



City of Bonner Springs

KANSAS

Tuesday, December 17, 2024

200 East Third Street, Bonner Springs, KS 66012
Bonner Springs City Hall
Council Chambers

PLANNING COMMISSION MEETING - 7:00 p.m.

The meeting is open to the public.

PLANNING COMMISSION WORKSESSION - 6:30 PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

- 1. No meeting minutes are presented at worksessions. No official action is taken at these worksession, they are for discussion only.**

Action

Recommendation

Documents:

NEW BUSINESS

- 1. ENT, Entertainment and/or Amusement District establishment and regulations.**

Action

This topic is for discussion only. No official action will be taken at this meeting.

Recommendation

Staff recommends open dialogue and discussion regarding the proposed regulations

Documents:

1. ENT Zoning District Cover Page
2. City of Branson ENT District
3. City of Bonner Springs ENT Zoning District
4. Bonner Springs UDO - ENT Added 12.10.24 Draft

COMMUNITY DEVELOPMENT DIRECTORS REPORT

ADJOURNMENT

Memorandum

Date: December 17, 2024
To: Mayor and City Council
From: Mark Lee

Subject: ENT, Entertainment and/or Amusement District establishment and regulations.

Recommendation: Staff recommends open dialogue and discussion regarding the proposed regulations

Action: This topic is for discussion only. No official action will be taken at this meeting.

Background: Discuss the creation of a new zoning district – ENT, Entertainment and/or Amusement District – In an effort to prepare for the potential Mattel Adventureland Theme Park and any other similar future venues, staff has created a zoning district that addresses many of the rides and attractions that have been proposed.

Discussion: In an effort to avoid potential constant conflicts with our current UDO and the need for ongoing variance requests through the Board of Zoning Appeals staff has worked on creating the following zoning district; ENT, Entertainment and/or Amusement District.

Staff gathered information regarding typical ride heights of other amusement parks, gathered input from the development design team regarding the proposed rides, searched several other jurisdictions zoning codes; not only locally, but also nationally. Staff has reviewed similar zoning districts and loosely based these regulations on those in use in Branson, MO, while incorporating our Unified Development Ordinance as well.

Discussion between Staff and the development team revolved around a Planned Development District, those districts though are not allowed to deviate from the stated standards without requesting variances as well; they furthermore would require public hearings anytime changes were made to the approved plan. Meaning that if a plan was presented to the Commission/Council and approved, any significant changes in site layout would trigger a new public hearing and the process to repeat itself, potentially several times throughout the development of this project.

Staff is presenting these regulations for discussion and future consideration.

The included page indicates the Dimensional Standards for the proposed development, no other areas of the UDO have been changed other than one. This change is in regards to the number of parking spaces that can be placed in a single line before a shaded median is put in place. The language would read as follows:

“Parking rows shall not exceed twelve (12) consecutive Parking Spaces within a group. ENT, Entertainment and/or Amusement District zoning shall be allowed twenty-four (24) consecutive spaces.”

Financial Impact:

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 3

Topic:

Discuss the creation of a new zoning district – ENT, Entertainment and/or Amusement District – In an effort to prepare for the potential Mattel Adventureland Theme Park and any other similar future venues, staff has created a zoning district that addresses many of the rides and attractions that have been proposed.

Narrative:

In an effort to avoid potential constant conflicts with our current UDO and the need for ongoing variance requests through the Board of Zoning Appeals staff has worked on creating the following zoning district; ENT, Entertainment and/or Amusement District.

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“Parking rows shall not exceed twelve (12) consecutive Parking Spaces within a group.
ENT, Entertainment and/or Amusement District zoning shall be allowed twenty-four (24) consecutive spaces.”

Presented by: Mark Lee – Community Development Director

Staff Recommendation: None at this time.

Attachments:

Recommended ENT, Entertainment and/or Amusement zoning district dimensional standards (1pg)

City of Branson, Mo

Sec. 94-45. - Entertainment District (ENT).

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a) *Purpose.* The Entertainment District is intended to protect and enhance the city's primary entertainment corridor as a major visitor destination, key economic driver and important gateway into the community. The Entertainment District encompasses a wide range of entertainment uses including theaters, museums, rides and other attractions. Lodging and retail uses are also major components of the Entertainment District. Standards in the Entertainment District are focused on enhancing the visitor experience and function of the corridor. The Entertainment District supports high quality development and public realm improvements that enhance the visitor experience and function of the corridor. The Entertainment District is also specially tailored to support the eclectic character and dynamic creativity that is the hallmark of Branson's entertainment.

(b) *Uses.* All uses in the ENT District shall conform to Table 94-60.1, Permitted Uses.

(c) *Dimensions.* Development in the ENT District shall conform to the following dimensional standards:

Building Types	Lot		Setbacks (min. ft.)[1]				Development Coverage (max.)	Max. Height (ft.)
	Lot Area (min. sq. ft.)	Max Lot Coverage	Front	Interior	Abutting Street	Rear [2]	FAR	
Commercial	[4]	70	25	0	0	10[5]	2.0	75
Civic [3]	[4]	70	25	0	0	10[5]	2.0	75
Theater	[4]	70	25	0	0	10[5]	As approved by site plan, not to exceed 5.0	100
Amusement	[4]	70	25	0	0	10[5]		100[6]
Lodging	[4]	70	25	0	0	10[5]		100
Notes:	[1] ENT abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback. [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building and the rear yard of the rear building shall not be less than 20 feet. [3] Special use/civic use side yard setback is 25 feet. The side yard of a commercial parcel adjoining a residential district shall be no less than five feet. If a side road is provided for a commercial building, it shall be no less than ten feet wide. [4] Must meet structure size and setbacks. [5] Rear yard adjoining residential shall be ten feet. If an alley is provided for a nonresidential building, the rear yard setback shall be no less than ten feet from the alley. [6] Height limit may be increased to 200 feet for entertainment structures and features that are at least 50 percent transparent with planning commission approval of site plan.							

5. ENT, Entertainment and/or Amusement Park District

a. Description and Purpose

- (1) The **ENT, Entertainment District** is intended to enhance the city's existing entertainment areas; as well as a means to create new and exciting major visitors' destinations, key economic drivers and important gateways into the community. The Entertainment District encompasses a wide range of entertainment uses including theaters, museums, rides and other attractions.

Dimensional Standards			
Building Type	Maximum Lot Coverage	General Lot Standards	Max Height
Commercial	85%	See HC, Highway Commercial	45 feet or 3 stories
Event Venue	85%	See GC, General Commercial	45 feet or 3 stories
Civic	85%	None	45 feet
Theater	85%	See GC, General Commercial	100 feet
Hotels	85%	See HC, Highway Commercial	10 stories or 100 feet
Lodging	85%		
Amusement Rides and Attractions	85%	None	300 feet
Aerial Displays (excluding fireworks)	N/A	NA	400 feet
Recreational Vehicle Parks	NA	See RV, Recreational Vehicle	NA
RV Pad Standards			Accessory Structure(s)
			Not allowed for individual spaces
Minimum Parking Pad Space (small RV pads)	10 feet in width x 24 feet in depth		
Minimum Park Pad Space (large RV pads)	12 feet in width x 36 feet in depth		

b. **Error! Reference source not found.**

- (1) General **Error! Reference source not found.**
- (1) See Section 3.04 Subdivision Standards for Lot and Block design criteria.
 - (2) See Section 4.02 Parking, Circulation, and Loading.
 - (3) See Section 4.03 Landscaping and Buffering.
 - (4) See Section 4.04 Tree Preservation.
 - (5) See Section 4.05 Fences and Screening Walls.
 - (6) See Section 4.06 Signs.
 - (7) See Section 4.07 Parks, Trails, and Open Space.
 - (8) See Section 4.08 Architectural and Site Design.
 - (9) See Section 4.09 Outdoor Lighting.
 - (10) See Section 4.10 Stormwater and Floodplain Controls.

City of Bonner Springs

Unified Development Ordinance



City of Bonner Springs
KANSAS

ADOPTED December 18, 2023

AMENDED August 12, 2024

Prepared by:



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Chapter 1. General Provisions

Section 1.01. Establishment

A. Title

This Development Code of the City of Bonner Springs, Kansas shall be known as and may be referenced as the “Unified Development Ordinance”, “UDO”, “this Code”, or “these regulations”.

B. Effective Date

The effective date of this Unified Development Ordinance shall be December 18, 2023.

C. Purpose

The purpose of the Unified Development Ordinance is to:

1. Promote the health, safety, comfort, and general welfare of the City;
2. Conserve and protect property values throughout the City;
3. Unify and implement the City’s land Development regulations, including the location and use of Buildings, the density of population, and general site design criteria; and
4. Implement the goals and objectives of the Comprehensive Plan and all other City adopted plans and initiatives.

D. Authority and Jurisdiction

1. These regulations are adopted in accordance with the provisions of Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-741**), as amended, and **Article 12, Section 5** of the Kansas Constitution.
2. Unless otherwise stated, these regulations shall apply to all structures and land within the incorporated area of the City, and the following described tract of land commonly known as the "Loring Area" or "Loring Service Area":

All that generally triangular tract of land lying in the area bounded on the north by the southern boundary of the City of Bonner Springs, Kansas; on the southeasterly side by the Kansas River; and on the westerly side by the Leavenworth County Line (142nd Street).

E. Usage and Interpretation

1. For the purpose of these regulations, the following terms used herein shall be interpreted or defined as follows:
 - a. Words used in the present tense include the future tense;
 - b. The singular includes the plural;
 - c. The word "person" includes a corporation as well as an individual or group of individuals;
 - d. The terms "shall", "must", and "will" are always mandatory; and
 - e. The terms "may" and "can" are discretionary.
2. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

F. Compliance Required with other City Plans and Ordinances

In addition to the requirements of these regulations, the subdivision or Development of property and associated Improvements is subject to all other approved City plans, ordinances, and technical manuals, including but not limited to:

1. All sections of the Unified Development Ordinance;
2. The Comprehensive Plan;
3. The Mid-America Regional Council (MARC) Manual of Best Management Practices for Stormwater Quality, as amended; and
4. The City Standard Specifications and Design Criteria Manual

G. Conflicting Provisions

1. These regulations shall be held to be the minimum requirements adopted in pursuit of the purposes described in **Section 1.01.C** above.
2. In the event these regulations impose a greater restriction upon land, Buildings, or structures than existing provisions of law, such as State, Federal, or other City regulations, these regulations shall control unless otherwise stated.
3. These regulations do not interfere with, abrogate, or annul any Easement, deed restriction, covenant, or other agreement between private parties. These regulations supersede any agreements between private parties, and the City will not recognize or enforce any private agreements.

H. Severability

If any part of this Code is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.

I. Violations and Fines

1. Any person, firm, or corporation who violates or fails to comply with these regulations, or who builds or alters any Building in violation of any plan submitted and approved in accordance with these regulations shall be guilty of a misdemeanor.
2. Upon conviction of a violation, any person, firm, or corporation shall be liable to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense.
3. Each day any violation persists shall constitute a separate offense.

J. Technical Manuals

1. These regulations reference several technical manuals, which are maintained separately from this Code.
2. Technical manuals apply to all Development within the City's jurisdiction.
3. These documents are adopted by reference and may be amended by the City as needed.

K. Vesting of Development Rights

1. Development Rights shall vest upon the receipt of a complete and accurate Development Application as described in **Section 1.03.C.2** below.
 - a. For new Developments, the Development Rights shall be vested with acceptance of the first required application per **Section 1.03.A** below
 - b. The following actions shall result in the voiding of vested rights:
 - (1) Expiration of an application in accordance with **Section 1.03.C.6** below; or

- (2) Modifications to an application significant to require a new submittal in accordance with **Section 1.03.C.7.b** below.
2. Verification of vested rights shall be determined by the Community Development Director, whose decision may be appealed to the City Council.

