 – Accessory Uses and Structures
- Article 9 – Sign Regulations
- Article 10 – Landscaping and Screening
- Article 14 – Subdivision Regulations (postage stamp lots for townhomes)

FOCUS AREAS

New Since Last Workshop

Updates to:

- **Article 2 – Definitions**
- Article 4 – Zoning Districts
- Article 6 – Accessory Uses and Structures
- Article 9 – Sign Regulations
- Article 10 – Landscaping and Screening
- **Article 14 – Subdivision Regulations (postage stamp lots for townhomes)**

ARTICLE 2 – DEFINITIONS

Major Updates

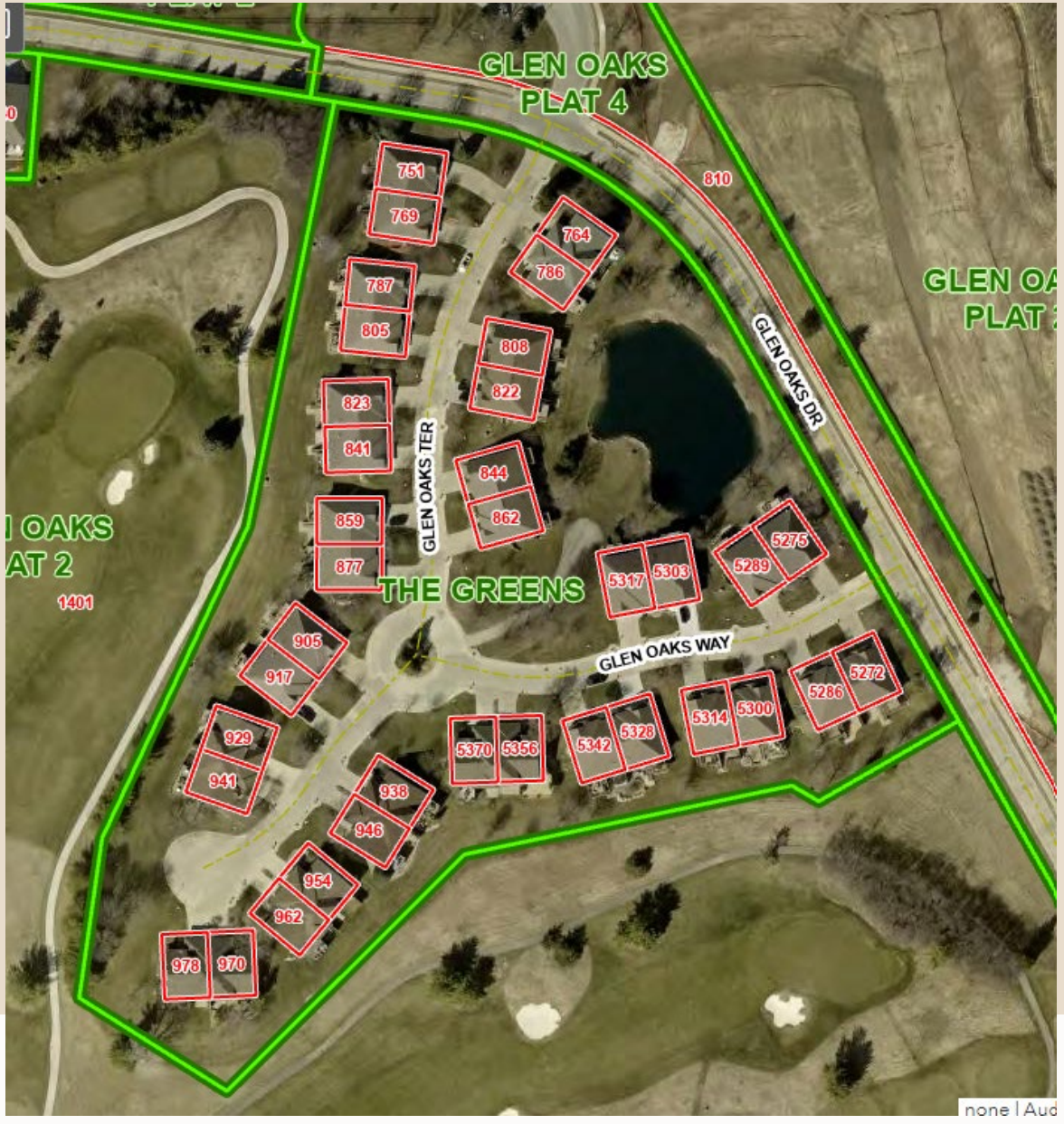
- Updated definitions of various uses listed within the new draft code.
- Added definitions for dwelling types.
- Clarified definition of certain businesses:
    - Is a bar if 50% or more of total sales are in alcoholic beverages.
    - Is a liquor store if 50% or more of total sales are in alcohol.
    - Is a tobacco or vape shop if 50% or more of total sales are in these products.

ARTICLE 14 - SUBDIVISION REGULATIONS

Major Updates

- Added language for postage stamp type lots typical for townhome development.

Postage-stamp lot means a small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line.