Section 1.02. Approval Authorities

- A. The Community Development Director
 1. Authorization

The Community Development Director, or their designee, shall be responsible for the administration of these regulations.
 2. Duties

In addition to enforcing these regulations, the Community Development Director shall:

 - a. Receive, file, and forward to the appropriate body all applications and actions outlined in **Table 1.1. Approval Authority Matrix**;
 - b. Maintain permanent and current records of these regulations, including all zoning maps, amendments, special uses, variances, exceptions, appeals, applications, and records of hearing thereon; and
 - c. Maintain the zoning map, these regulations, and the Comprehensive Plan in a manner that is accessible to the public.
 - d. Provide action on the following as delegated by the Planning Commission and City Council:
 - (1) Amending Plats; and
 - (2) Minor Plats.
- B. Development Review Team
 1. Establishment

The Development Review Team, also referred to as the “DRT”, is a formal group of representatives employed by the City or individuals empowered to represent City departments who act on applications related to subdivisions and Development.
 2. Purpose

The DRT is intended to establish cooperation between City departments involved in the land Development process and communicate these regulations to prospective Development partners and the public.
 3. Composition
 - a. The Community Development Director shall serve as mediator of the DRT, set the agenda for meetings, and establish a routine meeting time as necessary.
 - b. Membership of the DRT shall consist of the following individuals or at least one representative from each department, their successor departments, and other departments as determined by the City Manager:
 - (1) Community Development Department;
 - (2) Fire Department;
 - (3) Public Works Department;
 - (4) City Engineer; and
 - (5) Police Department

- c. Department representatives shall be the director or their designee.
 - 4. Meetings
 - a. The DRT shall meet as needed to review Development-related issues and hold pre-application meetings in accordance with **Section 1.03.B** below
 - b. Review comments will be documented during DRT meetings and will become available to interested parties.
 - c. When the DRT serves as a recommending body to another entity per **Section 1.02.B.5** below, the Community Development Director shall compile all appropriate comments and provide a report for the approval body(ies).
 - 5. Authority

Table 1.1. Approval Authority Matrix provides an overview of the authority and responsibilities of the DRT outlined in this Code.
- C. Planning Commission
 - 1. Establishment

The City of Bonner Springs Planning Commission, also referred to as the “Commission”, is hereby created in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-744**).
 - 2. Membership Composition and Term Length
 - a. The Planning Commission shall be composed of nine (9) members appointed by the City Council.
 - b. Members of the Planning Commission shall reside within the City Limits unless otherwise required by Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-744**).
 - (1) Initially, members shall serve for terms of one (1) year, two (2) years and three (3) years, divided equally or as equally as possible, for the terms established.
 - (2) Thereafter, all appointments shall be for terms of three (3) years, except that appointments made to fill a vacancy that occurs before the expiration of a member’s term shall be for the remainder of that unexpired term only.
 - 3. Authority

Table 1.1. Approval Authority Matrix provides an overview of the authority and responsibilities of the Planning Commission outlined in this Code.
- D. City Council
 - 1. The City of Bonner Springs City Council, also referred to as the “Council” or “Governing Body”, is established by **Chapter 1, Article 2** of the Bonner Springs Municipal Code.
 - 2. Composition

The City Council shall be composed of the Mayor and eight (8) elected Councilmembers.
 - 3. Authority

Table 1.1. Approval Authority Matrix provides an overview of the authority and responsibilities of the City Council outlined in this Code.
- E. Board of Zoning Appeals
 - 1. Establishment

The City of Bonner Springs Board of Zoning Appeals, also referred to as the “BZA” or “Board”, is hereby created in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-759**).

2. Membership Composition and Term Length
 - a. The Board shall annually elect a chairperson, a vice-chairperson and secretary in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-759**).
 - b. Members of the Board shall reside within the City Limits unless otherwise required by Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-759**).
 - c. The Board may consist of five (5) members of the Planning Commission appointed by the City Council when both terms coincide.
 - (1) Members shall be appointed for a term of three (3) years to coincide with their term on the Planning Commission.
 - (2) Meetings of the Planning Commission and BZA shall be held separately.
 - d. Members of the Board that are not members of the Planning Commission are subject to term limits as established in Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-759**).
3. Authority

Table 1.1. Approval Authority Matrix provides an overview of the authority and responsibilities of the BZA outlined in this Code.
4. Determination Required

A majority of the Board shall constitute a quorum, and a concurring vote of a majority of the entire Board shall be necessary to exercise the authorities outlined in **Table 1.1. Approval Authority Matrix**.

F. Summary of Approval Authorities

1. **Table 1.1. Approval Authority Matrix** provides an overview of the authority and responsibilities outlined in this Code.
2. The Community Development Director, City Engineer, or Planning Commission may defer action on any item to the next approval body.

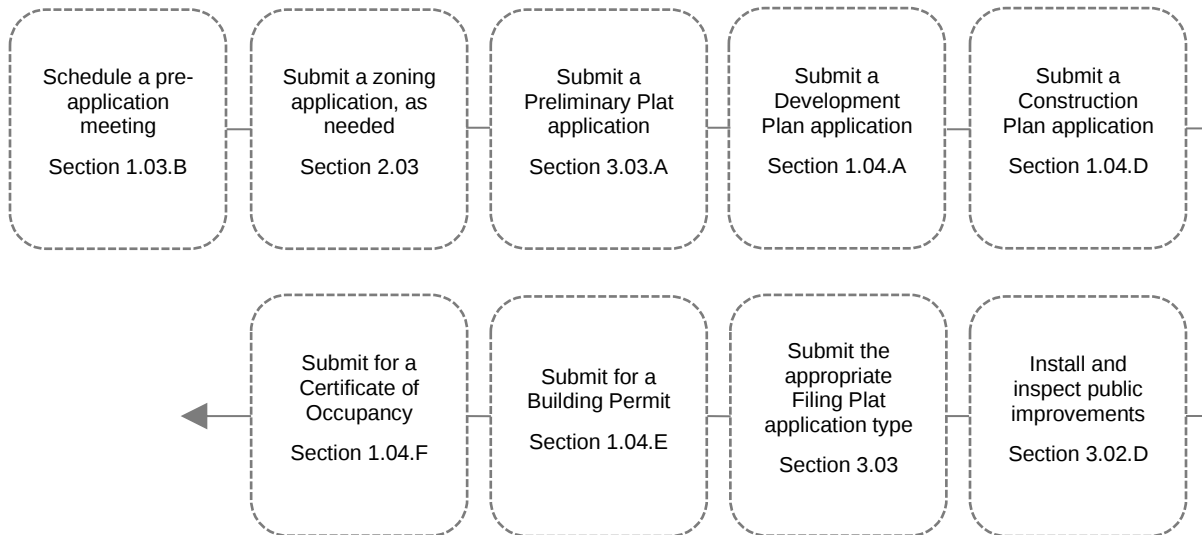
Table 1.1. Approval Authority Matrix

○ = Recommending Authority		● = Final Decision Authority		A = Appellate Authority		
Section	Application/Item	Comm. Dev. Director	City Engineer	Planning Commission	City Council	BZA
Development Standards						
Section 1.04.A	Development Plan	●			A	
Section 1.04.D	Construction Plans		●	A		
Section 3.02.D	Acceptance of Public Improvements			○	●	
Section 4.01.C	Request for Alternative Compliance	○		●	A	
Section 4.06.C	Sign Permit	●		A		
Section 3.04.F	Traffic Impact Analysis		●		A	
Section 4.07.E	Parkland Dedication	○		●	A	
Section 4.04.C	Tree Removal Permit	●		A		
Zoning						
Section 2.03.A	Text or Zoning Map Amendment			○	●	A
Section 2.03.B	Special Use Permit (SUP)			○	●	A
Section 2.03.C	Planned Development District (PD)			○	●	A
Section 2.03.D	Zoning Relief	○				●
Section 2.03.F	Determination of a Nonconforming Status	●				A
Subdivision						
Section 3.03.A	Preliminary Plat			○	●	
Section 3.03.B	Final Plat			○	●	
Section 3.03.C	Replat			○	●	
Section 3.03.D	Minor Plat	●		A		
Section 3.03.E	Vacating Plat			○	●	
Section 3.03.F	Amending Plat	●		A		
Section 3.03.G	Subdivision Improvement Waiver		○	●	A	

Section 1.03. Universal Submittal and Processing Procedures

A. Development Process Overview

This section provides a general overview of the land Development process and references appropriate sections.



B. Pre-Application Meeting

1. Purpose

- The pre-application meeting is intended to allow for the exchange of non-binding information between the Applicant and the Development Review Team to ensure that the Applicant is informed of these regulations and pertinent City processes.
- The pre-application meeting provides an opportunity for the Applicant and Development Review Team to discuss high-level Development considerations such as zoning, utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historical information.
- This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting Required

- Prior to the submittal of any land Development Application, the Applicant must consult with the Development Review Team as determined necessary by the Community Development Director.
- The Applicant may be represented by their land planner, surveyor, engineer, or other qualified professional knowledgeable about the Applicant's Project.

3. Vested Rights

Pre-application meetings shall not vest a permit, application, or other type of Development approval, and no submittal of an application will be accepted during a pre-application meeting.

C. Universal Application Process

1. Initiation of Application

a. Initiation by Owner or Authorized Representative

- (1) Unless specified elsewhere in these regulations, any petition or application may be initiated only by the property owner, owner of an interest in the land, or the owner's authorized representative.
- (2) If the Applicant is an authorized representative, the owner(s) of the property shall produce a notarized statement authorizing the representative to file the application on the owner's behalf.
- (3) The final decision authority identified in **Table 1.1. Approval Authority Matrix** may require the submission of documents, such as an affidavit from the owner or recorded deed, to provide evidence of ownership or agency.

b. Initiation by City Manager

The City Manager, or their designee, may initiate any application authorized under these regulations.

2. Universal Application Requirements

a. Universal Application Contents

- (1) The Community Development Director is hereby authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, method of application, required notes or disclaimers, and any other information necessary to show compliance with these regulations and other applicable City codes and processes.
- (2) All application forms and required material shall be maintained and made available by the Community Development Department.
- (3) The Community Development Director may waive the submission of any information in the initial application and accompanying materials that is not necessary due to the scope and nature of the proposed activity.

b. Universal Application Fees

- (1) Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
- (2) Unless waived by the City Council, the prescribed fee shall not be refundable unless it was submitted in error.

3. Calendar of Official Processing Dates

A calendar of official processing dates for items requiring action by the Approval Authorities pursuant to **Section 1.02.F** above shall be created by the City each calendar year.

4. Payment of All Indebtedness Attributable to the Subject Property

- a. No application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
- b. It shall be the Applicant's responsibility to provide evidence or proof that all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

5. Determination of Completeness

- a. Every application shall be subject to a Determination of Completeness by the Community Development Director.
- b. The application shall only be accepted for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Code.
- c. A Determination of Completeness of an application shall be conducted in accordance with the following procedures:
 - (1) A Determination of Completeness shall be made no later than the 10th business day, unless otherwise specified, after the submittal date.
 - (2) If the submitted application is determined incomplete, the Applicant shall be notified in writing no later than the 10th business day after the submittal date.
 - (a) Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, no later than the 10th business day following application submittal.
 - (b) The notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **Section 1.03.C.6** below) if the documents or other information are not provided to the City.
 - (3) An application shall be deemed complete and filed on the 11th business day after the application has been received if notice is not served in accordance with this **Section 1.03.C.5**.
 - (4) If the application is determined to be complete, the application shall be deemed filed and processed as prescribed by this Code.
- d. A typographical error alone shall not constitute grounds for an incomplete application.
- e. A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of these regulations. It is not guaranteed that an accepted, complete application will be approved if the application does not comply with applicable regulations.
- f. If the application is re-submitted after a notification of incompleteness within the time allotted in **Section 1.03.C.6** below, the application shall be processed upon receipt of the resubmittal. If the information or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

6. Application Expiration

- a. An application shall automatically expire at the close of business on the 45th calendar day after the application's submittal date if:
 - (1) The Applicant fails to provide documents or other information necessary to comply with the City's application requirements outlined in **Section 1.03.C.2.a** above;
 - (2) The City provides to the Applicant, not later than the 10th business day after the date the application is made, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
 - (3) The Applicant fails to provide the specified documents or other information necessary to comply with the City's application requirements within the time provided in the notification in accordance with **Section 1.03.C.6.a(2)** above.

- b. An application that is deemed expired will require the submittal of a new application fee in accordance with **Section 1.03.C.2.b** above.
- 7. Modification of Applications

The Applicant may revise any complete application following its submittal date and prior to the expiration of the period during which the City is required to act on the application.

 - a. Modifications Requested by the City

If the modification is for revisions requested by the City, and the modification is received at least 10 business days prior to the time scheduled for decision on the application, then the application shall be decided within the period for decision prescribed by this Development Code.
 - b. Modifications Not Requested by the City
 - (1) Unless otherwise specified, in all other instances (e.g., when the Applicant chooses to submit a revised application of their own accord because of a change in Development decisions), submittal of a modified application shall extend the time for deciding the application for a period equal to the time specified in this **Section 1.03.C** to decide the original application.
 - (2) The extension of the time for deciding the application shall begin on the date the modified application is submitted.
- 8. Submittal of Previously Decided Applications

After the final decision on an application by the Community Development Director, the same or substantially similar application, as determined by the Planner, shall not be resubmitted until after six (6) months from the final decision.

Section 1.04. Specific Application Types and Requirements

This section identifies the specific land use-related application types and requirements in addition to **Section 1.03** above.

- A. Development Plan
 - 1. Generally
 - a. The Development Plan, also referred to as a “Site Development Plan”, “Site Plan”, or “Detail Plan”, is a detailed, scaled, and dimensioned drawing of all surface Improvements, structures and utilities proposed for a commercial Development, and is intended to confirm compliance with the requirements of **Chapter 4 Development Standards** below.
 - b. Development Plans are submitted separately from the building permits and Construction Plans.
 - c. Planned Developments (PD) and Special Use Permits (SUP) require a Zoning Concept Plan, which includes information relevant to the zoning change, such as Building footprint, parking layout, and Lot orientation, but not all of the information required for construction that is included on the Development Plan.
 - d. Following approval of a Development Plan, all subsequent applications associated with a Development shall conform to the details outlined therein.
 - (1) Minor amendments may be made upon a showing of a necessity, and with the approval of the Development Review Team, to correct scrivener’s errors or to correct errors or omissions in review by the City.