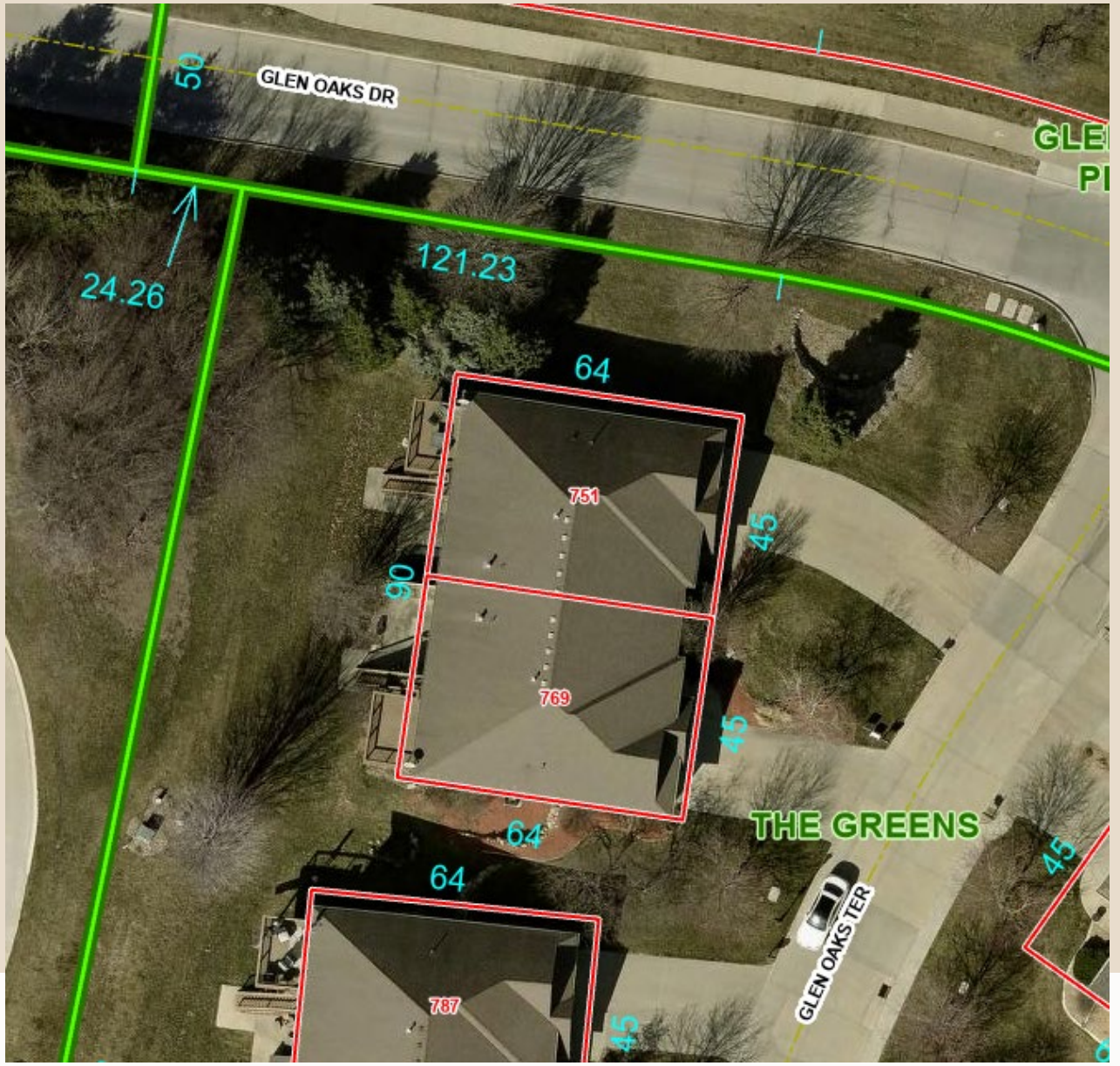


ARTICLE 14 - SUBDIVISION REGULATIONS

Major Updates

- Added language for postage stamp type lots typical for townhome development.

Postage-stamp lot means a small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line.



FOCUS AREAS

Reviewed on April 1st

Updates to:

- Article 2 – Definitions
- **Article 4 – Zoning Districts**
- **Article 6 – Accessory Uses and Structures**
- Article 9 – Sign Regulations
- Article 10 – Landscaping and Screening
- Article 14 – Subdivision Regulations (postage stamp lots for townhomes)

FOCUS AREAS

Reviewed on April 1st

Article 4 – Zoning Districts

Division I – General Provisions

- Sec. 16-401. - Authorization and Regulation of Zones and Districts.
- Sec. 16-402. - Zoning Districts Designated.
- Sec. 16-403. - Official Zoning Map.
- Sec. 16-404. - General Requirements Applicable to All Zoning Districts.
- Sec. 16-405. - Prohibitions.

Division II – Zoning Districts Described

- Sec. 16-406. - R-1 and R-2 Single-Family Residence Districts.
- Sec. 16-407. - R-3 Duplex Residence District.
- Sec. 16-408. - R-4 Townhouse/Row Dwelling District.
- Sec. 16-409. - R-5 Multiple Residence District.
- Sec. 16-410. - Residential Bulk Regulations.
- Sec. 16-411. - C-1 Office Building District.
- Sec. 16-412. - C-2 Retail Business District.
- Sec. 16-413. - Office and Retail Bulk Regulations.
- Sec. 16-414. - Permitted and Special Uses.
- Sec. 16-415. - Building Design Standards.
- Sec. 16-416. - Performance Standards.

FOCUS AREAS

Reviewed on April 1st

Article 4 – Zoning Districts

Division III. - Height and Areas Standards

- Sec. 16-421. - Height and Area Exceptions; Generally.
- Sec. 16-421. - Lot and Yard Regulations.
- Sec. 16-422. - Height and Yard Exceptions—Public or Semi-Public Buildings.
- Sec. 16-422. - Yard Exceptions—Platted Setback Lines.
- Sec. 16-423. - Yard Exceptions—Residential Districts; Front Yards.
- Sec. 16-425. - Yard Exceptions—Required Yards.
- Sec. 16-424. - Yard Exceptions—Sight Distance on Corner Lots.
- Sec. 16-425. - Exceptions—Rear Yard Adjoining Alleys.

Division IV. – Planned Districts

- Sec. 16-428. - Planned Zoning Districts; Statement of Objectives.

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New R-4 Townhouse/Row Dwelling District
- New summary table of building setbacks (bulk regulations) for residential

TABLE 16-410.1: RESIDENTIAL BULK REGULATIONS

BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	Single Family Dwelling in the R-1 Zoning District	Single-Family Dwelling in the R-2 Zoning District	Duplex and Two-Family Dwelling in the R-3, R-4, or R-5 Zoning Districts	Townhouse or Row Dwelling (3+ units) in the R-4 and R-5 Zoning Districts	Multiple family dwelling (3+ apartment or condo units) in the R-5 Zoning District	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	7,500 sq. ft.	6,000 sq. ft.	7,500 sq. ft.	n/a	7,500 sq. ft. for each building	40,000 sq ft
Min. Lot Width[1]	60 ft	60 ft	60 ft	24 ft.	n/a	100 ft
Min. Lot Street Frontage[2]	35 ft	35 ft	35 ft	20 ft	80 ft	40 ft
Front Yard Setback[3]	30/~~35~~ ft.	25 ft	30/~~35~~ ft.	25 ft	35 ft	35 ft.
Side Yard Setback[4]	5 ft (max 80% of lot width)	5 ft (max 80% of lot width)	5 ft (max 80% of lot width)	8 ft.[6]	~~20 ft (max 75% of lot width)~~ 30 ft	30 ft
Rear Yard Setback[5]	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	~~15 ft~~ 30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	n/a	30 ft	30 ft	30 ft
Max. Building Height	35 ft (2 ½ stories)	35 ft (2 ½ stories)	35 ft (2 ½ stories)	35 ft	~~40~~ 50 ft (3 stories)	35 ft[7]
Min. Green Space[8]	55-65%	55-65%	55-65%	25%	25%	25%
Max. Dwelling Units Per Acre	n/a	n/a	n/a	8	~~17.4 (2,500 sq. ft. per unit)~~ 18	n/a

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of building setbacks (bulk regulations)** for Commercial and Office

TABLE 16-413.1: OFFICE AND COMMERCIAL BULK REGULATIONS		
BULK REGULATION BY ZONING DISTRICT	**ZONING DISTRICTS**	
	C-1 Office Building	**C-2 Retail Business**
Min. Lot Size	n/a	n/a
Min. Lot Width	n/a	n/a
Min. Lot Street Frontage	n/a	n/a
Front Yard Setback	30 ft	30 ft
Side Yard Setback[1]	15 ft	15 ft
Rear Yard Setback[2]	20 ft	20 ft
Min. Separation Between Buildings Not Attached	20 ft	20 ft
Max. Building Height[3]	40 ft	40 ft
Min. Building Height	n/a	n/a
Min. Green Space	20%	20%

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

Blank = not permitted

RESIDENTIAL USES

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
RESIDENTIAL USES							
Household Living							
Single-family dwelling, detached	P	P	P	P			
Single-family dwelling, semi-detached (traditional duplex on two lots)			P	P	P		
Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single-family home into 2 dwelling units			P	P	P		
Townhouse/row dwelling (3+ units)				P	P		
Multiple family dwelling (3+ apartment or condo units)					P		
Manufactured Home on one lot	P	P	P	P			
Accessory dwelling that is attached to or within the principal dwelling unit (includes the conversion of an existing single family detached dwelling into 2 units such as converting a basement or attached garage space into a separate dwelling unit)	S	S	S	S	S		
Accessory dwelling that is detached and separate from the principal dwelling unit	S		S	S	S		
Dwelling units located above the ground floor (mixed use building)						S	S
Short-term rental for single family dwelling or duplex, city license required (see Chapter 5, Article 7 of City Code)	L	L	L				
Short-term rental for townhomes, rowhouse, apartment				L	L		

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

Blank = not permitted

RESIDENTIAL & PUBLIC USES

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
RESIDENTIAL USES							
Group Residential							
Group home as defined by K.S.A. 12-736	P	P	P	P			
Assisted living residential facility				P	P	P	P
Nursing or convalescent home				P	P	P	P
Supervised group residence, not including Group home as defined by K.S.A. 12-736							
PUBLIC AND CIVIC USES							
College, university, vocational and trades schools						P	P
Cultural exhibit, museum, or library						P	P
Membership or religions organization, social club or lodge, and other place of public assembly	P	P	P	P	P	P	P
Public or private elementary, middle, or high school	P	P	P	P	P	P	P
Public or private parks, golf courses, golf driving ranges, country clubs, swimming pools, playgrounds, and indoor or outdoor recreational facilities and ball fields	P	P	P	P	P	P	P
City, State, and Federal Government buildings and properties	P	P	P	P	P	P	P
County Office Buildings						P	P
Hospital						P	P

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

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COMMERCIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
COMMERCIAL USES							
After hours business							
Agricultural Sales and Services							P
Animal services							
Kennel, public (indoor only - no outdoor runs) (including day kenneling)							P
Kennel, public (outdoor runs) (including day kenneling)							S
Veterinary services (without overnight kenneling)							P
Art gallery						P	P
Banks and financial services							
Banks, not including delayed deposit service business						P	P
Delayed deposit service business (including check cashing, payday lending, car title loan business), city licensed required							S
Pawnshop, city licensed required							S
Freestanding automated teller machine (ATM)						P	P
Body piercing studio or tattoo studio							P
Commercial Day Care Facilities, state licensed required	S	S	S	P	P	P	P
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use							
No outdoor storage							P
With outdoor storage							
Drive-in or drive-thru facilities						P	P

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

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COMMERCIAL USES

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Eating and drinking establishment							
Restaurant							P
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales							P
Tavern / Bar							P
Entertainment							
Movie theater, performance hall, performing arts studio						P	P
Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P
Outdoor: drive-in theater, waterpark, miniature golf, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P
Funeral and interment services							
Cemetery, mausoleum, columbarium						P	P
Cremation services (the cremation of a human body)							

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

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Blank = not permitted

COMMERCIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Lodging							
Bed & breakfast inn					P		
Boarding or rooming house							
Extended stay or apartment hotel						P	P
Hotel or motel						P	P
Campground							
Short-term rental (owner-occupied) with city permit	P	P	P	P	P		
Medical or dental clinic, pediatrician's						P	P
Mini warehouse or self-storage facility							
In-door only							P
Out-door storage including vehicle, boat, camper, recreational vehicle							

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

Blank = not permitted

COMMERCIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Motor vehicle and motor equipment-oriented businesses							
Automobile service center (auto parts sales)							P
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							S
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)							
Automobile sales, rental, storage lot, and off-street parking							P
Automobile, truck and equipment auction facilities							P
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P
Light equipment sales, rental, or repair service							P
Heavy equipment sales, rental or repair service							
Truck Stop, not including trailer washout							
Commercial parking lots and parking							P

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

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COMMERCIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Personal and consumer service							
Beauty salon, barbershop						P	P
Dry cleaner and laundry service							P
Dry cleaner and laundry service (pick-up/drop-off service only)						P	P
Laundry (self-serve laundromat)							P
Massage Establishment, city licensed required						P	P
Fitness center, gym, health spa						P	P
Tailor						P	P
Print shop, copy center, retail shipping store						P	P
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)						P	P
Television and radio broadcast studio, offices, and production facilities						P	P
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)							P

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

Blank = not permitted

COMMERCIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Retail sale - intensive							
Small-Box Discount Retailers and Thrift Stores, city license required							P
Convenience store with fuel sales							P
Fireworks retail sales facility							
Hardware store, lawn and garden store, or similar use with outdoor storage							P
Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)							P
Liquor store							P
Lumber yard and Construction Sales and Services							
Can and bottle redemption facility							
Smoking lounge or hookah lounge							S
Tobacco store (including vape shop)							S
Adult entertainment business, city licensed required							S
Spectator sports							
Indoor							P
Outdoor							P
Sports and recreation, participant							
Outdoor							P
Indoor							P

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

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USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
INDUSTRIAL USES							
Animal feedlots, processing of animals or animal by-products							
Electrical power generation (utility scale for off-site use, distribution, or sale)							
Manufacturing, production and industrial services							
Limited (no food related processing and manufacturing, all activities wholly contained within a building)							
General (limited food processing, outdoor storage limited)							

INDUSTRIAL USES

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

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INDUSTRIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Intensive (may include outdoor storage of materials and activities not contained within a building) and includes:							
Auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)							
Truck or trailer washout							
Cement, lime, gypsum, or plaster manufacture							
Explosive and ammunition manufacture or storage							
Junk or garbage processing, recycling, storage, or transfer station (indoor only)							
Petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage							
Rubber goods manufacture							
sand or gravel pits, mining, and crushing							
Smelting and processing or ore, metal and scrap metal							
Medical cannabidiol manufacturer							

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

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INDUSTRIAL USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Repair service							
Electronics, appliance, household goods, furniture or similar							P
Small engine							P
Research laboratory and testing							P
Storage of equipment, data and records, electronic data center, furniture and similar							P
Trucking/freight terminal							
Wholesale fuel storage, sales, or distribution							
Grain storage and distribution							
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)							

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New summary **table of permitted and special uses**

P = Permitted

S = Special Use Permit required

L = City license required

Blank = not permitted

INDUSTRIAL & OTHER USES

USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Waste related use							
Junkyard including auto, truck and machinery wrecking and recycling							
Recycling facility							
Sanitary landfill							
OTHER USES							
Gas and electrical power distribution station	S	S	S	S	S	S	S
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)							
Communication Facilities							
New tower or base station or substantial change to the same	S	S	S	S	S	S	S
Collocation, approved under Article 11, Chapter 16 of City Code	P	P	P	P	P	P	P

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New section on **Building Design Standards**

  a. **Applicability:** new buildings and additions of 20% or more

  b. **Exceptions:** maintenance and repair

  c. **General Provisions:**
     - Application of brick and stone
     - Exterior Insulation and Finish System (EIFS) not allowed within the first 10 ft
     - Standards for use of thin brick and stone veneer
     - Rooftop and building mounted HVAC equipment screening

  a. **Single-Family and Two-Family Dwelling Standards:** no changes from current code

  b. **Manufactured Homes Standards:** no changes from current code

  c. **Building Exterior Finish Materials:** new standards and table on classification of materials

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Exterior Finish Materials Table**

4 classes of materials by categories:
- **Masonry**
- **Stone**
- Concrete Masonry Units
- Concrete
- Metal
- Glass
- Other Materials
- Roofing Materials