- (2) Amendments deemed significant by the Community Development Director shall require the resubmittal of a new Development Plan, including all universal application procedures outlined in **Section 1.03** above.
- 2. Development Plan Required
 - a. A Development Plan shall be required prior to the following:
 - (1) Issuance of a building permit for all new Development;
 - (2) Instances where compliance with **Chapter 4 Development Standards** is required per **Section 4.01.B** below; or
 - (3) The expansion of an existing structure beyond fifty percent (50%) of the Floor Area unless exempt by **Section 1.04.A.2.b** below.
 - b. Single-family or two-family residential Developments that do not dedicate Right-of-Way or extend Municipal Utilities may not require a Development Plan.
 - c. The Community Development Director may determine that a Development proposal that meets all requirements of these regulations does not pose any issue that necessitates the submission of a Development Plan. Upon such a determination, the Planner may waive or reduce the requirement for a Development Plan as outlined by **Section 1.04.A** as deemed appropriate.
- 3. General Content

The Development Plan shall be clearly defined, drawn to an appropriate scale, and prepared by a knowledgeable professional as determined by the Community Development Director to permit accurate review for compliance with City codes and ordinances. The following items, at a minimum, shall be provided prior to approval of a Development Plan:

 - a. All specifications made within the applicable application forms discussed in **Section 1.03.C.2.a(1)** above;
 - b. Payment of all application fees as specified in **Section 1.03.C.2.b** above; and
 - c. All supporting documentation required the initial submittal of the application as discussed in **Section 1.03.C.5** above.
- 4. Additional Content may be Required

As determined by the Community Development Director, the following plans and documents may be required with a Development Plan application in addition to **Section 1.04.A.3** above:

 - a. Subdivision Plat;
 - b. Historic Engineering or Construction Plans;
 - c. Traffic Impact Analysis;
 - d. Façade Plan;
 - e. Landscape Plan;
 - f. Tree Survey;
 - g. Lighting Plan;
 - h. Flood Study; and
 - i. Other historic approvals, such as a Special Use Permit or Planned Development District, that may affect the consideration of the Development Plan.
- 5. Development Plan Effect
 - a. During the time the Development Plan remains valid, the City shall not apply any newly adopted requirements concerning Building placement, building or fire standards, streets, drives, parking, Landscaping, or screening.

- b. A Development Plan shall not be used to approve any variance to Development regulations.
 - c. Where an approved plan conflicts with an adopted regulation and no variance or special exception is expressly approved, the regulation shall apply.
6. Development Plan Expiration
- a. Approval of a Development Plan shall expire 180 days from the date of recordation of the plan unless one of the following has occurred:
 - (1) An extension request of up to one (1) additional year applied for by the property owner or their authorized agent has been approved by the responsible authority outlined in **Section 1.02.F** above;
 - (2) On-Site construction has commenced in the form of authorized grading or utility installation; or
 - (3) A valid Building Permit has been issued.
 - b. Upon expiration of a Development Plan, the property owner or their authorized agent shall be required to submit a new application, including all universal application procedures outlined in **Section 1.03** above, subject to the then existing subdivision and zoning regulations.
7. Recordation
- a. Following approval of the Development Plan, including resolution of all conditions stipulated by the Development Review Team, the Community Development Director shall stamp, date, and sign the approved application set and return to the owner or their authorized agent.
 - b. All subsequent Development-related submittals for a Project requiring a Development Plan shall include the stamped plan set in addition to the initial application requirements set forth in **Section 1.03.C.2** above.
8. Appeal
- a. The Community Development Director may forward a Development Plan application to the Planning Commission for approval or denial.
 - b. Following the final action on a Development Plan by the Community Development Director or Planning Commission, the Applicant may appeal the Planner or Commission's decision to the City Council.
 - (1) The Applicant shall file a written request with the Community Development Department no later than fourteen (14) days following the date of the final action.
 - (2) The written request shall specify the item or items that are being appealed. Only the listed items requested to be appealed will be reviewed.
 - (3) The appeal will be sent to the City Council for review at their next available meeting, who may take one of the following actions:
 - (a) Approve the appeal or part of the appeal with or without conditions;
 - (b) Deny the appeal;
 - (c) Return the appeal to the Planning Commission for further review; or
 - (d) Defer a decision pending further information.

B. Zoning Regulation Applications

See **Chapter 2 Zoning Regulations** for a detailed list of zoning application types and criteria.

1. General Content

- a. A Zoning Regulation Application shall include a Zoning Concept Plan, which shall be clearly defined, drawn to an appropriate scale, and prepared by a knowledgeable professional as determined by the Community Development Director to permit accurate review for compliance with City codes and ordinances.
- b. The Community Development Director may waive the requirement for a Zoning Concept Plan if deemed unnecessary, and may instead require a general site plan illustrating the proposed Improvements and site components.
- c. The following items, at a minimum, shall be provided prior to approval of a Zoning Regulation Application:
 - (1) All specifications made within the applicable application forms discussed in **Section 1.03.C.2.a(1)** above;
 - (2) Payment of all application fees as specified in **Section 1.03.C.2.b** above; and
 - (3) All supporting documentation required the initial submittal of the application as discussed in **Section 1.03.C.5** above.

2. Effect

Following approval of the Zoning Regulation Application by the responsible authority outlined in **Section 1.02.F** above, the application request will be effective immediately unless otherwise specified by the responsible approval authority or application documentation.

C. Subdivision Applications

See **Chapter 3. Subdivision Regulations** for a detailed list of Subdivision application types and criteria.

1. General Content

- a. Subdivision applications, also referred to as "Plats", are intended to serve as legal documentation of all property lines, Easements, and ownership of a Parcel that meets the Subdivision and Zoning regulations of this Code.
- b. A Plat application shall be clearly defined, drawn to an appropriate scale, and prepared by a registered land surveyor to permit accurate review for compliance with City codes and ordinances. The following items, at a minimum, shall be provided prior to approval of a Subdivision application:
 - (1) All specifications made within the applicable application forms discussed in **Section 1.03.C.2.a(1)** above;
 - (2) Payment of all application fees as specified in **Section 1.03.C.2.b** above; and
 - (3) All supporting documentation required the initial submittal of the application as discussed in **Section 1.03.C.5** above.

2. Effect and Recording

- a. Following approval of the Subdivision application in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-752**) and **Section 3.03** below, the owner or their authorized agent shall provide the Community Development Director four (4) physical copies, two (2) of which shall be mylar, of the approved Plat for signature.

- b. It shall be the property owner or their authorized agent's responsibility to file the approved Plat document, with all necessary signatures, with the County Clerk's office for recordation.
 - c. Once recorded with the County Clerk's office, a filed copy shall be returned to the Community Development Department for the City to maintain in permanent record.
- D. Construction Plans
 - 1. Generally
 - a. A Construction Plan, sometimes referred to as a "Civil Plan", is a detailed, scaled, and dimensioned drawing of all public improvements required in **Chapter 3. Subdivision Regulations** below for commercial or residential Development.
 - b. The City Engineer shall review the Construction Plans for conformance with all applicable rules and regulations related to public improvement location, design, and criteria.
 - c. Upon determination of compliance, City Engineer shall be responsible for the approval of the Construction Plans.
 - 2. General Content
 - a. The Applicant shall have the plan prepared by a licensed Professional Engineer unless deemed unnecessary by the City Engineer.
 - b. The following items, at a minimum, shall be provided prior to approval of a Construction Plan Application:
 - (1) All specifications made within the applicable application forms discussed in **Section 1.03.C.2.a(1)** above;
 - (2) Payment of all application fees as specified in **Section 1.03.C.2.b** above; and
 - (3) All supporting documentation required the initial submittal of the application as discussed in **Section 1.03.C.5** above.
 - 3. Effect and Expiration
 - a. Following review and approval of the Construction Plans by the City Engineer, all Improvements may receive permits for construction.
 - b. Following the installation of all Improvements, the inspection and acceptance shall be made in accordance with **Section 3.02.D** below.
 - c. A Construction Plan shall be effective for one (1) year following the date of approval.
 - (1) Prior to the end of the expiration period, the City Engineer may, at the request of the property owner or their agent, grant an extension to the validity of the Construction Plan for up to one (1) year.

Following the expiration of an extension granted by the City Engineer, any additional extension shall require the approval of the Planning Commission.
 - (2) If a Building Permit has not been issued within the expiration or extension period, a revised Construction Plan shall be required prior to the construction commencing.
- E. Building Permits
 - 1. Generally
 - a. A Building Permit is a permit issued by the Chief Building Official, or their designee, that authorizes the construction, enlargement, or Alteration of Buildings, structures, or other vertical Improvements on a Parcel of land.

- b. A Building Permit shall not be issued unless all zoning, Building, and Development Standards set forth by these regulations and other City ordinances are met.
 - c. Unless otherwise determined by the Chief Building Official, a Building Permit shall not be issued without prior approval of a Development Plan in accordance with **Section 1.04.A** above, and a Construction Plan when public improvements are necessary in accordance with **Section 1.04.D** above.
 - 2. Subdivision Required

A Building Permit shall not be issued for any Improvement upon a Parcel of land that has been subdivided in a manner that violates these regulations after the effective date unless otherwise stated by Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-752**).
 - 3. General Content

A Building Permit application shall be clearly defined, drawn to an appropriate scale, and prepared by a knowledgeable professional as determined by the Chief Building Official to permit accurate review for compliance with City codes and ordinances. The following items, at a minimum, shall be provided prior to approval of a Building Permit application:

 - a. All specifications made within the applicable application forms discussed in **Section 1.03.C.2.a(1)** above;
 - b. Payment of all application fees as specified in **Section 1.03.C.2.b** above; and
 - c. All supporting documentation required the initial submittal of the application as discussed in **Section 1.03.C.5** above.
 - 4. Expiration

A Building Permit shall expire six (6) months after the issued date unless grading, construction, Building, moving, remodeling, or reconstruction of a structure is commenced or a Certificate of Occupancy is issued in accordance with **Section 1.04.F** below.
- F. Certificates of Occupancy
- 1. Generally
 - a. A Certificate of Occupancy (CO) is an official certificate issued by the Chief Building Official that indicates conformance with the City's rules and regulations and that authorizes legal use of a structure or property.
 - b. No Building erected, converted, or structurally altered shall be used, Occupied, or changed in use, and no land may be used nor shall any basic change of use in land or structure be made until a CO has been issued by the Chief Building Official stating that the Building or proposed use of land or Building complies with the provisions of these regulations and other building laws of the City.
 - c. A CO shall state that the Building or the proposed use of a Building or land complies with all the Building or health laws or ordinances and with the provisions of these regulations.
 - 2. Issuance

A CO shall be approved or denied, in writing, within ten (10) days after the final inspection.
 - 3. Expiration and Revocation
 - a. A CO does not expire unless there is something that alters or changes the validity of the CO as determined by the Chief Building Official.
 - b. Revocation of a CO may occur based on a life safety issue or situation that creates Nonconforming Use.

- 4. Temporary Certificate of Occupancy
 - a. A Temporary Certificate of Occupancy (TCO) not to exceed ninety (90) days may be issued by the Chief Building Official, or their designee, when non-life safety items are lacking for completion, such as Landscaping or erosion control Improvements.
 - b. A bond covering the cost of all outstanding Improvements shall accompany an application for a TCO, and a time frame for compliance shall be established prior to issuance.
- 5. Certificate of Completion
 - a. A Certificate of Completion shall be issued for a structure when the specific use and have not been identified.
 - b. A Certificate of Completion certifies that Building construction is complete; however, a CO shall be required once the specific use and/or tenant have been identified.
- G. Appeal of a Non-Zoning Related Decision
 - 1. Generally
 - a. Purpose
 - (1) The purpose of this **Section 1.04.G** is to provide a process for reviewing and approving appeals to the appropriate appellate body identified in **Section 1.02.F** above.
 - (2) This **Section 1.04.G** shall not apply to appeals made to the Board of Zoning Appeals (BZA) on zoning-related decisions. See **Section 2.03.D** below for zoning relief procedures.
 - b. An application for an appeal shall be filed within sixty (60) calendar days after a ruling has been made by the approval body authorized in **Section 1.02.F** above.
 - c. In addition to the minimum application requirements outlined in **Section 1.03.C** above, applications for an appeal of an administrative decision shall include:
 - (a) A copy of the decision or determination of the approval body which the Applicant believes to be in error.
 - (b) A clear and accurate description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.
 - (c) Where determined necessary by the Community Development Director, a site plan illustrating existing and proposed plans for the submittal in question.
 - 2. Action
 - a. Action will be taken on an appeal of a decision by the appellate authority outlined in **Section 1.02.F** above.
 - b. Consideration

When considering an appeal of a decision the appellate authority shall consider if the appropriate rules and processes were followed and implemented as established by these rules and regulations.

Section 1.05. Public Hearings and Notification Requirements

- A. Applications Requiring Public Hearings
 - 1. Subdivision Applications
 - a. Preliminary Plat
 - b. Vacation of public Easements and Right-of-Ways

2. Zoning Applications
 - a. Text Amendment (e.g., a change to the text of this Code)
 - b. Zoning Map Amendment (e.g., “rezoning” or “zoning map change”);
 - c. Special Use Permit (SUP);
 - d. Planned Development District (PD);
 - e. Zoning Variance;
 - f. Special Exception; and
 - g. Appeal of an Administrative Decision;
- B. Review Bodies and Associated Public Hearings per Application Type
 Public hearings shall be conducted for each review body per application type outlined in **Section 1.05.A** above according to **Table 1.2. Public Hearing Review Bodies**.