TABLE 16-415.1: EXTERIOR FINISH MATERIALS TABLE					
	Class 1	**Class 2**	**Class 3**	**Class 4**	**DEFINITIONS**
Masonry					
Brick veneer, fired clay	X				Fired clay brick, full-veneer masonry wall system
Brick veneer (thin), fired clay		X			Thin veneer fired clay brick adhered to a wall surface or wall anchoring system, with the appearance of full brick
Brick paneling, fired clay		X			Prefabricated panels of thin veneer fired clay brick
Brick veneer, synthetic			X		Synthetic bricks adhered to wall surface or wall anchoring system
Brick paneling, synthetic			X		Prefabricated panels of synthetic brick adhered to a wall surface or wall anchoring system
Terracotta rainscreen panels	X				Fired clay panels with a rainscreen wall anchoring system
	Class 1	**Class 2**	**Class 3**	**Class 4**	**DEFINITIONS**
Stone					
Stone veneer, natural	X				Genuine stone, full-veneer masonry wall system
Stone paneling, natural		X			Prefabricated panels of genuine stone adhered to wall surface or wall anchoring system
Stone veneer, synthetic			X		Synthetic stone adhered to wall surface or wall anchoring system (also referred to as cultured stone)
Stone paneling, synthetic			X		Prefabricated panels of synthetic stone adhered to a wall surface or wall anchoring system (also referred to as cultured stone)

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Exterior Finish Materials Table**

4 classes of materials by categories:
- Masonry
- Stone
- **Concrete Masonry Units**
- **Concrete**
- Metal
- Glass
- Other Materials
- Roofing Materials

	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete Masonry Units					
Cast Stone	X				A highly refined architectural precast concrete masonry unit intended to simulate natural-cut stone
Burnished/ground-faced block		X			Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints
Patterned or shaped block			X		Concrete modular blocks, face surface has pattern or shape, not flat, and with mortared joints
Split-faced block			X		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block			X		Concrete modular blocks, plain, flat finish, and with mortared joints
	Class 1	**Class 2**	**Class 3**	**Class 4**	**Definitions**
Concrete					
Architectural quality precast concrete panels	X				Highest finish precast concrete panels, textured or burnished, and integrally colored - not painted
Cast-in-place concrete, board formed or decorative form liner		X			Architecturally designed cast-in-place concrete with a high-quality patterned or textured surface created by board forms or decorative concrete form liners
Cast-in-place concrete, plain			X		Textured or smooth finish, may be painted
Site cast and precast concrete panels			X		Site cast and precast concrete panels, plain, smooth finish, may be painted

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Exterior Finish Materials Table**

4 classes of materials by categories:
- Masonry
- Stone
- Concrete Masonry Units
- Concrete
- **Metal**
- **Glass**
- Other Materials
- Roofing Materials

	Class 1	Class 2	Class 3	Class 4	Definitions
Metal					
Architectural quality, composite metal wall panel systems	X				High quality insulated metal panels for decorative surface application, such as *Alucobond* panel systems
Architectural quality metal wall panel systems, concealed fastening		X			High quality metal panels for decorative surface application with concealed fasteners, such as *Firestone Delta*
Architectural quality metal wall panel systems, exposed fastening			X		High quality metal panels for decorative surface application with exposed fasteners, such as *Firestone Omega*
Metal (panels, siding, and trim)				X	Standard metal siding and panels, painted or coated for exterior application

	Class 1	Class 2	Class 3	Class 4	Definitions
Glass					
Clear glass (windows, doors, curtain walls, paneling systems)	X				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass blocks			X		Hollow translucent block of varying shapes and sizes made entirely from glass. Also, known as glass brick.
Mirrored glass				X	Glass with a reflective or mirrored coating or finish
Opaque or tinted glass (including color applied)			X		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Spandrel Glass	X				Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns floors and shear walls

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Exterior Finish Materials Table**

4 classes of materials by categories:
- Masonry
- Stone
- Concrete Masonry Units
- Concrete
- Metal
- Glass
- **Other Materials**
- Roofing Materials

	Class 1	Class 2	Class 3	Class 4	Definitions
Other Materials					
Architectural quality fiber cement wall panels textured to resemble stone or metal		X			The highest quality fiber cement wall panel systems textured to resemble stone or metal with concealed fasteners – such as *Nichiha*
Stucco, genuine		X			Traditional Portland cement-based stucco applied in 3 coats over a solid surface
Wood (panels and siding)			X		Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Cement fiber board (panels and siding)			X		Cement panels reinforced with cellulose fibers, such as *HardiePlank* and *HardiePanel*
Exterior Insulation and Finish System (EIFS)			X		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated
Composite wood (panels, siding, and trim)			X		Composite or other synthetic wood types, such as *LP SmartSide*
Vinyl and PVC (panels, siding, and trim)				X	Exterior siding and trim that is made from a synthetic resin or plastic - minimum thickness 0.46 mm
Ceramic			X		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel systems			X		Panels or blocks, typically hollow, made of translucent polycarbonate material - such as *Kalwall*
Fabric					(not permitted)

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Exterior Finish Materials Table**

4 classes of materials by categories:
- Masonry
- Stone
- Concrete Masonry Units
- Concrete
- Metal
- Glass
- Other Materials
- **Roofing Materials**

	Class 1	Class 2	Class 3	Class 4	Definitions
Roofing Materials					
Standing Seam Metal	X				Vertically run or horizontal-Bermuda style metal panels connected within interlocking raised seams
Metal roof panel system	X				High quality metal panels designed for roof application including metal shingles
Metal panel		X			Standard metal roof panels, designed for roof application
Slate	X				Natural stone tiles (or shingles) cut from slate, traditionally applied in an overlapping pattern
Tile	X				Fired clay, ceramic, or concrete roofing tiles applied in an overlaying pattern
Synthetic or composite slate		X			Molded plastic to mimic the appearance of slate tiles
Green roof	X				Low-slope roof covered with roof-top plants in a designed roof-top planting system
Simulated metal roofing		X			Membrane roofing system designed with the appearance of a standing seam metal roof
Membrane or ballast (not visible)		X			Typical roofing materials for low-slope roofs and is not visible from any adjacent public or private street or residential developed or zoned properties
Membrane or ballast (visible)				X	Typical roofing materials for low-slope roofs
Wood shake shingles	X				Shingle shakes constructed of rot resistance wood, such as cedar
Asphalt shingles (laminate or dimensional)		X			Asphalt shingles constructed with a heavy base mat and multiple adheared layers to provide a thicker, dimensional appearance - also known as laminated architectural shingles
Asphalt shingles (3-tab)				X	Asphalt shingles constructed with a single layer of material and 3 cut shingle "tabs"
Glass roofing	X				A roof constructed of glass panels or glass tiles within a glass framing system - also known as a roof glazing system
Fabric				X	Exterior rated fabric designed for application in a canopy or roofing system

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Building Design Standards by Building Type**

  - **Townhouse / Row Dwelling**
  - **Multi-Family Residential**
  - Commercial / Retail Buildings

TABLE 16-415.2: BUILDING DESIGN STANDARD BY BUILDING TYPE

BUILDING TYPE	Façade Materials	Façade Articulation	Entryways	Fenestrations	Overhead Doors	Roofing
Townhouse / Row Dwelling	Each primary façade shall have no less than 3 different Class 1 & 2 building materials.	The primary façade of each individual unit dwelling must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining units.				Roofs of minimum 4-12 pitch, except as appropriate based on architectural style. Class 1, 2, & 3 roofing materials.
Multi-Family Residential	Each primary façade shall have no less than 3 different Class 1 & 2 building materials together comprising at least 50% of the façade area. Each secondary façade shall have no less than 3 different Class 1, 2, & 3 building materials. Class 4 façade materials shall not exceed 5% of any primary or secondary façade area.	No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features: - Projection or recess in the wall plane of at least two (2) feet in depth. - Columns, piers, pilasters or other equivalent structural and/or decorative elements.	Elevated and open walkways and stairways along exterior of building are prohibited. All main building entries must be covered by a projection from façade or recessed.		Overhead doors should not face a public street. If visible from a public street, overhead doors shall be recessed a minimum 4ft. from building façade line and architecturally treated with glass windows, archways, columns, canopies and overhangs.	Class 1, 2, & 3 roofing materials.