Table 1.2. Public Hearing Review Bodies

○ = Public Hearing, Recommendation	● = Public Hearing, Final Action	A = No Public Hearing, Final Action	
Application/Item	Planning Commission	City Council	BZA
Subdivision			
Preliminary Plat	○	A	
Vacation of public Easements and Right-of-Ways	○	A	
Zoning			
Text Amendment	○	A	
Zoning Map Amendment	○	A	
Special Use Permit (SUP)	○	A	
Planned Development District (PD)	○	A	
Zoning Variance			●
Special Exception			●
Appeal of an Administrative Decision			●

C. Notice of Public Hearings Required

When a public hearing is required by **Section 1.05.B** above, public notices shall be required according to **Table 1.3. Type of Notice Required**.

Table 1.3. Type of Notice Required

● = Public Hearing Notice Type Required			
Application/Item	Newspaper Notice	Mailed Notice	On-Site (Sign) Notice
Subdivision			
Preliminary Plat		●	
Vacation of public Easements and Right-of-Ways	●		
Zoning			
Text Amendment	●	●	
Zoning Map Amendment	●	●	●
Special Use Permit (SUP)	●	●	●
Planned Development District (PD)	●	●	●
Zoning Variance	●	●	●
Special Exception	●	●	●
Appeal of an Administrative Decision	●	●	

D. Types of Public Hearing Notices

1. Notice of Rezoning, Planned Development Districts, and Special Use Permits

a. Newspaper Notice (also referred to as “Published Notice”)

- (1) Notice of a public hearing to occur before the Planning Commission shall be published in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-756**).
- (2) The notice must include a general description of the request, identification of the property that is subject to the request, and the date, time, and location of the public hearing.

b. Mailed Notice (also referred to as “Written Notice”)

(1) General Procedures

Notice of a public hearing to occur before the Planning Commission shall be written and mailed in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-757**).

(2) Protest Petition

Whether or not the Planning Commission approves or disapproves a zoning amendment, a protest petition may be filed in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-757**).

- c. On-Site Notice
 - (1) General Procedures
 - (a) Pursuant to Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-757**), the City hereby adopts the following regulation requiring the posting of On-Site notice indicating an upcoming public hearing.
 - (b) When required by **Section 1.05.C** above, the On-Site notice in the form of a sign shall be placed on the subject property at least twenty (20) calendar days prior to the scheduled public hearing.
 - (c) A sign shall be placed facing all streets Abutting the subject property.
 - (d) The sign(s) shall be placed on the subject property, not within the Right-of-Way, and shall be positioned to have no visual obstructions and be readily visible by passersby.
 - (2) Responsibility of Sign Placement and Maintenance
 - (a) The sign(s) shall be placed by the Community Development Director and shall only be removed after the final public hearing before the Planning Commission.
 - (b) Once posted, signs that are misplaced or removed shall have no effect on the outcome of the public hearing.
 - (c) It shall be the responsibility of the Applicant to correct or alleviate any nuisance or public safety risk caused by the sign(s) as determined by the Community Development Director.
 - (3) Cost

All costs associated with procurement and posting of the sign(s) shall be added to the costs for the application.
- 2. Notice of Text Amendments to this Code
 - a. For requests involving proposed changes to the text of these regulations, notice of the Planning Commission public hearings shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City before the twentieth (20th) calendar day prior to the date of the public hearing.
 - b. Changes in the Code text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed or On-Site notification.
- 3. Notice of Appeals of Decisions, Variances, and Special Exceptions
 - a. Newspaper Notice (also referred to as "Published Notice")

Notice of a public hearing to occur before the Board of Zoning Appeals shall be published in the official City newspaper in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-759**).
 - b. Mailed Notice (also referred to as "Written Notice")

Notice of a public hearing to occur before the Board of Zoning Appeals shall be written and mailed before the twentieth (20th) calendar day prior to the hearing.

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Chapter 2. Zoning Regulations

Section 2.01. General Provisions

A. Purpose

The purpose of this **Chapter 2 Zoning Regulations** is to:

1. Promote the health, safety, comfort, and general welfare of the City by establishing appropriate land use distribution and minimum Lot requirements;
2. Establish zones and districts throughout the City; and
3. Regulate the location and use of Buildings, and the uses of land within each district or zone to protect the interests of the general public;

B. Compliance Required

1. Compliance with this **Chapter 2 Zoning Regulations** shall be required for all land, Buildings, structures, or Improvements within the jurisdictional limits established in **Section 1.01.D** above, which are hereafter Occupied, used, erected, altered, removed, demolished, or otherwise converted.

C. Zoning Upon Annexation

1. Zoning Required

The City shall assign a zoning district established in **Section 2.04** below to property annexed or included within the jurisdictional limits established in **Section 1.01.D** above.

2. Timing

Proceedings to establish zoning shall be taken in accordance with **Section 2.03.A** below, and shall occur concurrently with annexation or addition procedures so as to prevent instances of un-zoned property.

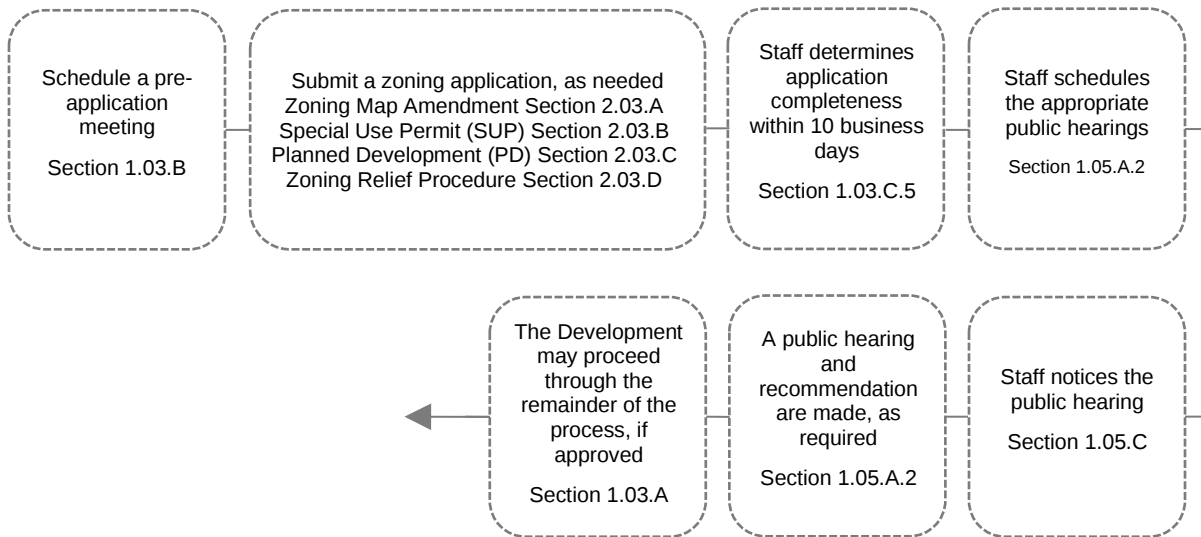
Section 2.02. Zoning Regulation Procedures

A. General Application Requirements

In addition to this **Section 2.02**, zoning regulation applications are subject to the application requirements outlined in **Section 1.03** and **Section 1.04.B** above.

B. Zoning Regulation Process Overview

This **Section 2.02.B** provides a general overview of the zoning process and references appropriate sections.



C. Concurrent Submission of Zoning Regulation Submittals

1. Zoning Regulation submittals outlined in **Section 2.03** below may be made concurrently, provided the concurrent submittals are assigned the same approval authority outlined in **Section 1.02.F** above.
2. The universal application requirements outlined in **Section 1.03** above shall be required for each subsequent submittal unless otherwise determined by the Community Development Director.

Section 2.03. Zoning Regulation Submittal Types

A. Text or Zoning Map Amendment

1. Generally

a. Purpose

- (1) The purpose of this **Section 2.03.A** is to provide a process for amending the text of these regulations, the zoning district designations, or the zoning district boundaries reflected on the zoning map established in **Section 2.04.A** below.
- (2) This **Section 2.03.A** shall not include applications for Special Use Permits outlined in **Section 2.03.B** below, or applications for Planned Development Districts outlined in **Section 2.03.C** below.

b. Applications for text or zoning map amendments shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.

- (1) Applications for text or zoning map amendments may be initiated by the City, or, if such proposed amendment is not a revision to the text of these regulations and affects specific property, the owner of affected property.
- (2) If a proposed text or zoning map amendment is not a revision to the text of these regulations and affects specific property, the City shall establish an ownership list with the names and addresses of the owners of all property located within two hundred (200) feet of the boundaries of the property for which the zoning amendment is requested.
- (3) If any boundary of the area proposed for the zoning amendment is located adjacent to or outside the City Limits, said ownership list shall include the names and addresses of the owners of all property in the unincorporated area within one thousand (1,000) feet of the boundaries of the property to be rezoned.

2. Action Required

a. Action will be taken on an application for a text or zoning map amendment by the approval authority outlined in **Section 1.02.F** above.

b. Consideration

When considering an application for a text or zoning map amendment, the approval authority shall consider:

- (1) The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
- (2) The character of the neighborhood or built environment surrounding the affected property;
- (3) The compatibility of the zoning and allowed uses of surrounding properties;
- (4) The suitability of the affected property to its existing and proposed zoning conditions;
- (5) The extent to which removal or Alteration of the existing zoning designation will negatively impact nearby property;
- (6) The impact on the general health, safety, and welfare of the public caused by the existing and proposed zoning conditions;
- (7) The professional recommendations of the City's staff and Development Review Team;

- (8) The availability and adequacy of required public improvements to serve the existing and proposed zoning conditions.
 - (9) The impacts the proposed zoning condition will have on the built and natural environment, including but not limited to storm water runoff, water, air, and noise pollution, lighting, or other adverse impacts; and
 - (10) The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations under the proposed zoning conditions.
- c. Application Alterations
- The approval authority for text or zoning map amendment applications outlined in **Section 1.02.F** above may alter the base zoning district or other zoning specifics of such application without re-noticing the application in accordance with **Section 1.05** above provided that:
- (1) The area affected by the application does not increase in size.
 - (2) The intensity of land use does not increase from what was specified on the notice. For the purposes of assessing this **Section 2.03.A.2.c(2)**, intensity of land use shall include:
 - (a) Maximum height available under the proposed zoning conditions;
 - (b) Maximum Lot Coverage available under the proposed zoning conditions; or
 - (c) If residential land uses are possible under the proposed zoning conditions, the maximum density (e.g., the minimum Lot Area).
 - (3) The revised application does not permit commercial or industrial land uses when none were possible under the original application.
3. Effective Date and Expiration
- a. The effective date of an approved text or zoning map amendment application shall be set in accordance with **Section 1.04.B.2** above.
 - b. An approved application for a text or zoning map amendment shall not have an expiration date unless otherwise set by the approval authority prior to adoption.
If assigned an expiration date, the approval authority shall determine:
 - (1) The date of expiration;
 - (2) The minimum criteria necessary to be met prior to the set expiration date; and
 - (3) The actions that will be taken following expiration of the approved application.
- B. Special Use Permit (SUP)
1. Generally
- a. Purpose
 - (1) The purpose of this **Section 2.03.B** is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in **Section 2.05** below.
 - (2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment.

- b. Applications for SUPs shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.
 - (1) Applications for SUPs shall be initiated by a property owner or authorized representative.
 - (2) SUPs shall not be conveyed or transferred between different properties, and shall remain in effect on the affected Parcel, unless otherwise stated by **Section 2.03.B.3** below, regardless of changes in ownership.
- 2. Action Required
 - a. Action will be taken on an application for a SUP by the approval authority outlined in **Section 1.02.F** above.
 - b. Consideration

When considering an application for a SUP, the approval authority shall consider:

 - (1) The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
 - (2) The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations, including any conditional Development Standards required by **Section 2.06** below, under the proposed use;
 - (3) The location of the proposed use, and if the location will contribute to the welfare or convenience of the public;
 - (4) The impact of the proposed use to the value and enjoyment of surrounding property owners and users;
 - (5) The scale and intensity of the proposed use in relation to the surrounding built and natural environment;
 - (6) The impact of the proposed use on the developability of surrounding properties;
 - (7) The availability and adequacy of required public improvements to serve the proposed use; and
 - (8) The professional recommendations of the City's staff and Development Review Team.
- 3. Expiration and Revocation
 - a. Approval of an application for a SUP shall be accompanied by an expiration timeframe ranging from five (5) years to perpetuity from the date of approval by the approval authority unless one of the following has occurred:
 - b. Upon expiration or revocation of an approved SUP, the Community Development Director shall initiate a public hearing before the responsible bodies outlined in **Section 1.02.F** above to review the conditions associated with the initial approval for consistency with the intent of these regulations, as amended.
 - (1) If found deficient, the SUP will be deemed expired or revoked, as applicable.
 - (2) The City Council, following recommendation from the Community Development Director and Planning Commission, shall revert the property affected by the SUP to its prior zoning.
 - c. An approved SUP shall remain in effect on a property following the execution of a Building Permit in accordance with **Section 1.04.E** above, and shall then require a zoning action in accordance with **Section 1.04.B** above to repeal, update, or change the conditions of the SUP.

- d. Revocation
 - (1) A SUP may be revoked by the City Council for the following reasons:
 - (a) Violation of any regulation adopted by the City, including these regulations; or
 - (b) Violation or non-compliance with the conditions, limitations or requirements contained in the SUP application and ordinance.
 - (2) Prior to revocation of a SUP, the City shall notify the affected property owner no less than thirty (30) days prior to the hearing on the revocation and reassignment process outlined in **Section 2.03.B.3.b** above.
 - (a) The City shall specify the observed violation within such written notice.
 - (b) The City may grant the affected property owner the ability to rectify any violation within a prescribed timeframe.
- C. Planned Development (PD) District
 - 1. Generally
 - a. Purpose
 - (1) The purpose of this **Section 2.03.C** is to provide a process for reviewing and approving applications for Planned Development (PD) Districts.
 - (2) The purpose of a PD District is to:
 - (a) Provide for flexibility from these regulations regarding design, placement, arrangement, bulk, and other considerations involved in designing a site;
 - (b) Provide a framework within which Buildings and uses may be interrelated with adjacent Development and areas; and
 - (c) Maintain the desired overall intensity of land use, desired population densities, and desired areas of Open Space throughout the City.
 - b. Applications for PD Districts shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.
 - (1) Applications for PD Districts shall be initiated by a property owner or authorized representative.
 - (2) PD Districts shall not be conveyed or transferred between different properties, and shall remain in effect on the affected Parcel, unless otherwise stated by **Section 2.03.C.4** below, regardless of changes in ownership.
 - 2. District Requirements
 - a. Minimum District Area

Applications for PD Districts shall require no less than fifteen (15) contiguous acres of property, hereafter referred to as the district boundary.

 - (1) Written consent shall be required for all owners of property within the district boundary.
 - (2) For the purposes of determining continuity of the district boundary, properties separated by existing, dedicated Right-of-Ways shall be deemed contiguous.

b. Base Zoning District(s)

The complete limitations of a PD District shall be assigned one or more of the zoning districts established by **Section 2.04** below, hereafter referenced as the base zoning district(s).

- (1) Where more than one base zoning district is proposed, an exhibit illustrating the limitations of the selected base districts shall be required as part of the PD District application.
- (2) The conditions and requirements specified in the PD District ordinance shall be in addition to, or an amendment of, the requirements of the base zoning district(s) as established by these regulations.
- (3) Unless otherwise specified by the PD District application, all applicable requirements of these regulations shall be enforced.

c. Permitted Uses

Uses permitted in the base zoning district(s) per the Table of Allowed Uses established in **Section 2.05** below shall be permitted within a PD District.

- (1) The uses permitted may be voluntarily restricted by the Applicant, or restricted as a condition of approval by the authority outlined in **Section 1.02.F** above.
- (2) Uses that require a Special Use Permit (SUP) within the base zoning district(s) per the Table of Allowed Uses shall still require approval of a SUP application in accordance with **Section 2.03.B** above, unless otherwise specified by the PD District application.

d. Level of Service

- (1) The proposed Development shall be designed in such a way that the traffic generated by the Development will not cause an unreasonably hazardous condition nor inconvenience in the area.
- (2) Structures and traffic shall be arranged so that all principal Buildings are accessible to emergency vehicles.
- (3) The availability of services and location of public utilities shall have the approval of each agency involved, and shall be included within a PD District application.

3. Consideration

When considering an application for a PD District, the approval authority shall consider:

- a. The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
- b. The character of the neighborhood or built environment surrounding the district boundary;
- c. The compatibility of the zoning and allowed uses of surrounding properties;
- d. The suitability of the affected property to its existing and proposed zoning conditions;
- e. The extent to which removal or Alteration of the existing zoning designation will negatively impact nearby property;
- f. The impact on the general health, safety, and welfare of the public caused by the existing and proposed zoning conditions;
- g. The professional recommendations of the City's staff and Development Review Team;
- h. The availability and adequacy of required public improvements to serve the existing and proposed zoning conditions.

- i. The impacts the proposed zoning condition will have on the built and natural environment, including but not limited to, storm water runoff, water, air, and noise pollution, lighting, or other adverse impacts; and
 - j. The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations under the proposed zoning conditions.
4. Expiration and Amendments
- a. Approval of an application for a PD District shall expire one (1) year from the date of approval by the approval authority unless one of the following has occurred:
 - (1) An extension request of up to one (1) additional year applied for by the property owner or their authorized agent has been approved by the City Council as authorized in **Section 1.02.F** above; or
 - (2) A Development Plan has been approved in accordance with **Section 1.04.A** above, and the Development Plan has not expired.
 - b. If any substantial variation is requested to the approved conditions of a PD District, as determined by the Community Development Director, the Applicant shall be required to follow the process of the initial PD District application as identified in this **Section 2.03.C**.
 - c. Upon expiration of an approved PD District, the Community Development Director shall initiate a public hearing before the responsible bodies outlined in **Section 1.02.F** above to review the conditions associated with the initial approval for consistency with the intent of these regulations, as amended.
 - (1) If found deficient, the PD District will be deemed expired.
 - (2) The City Council, following recommendation from the Community Development Director and Planning Commission, shall assign a new zoning district to the property affected by the district boundary.
 - d. An approved PD District shall permanently remain in effect on a property following the execution of a Building Permit in accordance with **Section 1.04.E** above, and shall then require a zoning action in accordance with **Section 1.04.B** above to repeal, update, or amend the conditions of the PD District.
- D. Recreational Vehicle (RV) Parks
- 1. Generally Recreational Vehicle (RV) Parks shall be designed according to the standards of this Section.
 - a. Purpose and Intent
 - (1) The City finds that RV parks can contribute to the long-term economic and social well-being of the City if they are properly located, designed, and maintained to protect the health, safety, and general welfare of the RV park users, abutting properties, and the City as a whole.
 - 2. District Requirements
 - a. Minimum Area of Parcel Proposed for Development. The minimum area of an RV park is two acres.
 - b. Maximum Extent of RV Park. The maximum extent of a RV Park is 10 acres.
 - 3. Site Design, RV parks shall meet the following site design standards:
 - a. Location.
 - (1) The park shall be located on a well-drained site, properly graded for rapid drainage and freedom from stagnant pools of water, so that soil conditions, groundwater level, drainage and topography do not constitute hazards to the residents' health and safety.
 - (2) RV parks shall maintain a 1,320-foot separation from each other.

- b. Maximum Density. The maximum site density for RV parks shall be 20 spaces per acre, where only one recreational vehicle is permitted per recreational vehicle space.
- c. RV Spaces. Each recreational vehicle space shall comply with the following:
 - (1) Minimum Space Area. A minimum of 1,250 square feet RV space in area and 25 feet in width by 50 feet in depth is required consisting of:
 - i. Permanent RV Parking Pad. No less than 10 feet in width by 24 feet in depth shall be used to construct a permanent parking pad consisting of concrete, asphalt, crushed limestone, or similar material, as approved by the City Engineer and Community Development Director. No gravel or asphalt millings shall be allowed. Each parking pad shall be separated by at least 10 feet from any other parking pad.
 - (2) Small RV Pads. Parking pads for small RV's shall be no less than 10 feet in width by 24 feet in depth;
 - (3) Large RV Parking Pads. Parking pads for large RV's shall be no less than 12 feet in width by 36 feet in depth; and
 - i. Non-RV Off-Street Parking Space. Each RV space shall have a minimum of one off-street parking space for a vehicle that is not the recreational vehicle.
 - (4) Space Marker. A permanent space marker identifying the space number is required to be visible day and night, which shall be visible from the internal private roadway;
 - (5) Accessory Structures. Individual RV spaces are not allowed to have accessory structures (e.g., awnings, cabanas, carports, garages, porches, storage sheds, etc.), with the exception of factory installed recreational vehicle extensions (e.g., expandable spaces or awnings).
- 4. RV Park Access and Circulation.
 - a. The entrance of the internal private roadway shall have a pavement width of 30 feet with adequate curb radius and shall have at least one direct connection to a public street.
 - b. The internal private roadway shall have a pavement width of 24 feet in accordance with City specifications, and shall consist of concrete, asphalt, or crushed limestone. The roadway may be 15 feet in width if it is designed for one-way roads as long as there is a minimum of 24 feet of unobstructed clearance, and a minimum of 60 feet in turning area and radii, to permit the free movement of emergency vehicles.
 - c. No dead-end streets unless a cul-de-sac is installed in accordance to City specifications for non-residential cul-de sacs.
- 5. Lot Access. Each recreational vehicle space shall have direct access to the interior private roadway and shall be constructed of concrete, asphalt, or crushed limestone.
- 6. Required Facilities. Each RV Park shall install and maintain the following required facilities:
 - a. Office. An office for the manager and a publicly available telephone which shall be accessible for emergency use 24 hours a day, seven days a week.
 - b. Laundry and Maintenance Facilities. A laundry and maintenance building shall be included in the site design.
 - c. Off-Street Parking. Each RV park shall provide a common guest parking lot consisting of one parking space for every five recreational vehicle spaces.
 - d. Sanitary Facilities. The RV Park shall provide the following sanitary facilities in the quantities specified below. Each calculation shall be rounded up to the next nearest whole number, where a minimum of at least one is required. One additional sanitary facility shall be provided for each 10 additional RV spaces. Facilities for males and females shall be separate and located within a permitted building.

- i. Toilets. One toilet for each sex for every 40 RV spaces;
 - ii. Washbasins. One washbasin shall be provided within the bathroom for every two toilets provided; and
 - iii. Showers. One shower for each sex per every 40 RV spaces.
- e. Design and Maintenance of Sanitary Facilities. Design and maintenance of the sanitary facilities shall be in accordance with the following:
 - i. Buildings shall be well lit at all times, day or night, well-ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing;
 - ii. The floors shall be of concrete or other impervious material, elevated not less than four inches above grade, and each room shall be provided with floor drains.
 - iii. Toilet and bathing facilities shall be in separate rooms or each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.
 - iv. Toilet floors and walls shall be of impervious material, painted white or a light color, and be kept clean at all times. Shower stalls shall be made of tile, plaster, cement or some other impervious material and shall be kept clean at all times. Shower stalls shall be partitioned in any manner as to provide privacy and promote cleanliness. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times.
 - v. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be made of a washable surface, kept clean at all times.
 - vi. Sidewalks shall be required around all sanitary facilities connecting to the internal private roadway.
 - vii. Not located nearer than 25 feet from a RV space or a property line.
 - viii. No RV space shall be located more than 600 feet from the building.
 - ix. All lavatories, bathtubs, and showers shall be connected to both hot and cold running water.
 - x. Facilities shall maintain a temperature of 70 degrees Fahrenheit.
- 7. Lighting. All common buildings and access thereto shall be well lit both inside and out during the night hours and the lighting design shall be in conformance with Section 4.09; Outdoor Lighting.
- 8. Required Screening. All RV parks shall provide screening on all borders, including along all street frontage. Screening located along the borders of existing residential lots shall include an opaque fence or wall that shall not exceed more than eight feet in height Section 4.05.F.2. The requirement of an eight-foot wall or fence when abutting residential lots may be exempted if the distance between residentially zoned property is five-hundred (500') feet minimum.
- 9. Solid Waste Collection. Centralized solid waste collection shall be in accordance with the provisions set out in Sections 11-402 and 11-403 of the Bonner Springs Municipal Code.
- 10. Utilities. In addition to the following, the installation of utilities shall be in compliance with all building codes and other applicable provisions of this Code.
 - a. Drainage. The ground surface in all parts of the RV park shall be graded and designed to drain all stormwater and surface water in a safe, efficient manner. A stormwater management plan is required in conformance with the stormwater regulations of Bonner Springs.

- b. **Water System.** All common buildings and RV spaces shall be provided with a connection to the City water system if it is located within 1,000 feet of the RV park. If the City water system is not available, then the water supply system shall be designed, constructed, and maintained in compliance with the State of Kansas Department of Health and Environment (KDH&E). The City must approve all proposed water facility plans prior to construction. The water distribution system shall be designed as follows:
- i. A master water meter shall be installed to serve the RV park. Sub-metering or re-metering for private purposes by the owner/operator of the RV park is permitted however sub-metering or re-metering of individual RV spaces for public purposes, as determined by the City, such as meter reading and utility billing of individual RV spaces is not permitted.
 - ii. A reduced pressure principal backflow preventer will be required to be placed at the lot line on the discharge side of the master meter. In addition, one must be placed at each of the connections for each RV spaces and located on the right side of the space.
 - iii. Water riser service branch lines shall extend at least four inches above ground elevation. The branch line shall be at least three-fourths inch.
 - iv. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes. Surface drainage shall be diverted from the location of utility connections at each space.
 - v. A shut off valve below the frost line shall be provided on each branch line.
 - vi. The owner/operator shall have complete maintenance responsibility for the water system within the RV park.
 - vii. The City has no maintenance responsibility for service lines within the RV park. The responsibility of the city stops at the lot line.
- c. **Wastewater System.** All common buildings and RV spaces shall be provided with a connection to the City wastewater system if it is located within 1,000 feet of the RV park. If the City wastewater system is not available, then the system shall be designed, constructed, and maintained in compliance with the State of Kansas Department of Health and Environment (KDH&E). The city must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be installed as follows:
- i. Each RV space shall be provided with a four-inch diameter wastewater riser and shall extend above grade four to six inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gas tight seal when connected to a recreational vehicle or have a gas tight seal plug when not in service.
 - ii. The wastewater connection to each RV space shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be water tight.
 - iii. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four to six inches above the ground elevation.
 - iv. The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park.
 - v. The responsibility of the city stops at the lot line.
- d. **Electrical System.** All common buildings and RV spaces shall be provided with a connection to the local electrical provider's electrical system, which shall be installed underground in accordance with the most currently adopted National Electric Code.