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- New table of **Building Design Standards by Building Type**

  - Townhouse / Row Dwelling
  - Multi-Family Residential
  - **Commercial / Retail Buildings**

TABLE 16-415.2: BUILDING DESIGN STANDARD BY BUILDING TYPE

BUILDING TYPE	Façade Materials	Façade Articulation	Entryways	Fenestrations	Overhead Doors	Roofing
Commercial/ Retail Buildings	Each primary façade shall have no less than 3 different Class 1 & 2 building materials together comprising at least 50% of the façade area. Each secondary façade shall have no less than 3 different Class 1, 2, & 3 building materials. Class 4 façade materials shall not exceed 5% of any primary or secondary façade area.	No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features: - Projection or recess in the wall plane of at least two (2) feet in depth. - Columns, piers, pilasters or other equivalent structural and/or decorative elements.	All main building entries must be covered by a projection from façade or recessed.	At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 25% clear glass fenestrations (windows and full glass doors) on the first level.	Overhead doors should not face a public street. If visible from a public street, overhead doors shall be recessed a minimum 4ft. from building façade line and architecturally treated with glass windows, archways, columns, canopies and overhangs.	Class 1, 2, & 3 roofing materials.

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- Updated section on **Performance Standards** (generally does not apply to single-family residential)
    a. **Trash or Other Like Materials:** no changes to current rules prohibited trash storage in visible areas
    b. **Trash and Recycling Collection:** new screening requirements
    c. **Equipment Screening:** new screening requirement for mechanical equipment screening
    d. **Exterior Lighting:** new anti-glare and LED standards
    e. **Attached and Free-Standing Drive-Thru Canopies:** new regulations on minimum heights and clearance and building design
    f. **Office Building and Retail Business District Standards:** no changes to current prohibition on outdoor storage and display of goods

ARTICLE 4 – ZONING DISTRICTS

Major Updates

- Updated and consolidation of section on **Lot and Yard Standards**

  a. **Corner Lots:** 2 front yards, rear yard designated as opposite narrowest street frontage

  b. **Corner Lot Exception for Single-Family and Two-Family Dwellings:** 1 primary and 1 secondary frontage, narrowest street frontage considered primary front yard, secondary front yard setback is 20 feet

  c. **Double Frontage Lots:** front yard setbacks apply to both street frontages

  d. **Double Frontage Lot Exception for Single-Family and Two-Family Dwellings:** 1 primary and 1 secondary frontage, lower classification street frontage considered primary front yard, secondary front yard setback is 20 feet

  e. **Postage-Stamp Lot:** small lots platted within a larger association owned lot to establish land ownership for townhomes and row dwellings

  f. **Projecting Overhang or Structure:** may extend up to 3 feet into a setback but no closer than 5 ft to a lot line

  g. **Yard Encroachments:** front stoop, steps, and open decks may extend 8 ft into front yard setback, decks may extend into a side yard no closer than 5 ft to a lot line, patios and paved areas may be within 2 feet of a lot line

FOCUS AREAS

Reviewed on April 1st

Article 6 – Accessory Uses and Structures

Sec. 16-601. - Accessory Buildings and Structures.
Sec. 16-602. - Antennas, Satellite Dish Antennas, and Towers (Not Including Wireless Communications Facilities).
Sec. 16-603. - Fences and Walls.
Sec. 16-604. - Hobby Activities.
Sec. 16-605. - Home Occupations.
Sec. 16-606. - Outside Storage and Use of Equipment, Material or Vehicles, and Other Provisions.
Sec. 16-607. - Little Free Libraries.
Sec. 16-608. - Accessory Dwelling Units.

ARTICLE 6 – ACCESSORY USES AND STRUCTURES

Major Updates

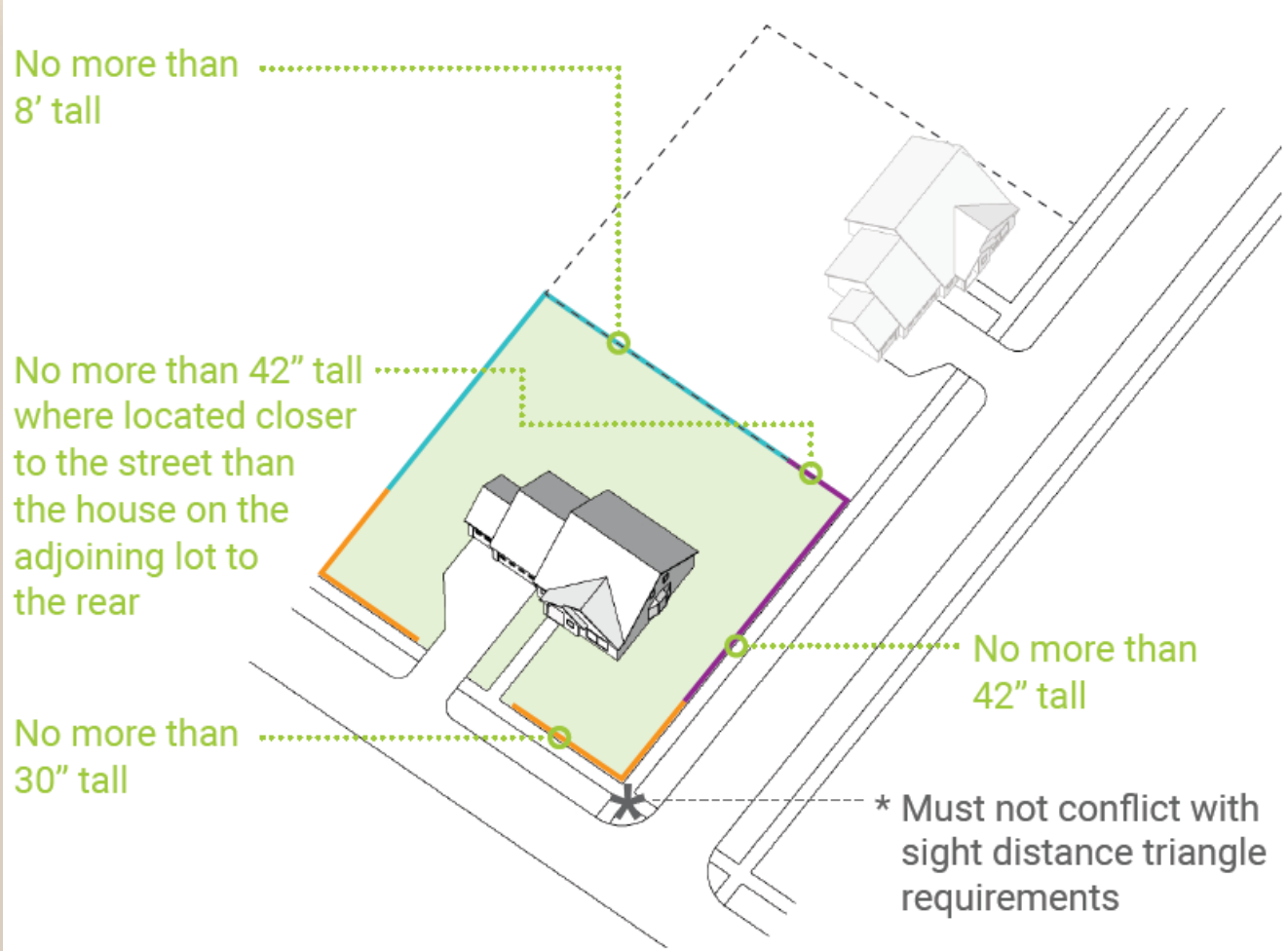
- **Accessory Building Standards** (primarily applies to single-family dwellings, two-family dwellings, townhouse or row dwellings, and manufactured home parks)
    a. **Location and Setbacks:** Behind primary structure and not closer than 10 feet, 5 ft side and rear yard setbacks
    b. **Area Limits:** Max 2 structures not more than 250 sq. ft. in size for each 3,000 sq. ft. of lot total lot – max of 1,200 square feet
    c. **Height Limit: 1.5 stories / 24 ft**
    d. **Building Design:** match principal structure

ARTICLE 6 – ACCESSORY USES AND STRUCTURES

Major Updates

- **Fences and Walls – Residential Districts**
  - a. **Heights:**
    - **Reverted to original fence language but changed max height in rear yard from 8 ft to 6 ft**
  - b. **Added standards for retaining walls**
  - c. **Added standards for fence materials**
  - d. **Prohibited chain-link in front yards**

Current Code Requirements



Corner lot: fence along property line

ARTICLE 6 – ACCESSORY USES AND STRUCTURES

Major Updates

- Accessory Dwelling Units
    a. Special Use Permit Required
    b. Owner occupancy requirement
    c. ADU max 800 sq. ft. in size
    d. Designed to match and compliment principal structure
    e. Off-street parking provided
    f. Meet all setback and greenspace requirements

TABLE 16-414.1: PERMITTED AND SPECIAL USES TABLE							
USE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
RESIDENTIAL USES							
Accessory dwelling that is attached to or within the principal dwelling unit (includes the conversion of an existing single family detached dwelling into 2 units such as converting a basement or attached garage space into a separate dwelling unit)	S	S	S	S	S		
Accessory dwelling that is detached and separate from the principal dwelling unit	S		S	S	S		
Dwelling units located above the ground floor (mixed use building)						S	S
Short-term rental for single family dwelling or duplex, city license required (see Chapter 5, Article 7 of City Code)	L	L	L				
Short-term rental for townhomes, rowhouse, apartment				L	L		

FOCUS AREAS

Reviewed on April 15th

Updates to:

- Article 2 – Definitions
- Article 4 – Zoning Districts
- Article 6 – Accessory Uses and Structures
- **Article 9 – Sign Regulations**
- **Article 10 – Landscaping and Screening**
- Article 14 – Subdivision Regulations (postage stamp lots for townhomes)

ARTICLE 9 – SIGN REGULATIONS

Chapter Components

- Purpose
- Findings and Intent; Interpretation
- Severability
- Definitions
- General Requirements
- **Prohibited Signs**
- **Exceptions to Sign Permit Requirement**
- **Sign Types**
- **Sign Regulations**
- **Sign Design Standards**
- Sign Area Calculation
- Enforcement Authority
- Permit Required
- Application for sign Permit
- Approval of Electrical Wiring
- Licensed Sign Contractor
- Permit Issuance; Expiration
- Revocability of Permit
- Right of Entry
- Inspection
- Unsafe or Unlawful Signs
- Nonconforming Signs
- Removal of Irrelevant Signs
- Variances and Appeal

ARTICLE 9 – SIGN REGULATIONS

Prohibited Signs

- Air-Activated Graphics (except as part of special event approved by the City)
- Animated Signs
- Balloon Signs
- Banners (except as temporary)
- Billboards
- Flashing or Glaring Lights
- Mobile Signs (attached to an inoperable or unlicensed vehicle, truck or trailer)
- Moving Lights (except as part of special event approved by the City)
- Off-Premise Signs (except temporary)
- Pole Signs
- Portable Signs (trailer signs)
- Projected Image Signs
- Roof Signs
- Discontinued Signs (unused for more the 6-months)
- Hazardous Signs
- Obscene Matter
- Signs in the Street Right-of-Way (except political signs per K.S.A. 25-2711)

ARTICLE 9 – SIGN REGULATIONS

Signs Not Requiring a Permit

- Government Signs
- Signs Interior to a Building
- Building Address Signs (as required)
- Directory Signs (as may be required for a building complex)
- Works of Art
- Temporary Signs (that comply with these regulations)

ARTICLE 9 – SIGN REGULATIONS

Permitted Sign Types

Permanent Signs

- Building Signs
- Ground Signs
- Directional Signs
- Drive-Thru Facility Signs
- Signs Affixed to Automated Teller Machines (ATM)
- Corporate Flags

Temporary Signs

- Free-standing signs
- Sidewalk signs
- Blade signs and flags
- Banner signs attached to a building wall or window or covering an existing building sign
- Bag signs covering an existing monument ground sign

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Building Signs

TABLE 19-909.1: PERMANENT SIGNS							
BUILDING SIGNS	**ZONING DISTRICT**						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**C-1**	**C-2**
Number of Signs Permitted	1 sign per principal building facing a public street for all permitted multi-family residential and non-residential uses.					Building signs may be located on any side of a building so long as the total sign area does not exceed the total allowed for the building. The area of all wall, awning, and window signs shall be included in the total building signage area calculation.	
Maximum Sign Area	25 sq. ft.					10% of the total sq. ft. of the wall area of a principal building facing a public street. No more than two sides of a building facing a street shall be used to calculate the allowable signage. The sign area of all building signs (including wall, awning, and window signs) shall be calculated using sign area Formula A as defined herein this chapter.	

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Ground Signs

GROUND SIGNS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number of Signs Permitted	1 per public street frontage for each lot of record for all permitted multi-family residential and non-residential uses.					1 per public street frontage for each lot of record.	
Maximum Sign Height	8 ft.					10 ft.	
Maximum Sign Width	8 ft.					10 ft.	
Maximum Sign Area	25 sq. ft. calculated using sign area Formula B as defined herein this chapter.					50 sq. ft. calculated using sign area Formula B as defined herein this chapter.	
Minimum Sign Setback Requirements	16 ft. from all property lines.					Minimum setback from all property lines is equal to twice the sign height, but no less than 10 ft.	

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Directional Signs

DIRECTIONAL SIGNS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number of Signs Permitted	2 per each lot of record for all permitted multi-family residential and non-residential uses.					2 per each lot or record.	
Maximum Sign Height	3 ft.						
Maximum Sign Area	9 sq. ft. calculated using sign area Formula B as defined herein this chapter.						
Sign Setback Requirements	10 ft. from all property lines.						