The electrical system shall be installed as follows:

- i. A master electric meter shall be installed to serve the RV park. Sub-metering or re-metering for private purposes by the owner/operator of the RV park is permitted however sub-metering or re-metering of individual RV spaces for public purposes, as determined by the local electrical provider, such as meter reading and utility billing of individual RV spaces is not permitted.
 - ii. The City has no maintenance responsibility for service lines within the RV park.
 - iii. The location of all underground lines shall be clearly marked by surface signs at approved intervals.
 - iv. Power supply to each space shall be a minimum of one 20-amp and one 50-amp power supply.
 - v. Outlets (receptacles or pressure connectors) shall be housed in an Underwriters' Laboratories, Inc., approved weather-proof outlet box.
 - vi. A water-tight seal shall be provided for underground conduit in floodplain installations and a riser extending a minimum of two feet above the floodplain elevation shall be provided.
11. Fire Protection.
- a. Open fires shall be allowed only in accordance with applicable City Codes.
 - b. Each RV space shall be within 300 feet of a fire hydrant.
 - c. In RV parks in which gasoline, fuel, oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with the provisions of the International Fire Code.
 - d. Bottled gas shall not be used at individual RV lots unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place.
 - e. All fire rings, wood burning stoves and other forms of outdoor cooking shall be located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance.
 - f. Approaches to all RV spaces shall be kept clear at all times for access by firefighting equipment.
12. Maintenance. In conformance with the rules and regulations of Bonner Springs, all grounds in the RV park shall be:
- a. Paved, covered with crushed limestone, or protected with vegetative cover that is capable of preventing soil erosion and eliminating dust; and
 - b. Maintained free of accumulation of high grass, weeds, and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitos, or other pests. This does not apply to the required screening which should be allowed to fill in with natural vegetation over time.
 - c. Each recreational vehicle space shall be provided a minimum of one-shade tree.
13. Site Plan. A site plan is required showing conformance with each of the site design criteria detailed in this Section (including all proposed on-site utilities, rights-of-way/easements and roadway configuration, storm drainage, recreational vehicle space layout, building improvements, fencing, buffering, lighting, and signage), as well as other applicable requirements of this Code which will be used for review and consideration by the applicable administrative body having jurisdiction.
14. License. The owner/operator is required to hold a valid license issued annually from the City to operate an RV park in the City in accordance with Chapter V; Business Regulations of the Municipal Code of Bonner Springs.

15. Operations. The owner/operator shall collect the following information as part of the registration process for each person renting an RV space in the RV park:
 - a. Name;
 - b. Full address of permanent residence;
 - c. Automobile and recreational vehicle license plate number and the state in which each is registered;
 - d. Photocopy of the driver's license of the primary tenant;
 - e. The number or letter of the designated space being rented; and
 - f. The date of arrival and departure.
16. Expansion or Modification of Existing RV Parks.
 - a. Re-Review Required. Any enlargement (e.g., size of property or additional RV spaces, etc.) or modification of site layout of an existing RV park shall require a re-review and approval as if it were a new application.
 - b. Existing Facilities Brought into Conformance. No enlargement or extensions to any RV park shall be permitted unless the existing facility is made to conform with all the requirements for new construction in conformance with this Section.
17. Inspections. The Building Official or authorized agent shall have the power to enter, during normal operating hours, upon any private or public property with the purpose of inspecting and investigating conditions relating to the enforcement of this Section.
18. Suspensions.
 - a. Notice. Whenever, upon inspection of any RV park, the Building Official or authorized agent finds that conditions or practices exist which are in violation of any provision of this Section applicable to such park, the Building Official shall provide notice in writing to the owner/operator, and if such conditions or practices have not been corrected in the timeframe set out in the notice, the Building Official or authorized agent will suspend the RV park license and give notice of such suspension.
 - b. Cessation of Operations. Upon suspension of the RV park license, the owner/operator shall cease operation of the RV park.
 - c. Appeal. The suspension of the license may be appealed to the Board of Zoning Appeals.
19. Abandonment and Restoration.
 - a. Plan. In the event that operations should cease for a period of 24 months, the owner shall be required to provide a written plan and agreement to the Building Official or authorized agent showing evidence of a pending lease/sale agreement or a plan of action setting out how the site's improvements (e.g., internal roadways, RV parking pads, buildings and structures, utilities, signs, and other non-vegetative improvements) shall be dismantled and the site restored to its previous unoccupied, natural condition. The start of the 24-month timeframe begins upon notification to the City by the owner/operator, or upon the initial inspection by the Building Official or authorized agent, whichever comes first.
 - b. Restoration. If the City deems the abandoned RV park is public health or safety hazard after the 24 months have expired, the City may restore the property to its natural conditions and place a lien on the property to recover both restoration and administrative costs.

E. Zoning Relief Procedures

1. Generally

a. Purpose

- (1) The purpose of this **Section 2.03.DE** is to provide a process for reviewing and approving zoning relief applications from the requirements of this **Chapter 2 Zoning Regulations**.
- (2) The purpose of a zoning relief application is to:
 - (a) Provide a process for property owners to seek relief from the minimum Lot Area, setbacks, and other dimensional and Building requirements of this chapter;
 - (b) Offer the City a method of considering alternative compliance metrics for unique or encumbered Lots where strict compliance with this **Chapter 2 Zoning Regulations** would result in undue hardship to a property owner; and
 - (c) Ensure the granting of relief from the zoning standards will not adversely affect surrounding property owners, and will not jeopardize further compliance with the subdivision and Development Standards outlined in these regulations.

b. Applications for a zoning relief shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.

c. Action

- (1) Action will be taken on zoning relief procedures by the approval authority outlined in **Section 1.02.F** above.
- (2) The granting of a zoning relief procedure will not establish a precedent for future requests.

d. Appeals of BZA Decisions

- (1) Any person, persons, official, or department of the government, jointly or separately aggrieved by any decision of the BZA may present a petition to the District Court having jurisdiction.
- (2) Such appeal shall be filed within thirty (30) days of the final decision of the BZA.

2. Types of Zoning Relief Procedures

a. Appeals

- (1) When identified as the appellate authority within **Section 1.02.F** above, the Board of Zoning Appeals (BZA) may consider appeals to zoning actions by the Applicant aggrieved by the decision.
- (2) A request for appeal must be made within twenty (20) days of the formal determination.
- (3) Consideration
 - (a) When considering an appeal, the BZA shall consider if there was an error made on any order, requirement, decisions, or determination made by the approval authority in the enforcement of these regulations.
 - (b) It shall be the responsibility of the appealing party to prove such error was made in the initial determination of the application or decision.
- (4) Notice Required for Appeals before the Board of Zoning Appeals
Appeals to the Board of Zoning Appeals (BZA) shall require proper notice as determined by **Section 1.05** above prior to taking action.

b. Variances

- (1) Applicability
 - (a) A zoning variance may be requested for relief from the dimensional standards listed under each zoning district established in **Section 2.04** below.
 - (b) A zoning variance shall not provide relief from the following:
 - (i) The permitted uses identified per zoning district outlined in **Section 2.05** below;
 - (ii) The conditional Development Standards outlined in **Section 2.06** below;
 - (iii) The requirements and processes of **Chapter 3 Subdivision Regulations**; or
 - (iv) The requirements and processes of **Chapter 4 Development Standards**.
- (2) Consideration
 - (a) When considering applications for zoning variances, the BZA shall consider if:
 - (i) The variance requested arises from such conditions that are unique to the property in question, and that are not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or Applicant;
 - (ii) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
 - (iii) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - (iv) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - (v) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
 - (b) In addition to the considerations listed above, prior to approval of a variance request the BZA shall determine the presence of a physical condition of the site (e.g., topography, Floodplain, pre-existing Lot Area) that proves a hardship to developing the site under the applicable requirements of these regulations.
- (3) Notice Required for Variance Requests

Requests for variances shall require proper notice as determined by **Section 1.05** above prior to taking action.
- (4) Effective Date and Expiration
 - (a) The effective date of an approved zoning variance application shall be set in accordance with **Section 1.04.B.2** above.
 - (b) An approved application for a zoning variance shall not have an expiration date unless otherwise set by the approval authority prior to adoption.
 - (c) If assigned an expiration date, the approval authority shall determine:
 - (i) The date of expiration;
 - (ii) The minimum criteria necessary to be met prior to the set expiration date; and
 - (iii) The actions that will be taken following expiration of the approved application.
- c. Special Exceptions
 - (1) Applicability

- (a) A special exception may be requested for relief from the dimensional standards listed under each zoning district established in **Section 2.04** below.
 - (b) Unlike variance requests established in **Section 2.03.E.2.b** above, the BZA does not have to determine the presence of a physical condition of the site (e.g., topography, Floodplain, pre-existing Lot Area) that proves a hardship to developing the site under the applicable requirements of these regulations.
 - (c) A special exception shall not provide relief from the following:
 - (i) The permitted uses identified per zoning district outlined in **Section 2.05** below;
 - (ii) The conditional Development Standards outlined in **Section 2.06** below;
 - (iii) The requirements and processes of **Chapter 3 Subdivision Regulations**; or
 - (iv) The requirements and processes of **Chapter 4 Development Standards**.
- (2) Consideration
- (a) When considering applications for special exceptions, the BZA shall consider:
 - (i) The exception requested arises from such conditions that are unique to the property in question, and that are not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or Applicant;
 - (ii) The granting of the permit for the exception will not adversely affect the rights of adjacent property owners or residents;
 - (iii) The strict application of the provisions of the zoning regulations of which the exception is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - (iv) The exception desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - (v) The granting of the exception desired will not be opposed to the general spirit and intent of the zoning regulations.
- (3) Notice Required for Special Exception Requests
- Requests for special exceptions shall require proper notice as determined by **Section 1.05** above prior to taking action.
- (4) Effective Date and Expiration
- (a) The effective date of an approved special exception application shall be set in accordance with **Section 1.04.B.2** above.
 - (b) An approved application for a special exception shall not have an expiration date unless otherwise set by the approval authority prior to adoption.
 - (c) If assigned an expiration date, the approval authority shall determine:
 - (i) The date of expiration;
 - (ii) The minimum criteria necessary to be met prior to the set expiration date; and
 - (iii) The actions that will be taken following expiration of the approved application.

F. Determination of a Nonconforming Status

1. Generally

a. Purpose

The purpose of this **Section 2.03.F** is to provide a process for reviewing and approving requests for determination of a Nonconforming status in accordance with **Section 2.07** below.

b. Applications for determination of a Nonconforming status shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.

- (1) Applications for determination of a Nonconforming status shall be initiated by a property owner or authorized representative.
- (2) Determination of a Nonconforming status shall not be conveyed or transferred between different Lots, structures, uses, or situations, and shall remain in effect on the affected Parcel, unless otherwise specified in **Section 2.07** below.

2. Action

- a. It shall be the responsibility of the Applicant to prove that a Nonconforming status exists.
- b. The Community Development Director is authorized to determine whether reliable evidence of a Nonconforming status has been provided by the Applicant.

(1) Permissible evidence includes:

- (a) Building permits;
- (b) Zoning determinations;
- (c) Lawfully recorded Plats or instruments of conveyance;
- (d) Aerial photography owned by a governmental agency; or
- (e) Other official government records that indicate lawful establishment of the Lot, structure, use, or situation.

(2) If such evidence is not available, the Community Development Director is authorized to consider whether other forms of evidence provided by the Applicant are reliable and adequate to document the Nonconforming status.

- c. Action will be taken on an application for a determination of a Nonconforming status by the approval authority outlined in **Section 1.02.F** above.

Section 2.04. Zoning Districts and Map

A. Establishment and Interpretation of Official Zoning Districts and Map

1. Official Zoning Districts

The City is hereby divided into the following Official Zoning Districts:

- a. Loring Service Area Districts
 - (1) LA, Loring Agricultural District
 - (2) LR, Loring Residential District
- b. Standard Residential Districts
 - (1) RR, Rural Residential District
 - (2) ER, Estate Residential District
 - (3) GR, General Residential District
- c. Standard Commercial Districts
 - (1) CC, Central Commercial District
 - (2) LC, Local Commercial District
 - (3) GC, General Commercial District
 - (4) HC, Highway Commercial District
 - (5) LI, Light Industrial District
 - (6) HI, Heavy Industrial District
- d. Special Districts and Overlays
 - (1) MR, Mixed-Residential District
 - (2) MC, Mixed-Use Commercial District
 - (3) PD, Planned Development District
 - (4) RV, Recreational Vehicle Parks

2. Official Zoning Map

The boundaries of the zoning districts established in **Section 2.04** above are hereby established on the Official Zoning Map of the City. The Official Zoning Map, also referred to as "Zoning Map," with all notations, references, and other information shown thereon, is hereby established by reference as part of these regulations.

3. Rules For Interpretation of Districts and Boundaries

- a. For the purposes of enforcing, interpreting, or otherwise implementing these regulations, the zoning districts established in **Section 2.04** above may be legitimately referenced by the specified abbreviation, district title, or combination thereof.
- b. Where uncertainty exists concerning boundaries of any district on the Zoning Map established in **Section 2.04.A.2** above, the ordinance creating or changing a zoning district boundary shall govern.

- c. If determined by the Community Development Director that uncertainty still exists following consideration of the governing ordinance, the following rules shall apply:
 - (1) Boundaries indicated as approximately following City Limits lines, Lot Lines, or centerlines of any street, highway, Alley, or other Right-of-Way shall be construed as following such lines.
 - (a) Whenever any street, highway, Alley, or other Right-of-Way is vacated where the zoning district adjoining either side of said vacation does not reasonably extend to the centerline of the Right-of-Way, the Community Development Director shall initiate action to extend the adjoining zoning boundaries to the centerline of the Right-of-Way.
 - (b) The Community Development Director shall initiate action to extend the adjoining zoning boundaries through a separate action item to be run concurrently with the vacation.
 - (2) When a Lot held in single ownership on the effective date of these regulations is divided by a district boundary line, the entire Lot shall be construed to be within the less restrictive district unless the application of this construction would increase the area of the less restrictive portion of the Lot by more than twenty five (25) percent.
 - (3) Boundaries indicated as approximately following shorelines shall be construed to follow such shorelines. In the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
 - (4) Boundaries indicated as approximately following the centerlines of streams or other waterbodies shall be construed to follow such centerlines.
- d. Where none of the rules listed in **Section 2.04.A.3.c** above apply, the district boundaries shall be determined by the scaled distances shown on the Zoning Map.

4. Official Zoning District Equivalency Table

Table 2.1. Zoning District Equivalency Table identifies zoning districts adopted in previous ordinances and the zoning district regulations that now apply to those districts.

Table 2.1. Zoning District Equivalency Table

Previous Zoning District	Equivalent Zoning District Established by these regulations
	Loring Service Area Districts
“AG” Agricultural District	LA, Loring Agricultural District
“R” Rural Residential District	LR, Loring Residential District
	Standard Residential Districts
“A-1” Agricultural District	RR, Rural Residential District
“R-S” Suburban Residential District	ER, Estate Residential District
“R-1” Single-Family Residential District	GR, General Residential District
“R-2” Duplex Residential District	
	Standard Commercial Districts
“C-1” Central Business District	CC, Central Commercial District
“C-2” General Business District	LC, Local Commercial District
	GC, General Commercial District
“C-S” Highway Service District	HC, Highway Commercial District
“I-1” Light Industrial District	LI, Light Industrial District
“I-2” Heavy Industrial District	HI, Heavy Industrial District
	Special Districts and Overlays
“R-1A” Residential Special District	MR, Mixed-Residential District
“R-3” Multi-Family Residential District	
“MX” Mixed Use District	MC, Mixed-Use Commercial District
“P” Planned District	PD, Planned Development District
“M-P” Manufactured Home Park District	
“M-H” Manufactured Home Subdivision District	

B. Loring Service Area Districts

1. LA, Loring Agricultural District

a. Description

The **LA, Loring Agricultural District** provides for agricultural and related uses, and serves to preserve agricultural resources on land which is not ready for Development may be located.

b. Applicability

Use of the **LA, Loring Agricultural District** is restricted to the Loring Service Area identified within **Section 1.01.D.2** above.

c. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	20 acres	
Minimum Lot Width	660 feet	
Minimum Lot Depth	1,980 feet	
Maximum Lot Coverage	15%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	50 feet	50 feet
Minimum Interior Side Setback	30 feet	30 feet
Minimum Rear Setback	50 feet	Structures < 5,000 SF: 15 feet Structures ≥ 5,000 SF: 25 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	- No size restriction other than stated below - All accessory structures in excess of 10,000 square feet shall require a Special Use Permit - In no instance shall an accessory structure occupy more than 30% of the "required yard" on a lot

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

d. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading.**
- (3) See **Section 4.03 Landscaping and Buffering.**
- (4) See **Section 4.04 Tree Preservation.**
- (5) See **Section 4.05 Fences and Screening Walls.**
- (6) See **Section 4.06 Signs.**
- (7) See **Section 4.07 Parks, Trails, and Open Space.**
- (8) See **Section 4.08 Architectural and Site Design.**
- (9) See **Section 4.09 Outdoor Lighting.**
- (10) See **Section 4.10 Stormwater and Floodplain Controls.**

2. LR, Loring Residential District

a. Description

The **LR, Loring Residential District** provides for low-density residential Development and supporting uses.

b. Applicability

Use of the **LR, Loring Residential District** is restricted to the Loring Service Area identified within **Section 1.01.D.2** above.

c. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	5 acres	
Minimum Lot Width	330 feet	
Minimum Lot Depth	990 feet	
Maximum Lot Coverage	15%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	50 feet	50 feet
Minimum Interior Side Setback	10 feet	10 feet
Minimum Rear Setback	30 feet	10 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	- 5 acres = 5,000 square feet of accessory structure(s), - On parcels in excess of 5 acres structures are limited to an additional 500 square feet per full acre. - 10-acre parcels or larger are limited to 7,500 square feet - All accessory structures in excess of 7,500 square feet must obtain a Special Use Permit

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

d. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

C. Standard Residential Districts

1. RR, Rural Residential District

a. Description

The **RR, Rural Residential District** provides for low-density residential Development and agricultural uses, including but not limited to ranchettes, large-lot residential Developments, barns, and other agricultural buildings.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	3 acres	
Minimum Lot Width	210 feet	
Minimum Lot Depth	630 feet	
Maximum Lot Coverage	15%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	50 feet	50 feet
Minimum Interior Side Setback	15 feet	10 feet
Minimum Rear Setback	40 feet	10 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	Total of all accessory buildings shall not exceed the following 3 acres = 3,000sqft. plus, an additional 1,000sqft per full acre is allowed up to 5 acres. Parcels = 5 acres and > 10, 5,000sqft plus an additional 500sqft for each full acre over 5 10 – 15 acres 7,500sqft max 15 and over 10,000sqft

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading.**
- (3) See **Section 4.03 Landscaping and Buffering.**
- (4) See **Section 4.04 Tree Preservation.**
- (5) See **Section 4.05 Fences and Screening Walls.**
- (6) See **Section 4.06 Signs.**
- (7) See **Section 4.07 Parks, Trails, and Open Space.**
- (8) See **Section 4.08 Architectural and Site Design.**
- (9) See **Section 4.09 Outdoor Lighting.**
- (10) See **Section 4.10 Stormwater and Floodplain Controls.**

2. ER, Estate Residential District

a. Description

The **ER, Estate Residential District** provides for low-density residential Development and supporting uses.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	1 acre	
Minimum Lot Width	165 feet	
Minimum Lot Depth	495 feet	
Maximum Lot Coverage	25%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	25 feet	Prohibited in front yard
Minimum Interior Side Setback	10 feet	5 feet
Minimum Rear Setback	25 feet	10 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size		1,000sqft – plus 250sqft for each full acre over one (1) acre and up to three (3) acres

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

3. GR, General Residential District

a. Description

The **GR, General Residential District** provides for medium-density residential Development and supporting uses.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	7,000 square feet	
Minimum Lot Width	60 feet	
Minimum Lot Depth	180 feet	
Maximum Lot Coverage	45%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	25 feet	Prohibited in front yard
Minimum Interior Side Setback	Greater of 10% of the Lot Width or 7.5 feet*	5 feet
Minimum Rear Setback	25 feet	5 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	250sqft for each 3000sqft of lot area Lots < 7000sqft = 500sqft Lots 13000sqft to 1 acre = 1000sqft Lots 1 acre to 3 acres = 1500sqft Lots 3 acres to five acres = 2000sqft Lots over 5 acres = 3000sqft

* See **Section 2.06.B.15** for Alterations to certain residential dwellings.

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading.**
- (3) See **Section 4.03 Landscaping and Buffering.**
- (4) See **Section 4.04 Tree Preservation.**
- (5) See **Section 4.05 Fences and Screening Walls.**
- (6) See **Section 4.06 Signs.**
- (7) See **Section 4.07 Parks, Trails, and Open Space.**
- (8) See **Section 4.08 Architectural and Site Design.**
- (9) See **Section 4.09 Outdoor Lighting.**
- (10) See **Section 4.10 Stormwater and Floodplain Controls.**

D. Standard Commercial Districts

1. CC, Central Commercial District

a. Description

The **CC, Central Commercial District** provides for a range of infill commercial Development and supporting uses downtown. Development is intended to be walkable and contiguous along all Block faces.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	None	
Minimum Lot Width	None	
Minimum Lot Depth	None	
Maximum Lot Coverage	None	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	None	N/A
Minimum Interior Side Setback	None	N/A
Minimum Rear Setback	None	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	5 – 15 feet from the back-of-curb	N/A

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

2. LC, Local Commercial District

a. Description

The **LC, Local Commercial District** provides for commercial Development near or within residential areas to serve local residents with convenient goods and services.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	6,000 square feet	
Minimum Lot Width	None	
Minimum Lot Depth	60 feet	
Maximum Lot Coverage	75%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	20 feet	N/A
Minimum Interior Side Setback	Adjacent to nonresidential zoning: None Adjacent to residential zoning: 10 feet	N/A
Minimum Rear Setback	20 feet	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	None	N/A

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

3. GC, General Commercial District

a. Description

The **GC, General Commercial District** provides for more intensive commercial Development along established or planned thoroughfares, exclusive of residential areas.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	6,000 square feet	
Minimum Lot Width	None	
Minimum Lot Depth	60 feet	
Maximum Lot Coverage	85%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	30 feet	N/A
Minimum Interior Side Setback	Adjacent to nonresidential zoning: None Adjacent to residential zoning: 10 feet	N/A
Minimum Rear Setback	30 feet	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	None	N/A

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

4. HC, Highway Commercial District

a. Description

The **HC, Highway Commercial District** provides for commercial Development targeted towards regional markets along significant thoroughfares throughout the City.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	15,000 square feet	
Minimum Lot Width	150 feet	
Minimum Lot Depth	None	
Maximum Lot Coverage	85%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	25 feet	N/A
Minimum Interior Side Setback	Adjacent to nonresidential zoning: None Adjacent to residential zoning: 15 feet	N/A
Minimum Rear Setback	25 feet	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	None	N/A

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

5. LI, Light Industrial District

a. Description

The **LI, Light Industrial District** provides for low-intensity industrial activities with limited retail or service components.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	4,800 square feet	
Minimum Lot Width	40 feet	
Minimum Lot Depth	None	
Maximum Lot Coverage	80%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	20 feet	N/A
Minimum Interior Side Setback	Adjacent to nonresidential zoning: None Adjacent to residential zoning: 15 feet	N/A
Minimum Rear Setback	20 feet	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	None	N/A

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

6. HI, Heavy Industrial District

a. Description

The **HI, Heavy Industrial District** provides for higher-intensity industrial activities that generate significant Development impacts.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	4,800 square feet	
Minimum Lot Width	40 feet	
Minimum Lot Depth	None	
Maximum Lot Coverage	95%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	20 feet	N/A
Minimum Interior Side Setback	Adjacent to nonresidential zoning: None Adjacent to residential zoning: 15 feet	N/A
Minimum Rear Setback	20 feet	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	60 feet	N/A
Build-to Zone	None	N/A

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

E. Special Districts and Overlays

1. MR, Mixed-Residential District

a. Description

The **MR, Mixed-Residential District** provides for a mix of residential Development types within a Project but does not provide for the Development of supporting commercial uses.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	5,000 square feet	
Minimum Lot Width	50 feet	
Minimum Lot Depth	100 feet	
Maximum Lot Coverage	75%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	15 feet	Prohibited in front yard
Minimum Interior Side Setback	10 feet*	10 feet
Minimum Rear Setback	15 feet	5 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
		250sqft for each 3000sqft of lot area Lots < 7000sqft = 500sqft Lots 13000sqft to 1 acre = 1000sqft Lots 1 acre to 3 acres = 1500sqft Lots 3 acres to five acres = 2000sqft

* See **Section 2.06.B.15** for Alterations to certain residential dwellings.

c. Development Standards

(1) General Development Standards

- (a) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (b) See **Section 4.02 Parking, Circulation, and Loading**.
- (c) See **Section 4.03 Landscaping and Buffering**.
- (d) See **Section 4.04 Tree Preservation**.
- (e) See **Section 4.05 Fences and Screening Walls**.
- (f) See **Section 4.06 Signs**.
- (g) See **Section 4.07 Parks, Trails, and Open Space**.
- (h) See **Section 4.08 Architectural and Site Design**.
- (i) See **Section 4.09 Outdoor Lighting**.
- (j) See **Section 4.10 Stormwater and Floodplain Controls**.

(2) Required Housing Variety

No more than twenty-five (25) percent of gross land area within an MR, Mixed-Residential District area shall be Occupied by dwelling, multi-family land uses.

2. MC, Mixed-Use Commercial District

a. Description

The **MC, Mixed-Use Commercial District** provides for a mix of residential and commercial land uses on the same Lot within a comprehensively planned Project. Land uses may be mixed horizontally or vertically.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	None	
Minimum Lot Width	None	
Minimum Lot Depth	None	
Maximum Lot Coverage	95%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	None	N/A
Minimum Interior Side Setback	None	N/A
Minimum Rear Setback	None	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	5 – 20 feet from the back-of-curb	N/A

c. Development Standards

(1) General Development Standards

- (a) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (b) See **Section 4.02 Parking, Circulation, and Loading**.
- (c) See **Section 4.03 Landscaping and Buffering**.
- (d) See **Section 4.04 Tree Preservation**.
- (e) See **Section 4.05 Fences and Screening Walls**.
- (f) See **Section 4.06 Signs**.
- (g) See **Section 4.07 Parks, Trails, and Open Space**.
- (h) See **Section 4.08 Architectural and Site Design**.
- (i) See **Section 4.09 Outdoor Lighting**.
- (j) See **Section 4.10 Stormwater and Floodplain Controls**.