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Drive-Thru Facility Signs

DRIVE-THRU FACILITY SIGNS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number of Signs Permitted	For sites with a permitted drive-thru facility, 2 drive-thru facility signs, as provided herein, shall be permitted for each drive-thru lane. Signs may be free-standing (one-sided only) or building/wall mounted.						
Maximum Sign Height	8 ft.						
Maximum Sign Area	Each sign shall be no greater than 36 sq. ft. using sign area Formula B as defined herein this chapter.						
Minimum Sign Setback and Placement Requirements	25 ft front yard and 10 ft from all property lines. Must be within 10 ft of the drive-thru lane.						

Signs on ATMS

SIGNS ON ATMS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Maximum Sign Area						Sign copy may be adhered or placed upon any surface of a permitted ATM or ATM kiosk; however, the total area of all signage shall not exceed 48 sq. ft.	

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Corporate Flags

CORPORATE FLAGS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number Permitted	Not Permitted.					1 per lot of record or 1 per principal building.	
Maximum Height						30 ft.	
Maximum Flag Size						15 sq. ft.	
Minimum Pole Setback						Minimum setback from all property lines is equal to the pole height, but no less than 5 ft.	
Other Requirements						May only be displayed concurrent with the display of 1 or more government flag(s) attached either on a shared pole or separate pole located in close proximity to the pole(s) displaying the government flag(s).	

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Temporary Signs

(Commercial)

TABLE 19-909.2: TEMPORARY SIGNS							
COMMERCIAL SIGNS	**ZONING DISTRICT**						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**C-1**	**C-2**
Number of Signs Permitted	1 sign per public street frontage for each lot of record.					1 sign per public street frontage for each lot of record plus 1 per building or individual business. Each building or individual business may also display 1 "A-frame" or 1 "blade sign" during the hours in which the business is open **provided no more than 3 such signs are displayed on a single lot of record.**	
Maximum Sign Area	24 sq. ft. for permitted multi-family residential and non-residential uses and 6 sq. ft. for all other uses. Sign area shall be calculated by using sign area Formula B as defined herein this chapter.					32 sq. ft. using sign area Formula B as defined herein this chapter.	
Maximum Free Standing Sign Height	6 ft.					8 ft.	
Maximum Free Standing Sign Setback Requirement	5 ft. from all property lines.						

ARTICLE 9 – SIGN REGULATIONS

Sign Regulations

Temporary Signs

(Non-Commercial)

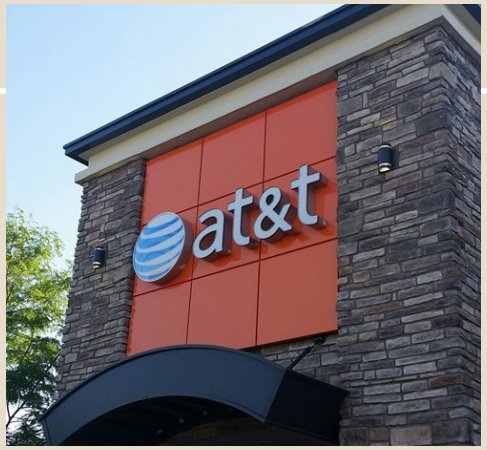
NON-COMMERCIAL SIGNS	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
Number of Signs Permitted	3 per lot of record, except as allowed by K.S.A. 25-2711 for political signs during the 45-day period prior to any election and the two-day period following any such election.						
Maximum Sign Area	8 sq. ft. using sign area Formula B as defined herein this chapter.					32 sq. ft. using sign area Formula B as defined herein this chapter.	
Maximum Free Standing Sign Setback Requirement	5 ft. from all property lines.						

ARTICLE 9 – SIGN REGULATIONS

Sign Design Standards

Building Signs

- Signage plan required for multi-tenant buildings/centers
- No painted signs
- No exposed florescent tubes or light bulbs
- ~~No panel signs~~
- Panel signs no greater than 32 sq. ft. permitted
- No raceways, except for pan-style raceways
- Signs in any residential zoning district cannot be internally illuminated (internally nor externally)



ARTICLE 9 – SIGN REGULATIONS

Sign Design Standards

Ground Signs

- No pole signs
- No painted signs
- No exposed florescent tubes or light bulbs
- Signs in any residential zoning district cannot be illuminated
- Changeable message sign permitted up to 32 sq. ft. (bulletin boards)
- Electronic Message Center signs permitted:
  - Non-residential districts up top 32 sq. ft.
  - Residential districts up to 12 sq. ft.

ARTICLE 9 – SIGN REGULATIONS

Sign Design Standards

Electronic Signs (Electronic Message Centers)

- No scroll or flash nor display full-motion graphics or video
- Minimum dwell time of at least 10-seconds with no transition effects
- Brightness not to exceed 5,000 candelas per square meter (nits) during daylight hours and 250 candelas per square meter (nits) between dusk and dawn
- Automatically adjust the display's brightness according to natural ambient light conditions
- 32 sq. ft. max but can be multiple displays (i.e., fuel price signs)

ARTICLE 9 – SIGN REGULATIONS

Sign Design Standards

Temporary Signs

- No permit required for temporary signs permitted by code
- Time limit – 6-month replacement required
- Not allow within City right-of-way (except political signs per K.S.A. 25-2711)
- Permitted sign types (all other types prohibited):
  - Free standing signs
  - Sidewalk signs
  - Flag signs
  - Blade signs
  - Banners attached to a building wall, window or existing sign
  - Bag signs covering an existing ground sign

ARTICLE 10 – LANDSCAPING AND SCREENING

Chapter Components

- Statement of Intent
- Applicability
- **Definitions**
- **Open Space and Landscaping Required**
- **Screening and Buffering**
- **Plant Materials Standards**
- Review and Approval Process
- Maintenance and Replacement

ARTICLE 10 – LANDSCAPING AND SCREENING

Major Updates

Definitions

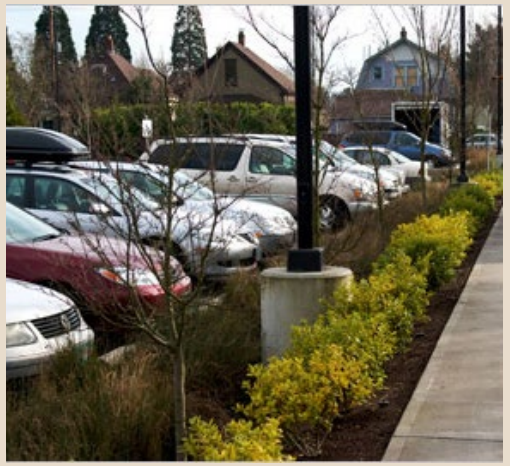
- Deciduous Ornamental Tree
- Deciduous Shade Tree
- Evergreen / Coniferous Tree
- Invasive Plant Species
- Noxious Weeds
- Open Space
- Ornamental Grasses
- Prairie Grass Plantings
- Turf Grass

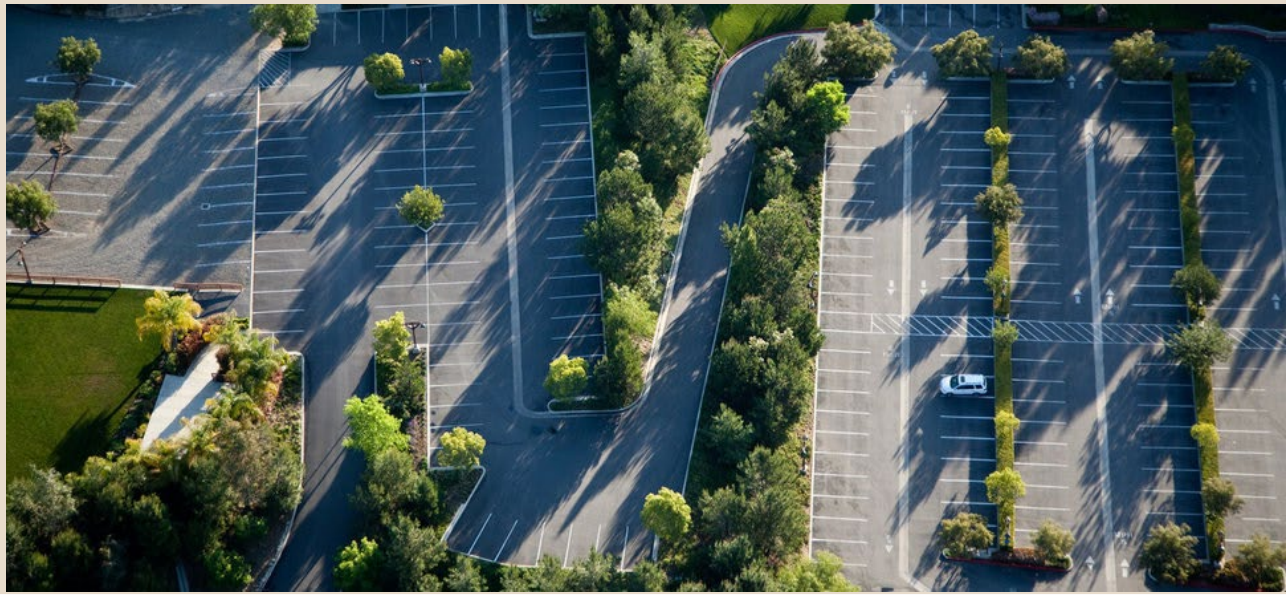
ARTICLE 10 – LANDSCAPING AND SCREENING

Major Updates

Open Space and Landscaping Required

- Open space required.
- All areas to have ground cover.
- The responsible use of mulch.
- Landscaping required for every 2,000 sq. ft. of open space:
  - 1 deciduous shade tree
  - 2 deciduous ornamental trees
  - 2 shrubs
- Street trees – 1 tree for every 40 ft of frontage
- New single-family and duplex dwellings required 2 trees



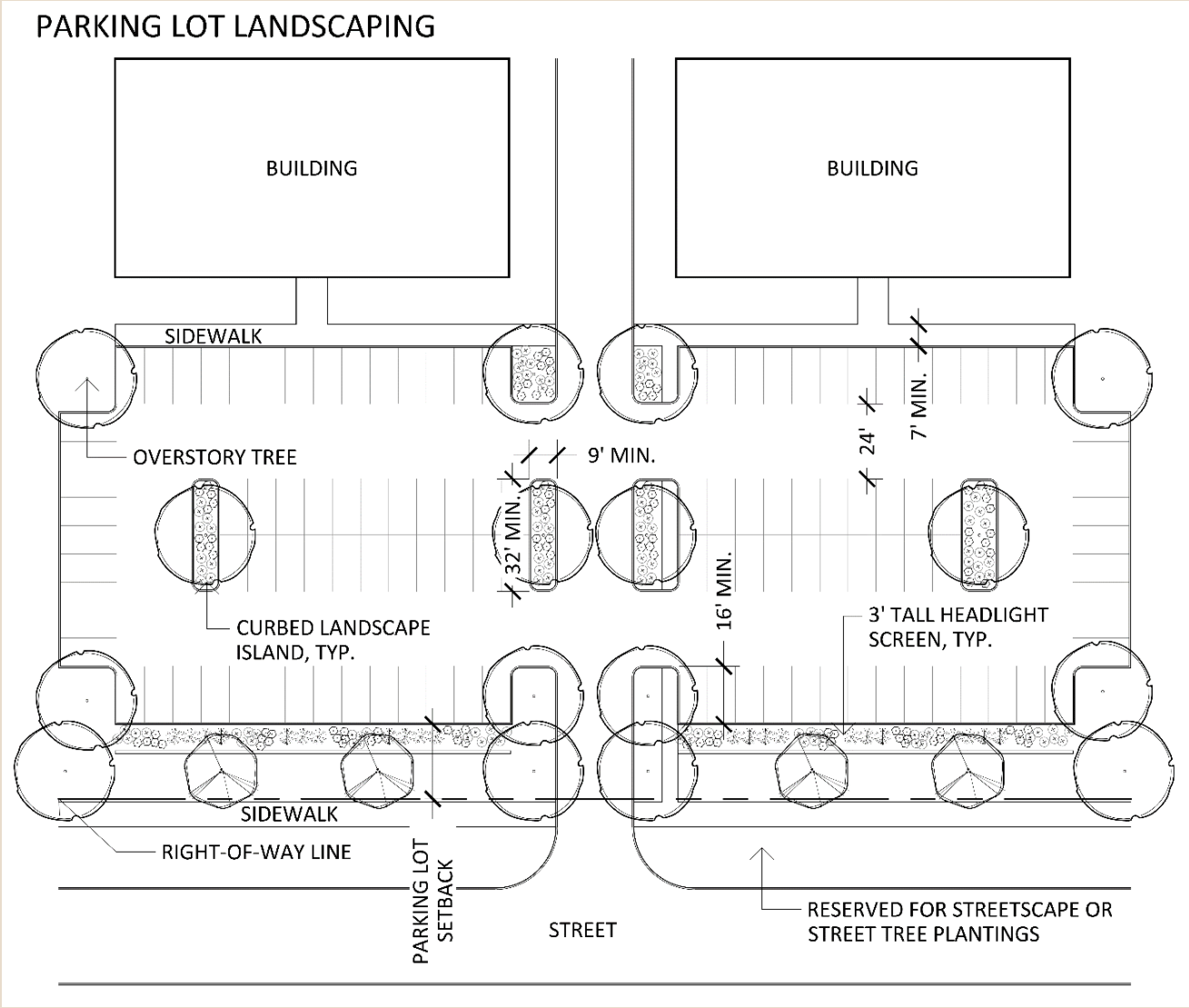


ARTICLE 10 – LANDSCAPING AND SCREENING

Major Updates

Parking Lot Standards

- Landscaped islands required.
- All areas within 100 feet of a deciduous shade tree.
- Parking lot screening required every 50 ft along street:
  - 1 deciduous shade tree
  - 2 deciduous ornamental trees
  - Clusters of grasses and shrubs



ARTICLE 10 – LANDSCAPING AND SCREENING

Major Updates

Screening and Buffering

- Buffers required between dissimilar uses:
  - Residential to commercial
  - Single-family to multi-family
  - Double frontage lots

- Buffer Options
  - 15-foot-wide landscaped area
  - 6-foot-tall privacy fence or wall

ARTICLE 10 – LANDSCAPING AND SCREENING

Major Updates

Plant Materials and Other Standards

- Multiple plant types and species required.
- All trees, shrubs, and perennial plants must be drought resistant or drought tolerant.
- Minimum 50% native plants.
- Minimum plant size standards.
- Plant location and setback standards.
- Plant substitutions.
- Tree preservation credit.
- Maintenance and replacement required.
- Turf and prairie grass by hydro-mulch seeding, planting grass plugs, or laying of sod. Seeding without the use of mulch is discouraged.