(2) Required Housing Variety

No more than twenty-five (25) percent of gross Building area within an MC, Mixed-Use Commercial District Project shall be Occupied by dwelling, multi-family land uses.

3. PD, Planned Development District

a. Description and Purpose

- (1) The **PD, Planned Development District** provides for innovative Development Standards that achieve the following purposes:
 - (a) Provide for flexibility from these regulations regarding design, placement, arrangement, bulk, and other considerations involved in designing a site;
 - (b) Provide a framework within which Buildings and uses may be interrelated with adjacent Development and areas; and
 - (c) Maintain the desired overall intensity of land use, desired population densities, and desired areas of Open Space throughout the City.
- (2) The **PD, Planned Development District** does not provide a tool to deviate from the procedural requirements set forth by these regulations.

b. Requirements and Process

See **Section 2.03.C** above for process and general requirements for PD, Planned Development Districts.

4. RV, Recreational Vehicle Park District

a. Description and Purpose

- (1) The **RV, Recreational Vehicle Park District** can contribute to the long-term economic and social well-being of the City if they are properly located, designed, and maintained to protect the health, safety, and general welfare of the RV park users, abutting properties, and the City as a whole.

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	2 acres	
Maximum Lot Area	10 acres	
Minimum Separation Between Parks	1320 feet	
Minimum Space Area (individual)	1250 sqft (25 feet in width x 50 feet in depth)	
RV Pad Standards	Accessory Structure	
	Not allowed for individual spaces	
Minimum Parking Pad Space (small RV pads)	10 feet in width x 24 feet in depth	
Minimum Park Pad Space (large RV pads)	12 feet in width x 36 feet in depth	

a. Development Standards and Requirements and Process

(1) Development Standards

See **Section 2.03.D** above for process and general requirements for RV, Recreational Vehicle Parks.

5. ENT, Entertainment and/or Amusement District

a. Description and Purpose

- (1) The **ENT, Entertainment District** is intended to enhance the city's existing entertainment areas; as well as a means to create new and exciting major visitors' destinations, key economic drivers and important gateways into the community. The Entertainment District encompasses a wide range of entertainment and lodging uses including restaurants, shopping, hotels, arenas and theaters, museums, rides, amphitheaters and other attractions.

Dimensional Standards			
Building Type	Maximum Lot Coverage	General Lot Standards	Max Height
Commercial	85%	See HC, Highway Commercial	45 feet or 3 stories
Event Venue	85%	See GC, General Commercial	45 feet or 3 stories
Civic	85%	None	45 feet
Theater	85%	See GC, General Commercial	100 feet
Hotels and Lodging	85%	See HC, Highway Commercial	10 stories or 100 feet
Amusement Rides and Attractions	85%	None	300 feet
Aerial Displays (excluding fireworks)	N/A	NA	400 feet
RV Spaces and Pad Standards			Accessory Structure(s)
Recreational Vehicle Parks	10 acres = 200 spaces + 4 spaces/additional acre over 10 500 maximum spaces	See RV, Recreational Vehicle for further detail	Not allowed for individual spaces
Minimum Parking Pad Space (small RV pads)	10 feet in width x 24 feet in depth		
Minimum Park Pad Space (large RV pads)	12 feet in width x 36 feet in depth		

b. Development Standards

(1) General Development Standards

- (1) See Section 3.04 Subdivision Standards for Lot and Block design criteria.
- (2) See Section 4.02 Parking, Circulation, and Loading.
- (3) See Section 4.03 Landscaping and Buffering.
- (4) See Section 4.04 Tree Preservation.
- (5) See Section 4.05 Fences and Screening Walls.
- (6) See Section 4.06 Signs.
- (7) See Section 4.07 Parks, Trails, and Open Space.
- (8) See Section 4.08 Architectural and Site Design.
- (9) See Section 4.09 Outdoor Lighting.
- (10) See Section 4.10 Stormwater and Floodplain Controls.

Section 2.05. Table of Allowed Uses

A. Generally

1. The Table of Allowed Uses is contained in **Table 2.2. Table of Allowed Uses**.
2. Land and Buildings in each of the zoning districts may be used for any of the specified uses in Table 2.2. No land shall be used, and no Building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

Table 2.2. Table of Allowed Uses

Table Legend		Official Zoning Districts													Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	
	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Accessory Land Uses															
Accessory Dwelling Unit (ADU)		P-1	P-1	P-1	P-1	P-1							P-1		1:dwelling (off-street)
Accessory Structure		P-2	P-2	P-2	P-2	P-2							P-2		None
Construction Equipment Storage		P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	None
Construction Field Office		P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	None
Drive-Through							P-5	P-5	P-5	P-5				P-5	None
Electrified Fencing		S	S	S	S	S					S	S			None
Fuel Pumps							S-6	S-6	S-6	S-6	P-6	P-6		P-6	None
Garage Sale		P-7	P-7	P-7	P-7	P-7							P-7		None
Home Occupation		P-8	P-8	P-8	P-8	P-8							P-8	P-8	None
Outdoor Storage or Display							S-9	S-9	S-9	S-9	S-9	S-9		S-9	None
Personal Energy Production		P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	None
Sports Court or Field		S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	None
Agricultural Land Uses															
Agricultural Practice		P	P	P	P										None
Plant Nursery		P	P	P	S						S	P			None
Stable, Commercial		P	P	P	S										None
Stable, Private		P	P	P	P-12										None

Table Legend		Official Zoning Districts													Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	
	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Residential Land Uses															
Assisted Living or Nursing Facility				S	S			P					S	S	2 + 1: 500 SF
Bed & Breakfast			S	S	S								S		2 + 1: unit
Boarding or Lodging House			S	S	S								S		1: unit
Dwelling, Manufactured Home	P-13	P-13	P-13												2: dwelling
Dwelling, Mobile Home															2: dwelling
Dwelling, Modular Home	S-14	S-14	S-14	S-14	S-14										2: dwelling
Dwelling, Multi-Family													P	P	1.5: unit
Dwelling, Single-Family Attached					P-15								P-15		2: dwelling
Dwelling, Single-Family Detached	P	P	P	P	P								P		2: dwelling
Dwelling, Single-Family Duplex					P								P		2: dwelling
Group Home			P	P	P		S						P		1.5: bed
Manufactured Home Park	S-16	S-16	S-16	S-16											2: dwelling
Rehabilitation Home			S	S											1: 400 SF
Civic, Institutional, and Special Land Uses															
Airport or Helistop	S	S	S									S			1: 200 SF
Cemetery	S	S	S	S	S								S		1: unit
Club, Private			S	S	S										1: 400 SF
Community Garden	P	P	P	P	P	P	P						P		1: 400 SF accessible area
Community Gathering, Private	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	1: 3 attendees
Community Gathering, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1: 3 anticipated attendees
Day Care Center			S-18	S-18	S-18		S-18						S-18		1: 250 SF
Day Care Residence		S-19	S-19	S-19	S-19								S-19		None
Farmer's Market	S-20				S-20	S-20	S-20						S-20	S-20	4: booth
Library						P	P	P	P	S				P	1: 300 SF
Medical Clinic						P	P	P	P					P	1: 400 SF
Medical Hospital			S					P	P	P	S			S	3: exam room

Table Legend		Official Zoning Districts													Parking Space Requirements
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	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Museum							P	S	P	P				P	1: 400 SF
Parkland		P	P	P	P	P	P	P	P	P	P	P	P	P	None
Police or Fire Station		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 400 SF
Prison or Correctional Facility		S	S	S											None
Public Use or Building		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 400 SF
Recreational Vehicle Parks (RV Parks)		S	S	S	S	S							S		1:per RV space(off-street)
Religious Institution or Practice		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 4 seats in worship area
School, College or University		S	S	S					S	S			S	S	By parking study
School, High		P	P	P	P	P	P	P	P	P			P	P	8: classroom
School, Kindergarten through Intermediate		P	P	P	P	P	P	P	P	P			P	P	2: classroom
School, Trade		S	S	S				S	S	S	S	S	S	S	1: 3 seats
Commercial Land Uses															
Adult Entertainment										S					1: 300 SF
Alcohol Beverage Production, Brewery							P	P	P	P	P	P			1: 300 SF
Alcohol Beverage Production, Distillery							S	S	S	S	S	P			1: 300 SF
Alcohol Beverage Production, Winery		S		S			P	P	P	P	P	P			1: 300 SF
Alternative Financial Service								S-21	S-21						1: 300 SF
Bank or Financial Institution							P	P	P	P				P	1: 300 SF
Bar or Tavern							P	S	P	P				P	1: 100 SF
Commercial Amusement, Indoor		S					S	S	P	P	P			P	1: 500 SF
Commercial Amusement, Outdoor		S-22					P-22	S-22	P-22	P-22	S-22			S-22	1: 250 gfa + 1: 500 SF of site area
Event Venue		S		S	S	S	S	S	P	P			S	S	1: 200 SF + 1: seat
Food Truck Park							P-23	S-23	S-23	S-23	P-23			P-23	By parking study
Golf Course		S	S	S	S	S							S		5: course hole
Gym or Fitness Center							P	P	P	P				P	1: 400 SF

Table Legend		Official Zoning Districts													Parking Space Requirements
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	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Hotel									S	S				S	1: room + 1: 400 SF common interior gfa
Kennel, Indoor		S	S	S				S	P	P				S	1: 300 SF
Kennel, Outdoor		S	S	S					S	S					1: 300 SF
Massage Therapy							S	S	P						1: 300 SF
Motel									S	S					1: room + 1: 400 SF of common interior gfa
Movie Theater							P		P	P				P	1: 4 seats
Office, Professional							P	P	P	P				P	1: 400 SF
Personal Service							P	P	P						1: 300 SF
Restaurant, Drive- In							P	P	S	P				P	5 + stalls used to order
Retail, Local					S		P	P	P	P				P	1: 300 SF
Retail, Neighborhood							P	P	P	P				P	1: 300 SF
Retail, Pawn or Resale							S	S	S					S	1: 300 SF
Retail, Regional								S	P	P				P	1: 300 SF
Seasonal Sales				P-24			P-24	P-24	P-24					P-24	1: 400 SF of accessible area
Self-storage, Indoor									S	S	S	P			1: 400 SF of office
Self-storage, Outdoor											S	S			1: 400 SF of office
Shooting Range										S-25	S-25				1: 400 SF
Studio, Artisan							P	S	P						1: 400 SF
Studio, Performance							P	P	P					P	1: 300 SF
Vehicle Sales and Rental										S-26	S-26	S-26			1: 400 SF + 1: vehicle for sale/rent
Vehicle Washing Station, Full-Service									S	S	S	P		P	1: 400 SF of office and waiting area
Vehicle Washing Station, Self-Service								P	P	P	P	P		P	1: 400 SF of office and waiting area
Veterinarian				S			P	P	P	S				S	1: 400 SF
Wholesale									S	S					1: 400 SF

Table Legend		Official Zoning Districts													Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	
	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Industrial Land Uses															
Crematorium											S			1: 500 SF	
Energy Production, Commercial	S	S	S											4	
Energy Resource Extraction	S	S	S								S			4	
General Appliance Repair						S	S	S		P	P		S	1: 400 SF	
Hazardous Material Storage or Handling											P			1: 1,000 SF	
Heavy Machinery Storage and Sale			S					S	S		P			1: 400 SF	
Manufacturing or Industrial Practices, Heavy										S	P			1: 1,000 SF	
Manufacturing or Industrial Practices, Light								S		P	P			1: 1,000 SF	
Salvage Operation or Junk Yard											S			1: 400 SF	
Telecommunications Facility	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	None	
Utility Distribution	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	None	
Vehicle Repair, Major									S	S	P		S	1: bay + 1:400 SF of office and waiting area	
Vehicle Repair, Minor									P	P	P		P	1: bay + 1:400 SF of office and waiting area	
Vehicle Tow or Storage Lot											S-29			1: 400 SF of office	
Warehouse and Distribution										S	S			1: 1,000 SF	
Water or Wastewater Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	1: employee at busiest anticipated shift	

Section 2.06. Conditional Development Standards

A. Purpose

1. This **Section 2.06** establishes use-specific Development Standards required for the corresponding uses listed in the Table of Allowed Uses within **Section 2.05** above.
2. Compliance with the standards outlined in this **Section 2.06** shall be required in addition to the general Development Standards of **Chapter 4** below.

B. Conditional Development Standards

1. Accessory Dwelling Unit (ADU)

- a. No more than one (1) ADU is permitted per Lot.
- b. ADUs may be either Attached to or detached from the primary structure.
 - (1) If Attached, an ADU shall not exceed twenty five percent (25%) of the primary Dwelling area.
 - (2) If detached, an ADU shall comply with the accessory structure standards outlined for the applicable zoning district in accordance with **Section 2.04** above, and shall not exceed one thousand (1,000) square feet in area.
 - (3) Accessory structures used either wholly or partially as an ADU shall be of similar design to the primary Dwelling, including Roof design, color, and architectural style, as determined by the Community Development Director.
- c. ADUs that are Attached to the primary Dwelling shall be considered an extension of the primary structure, and shall be subject to the primary setback, Lot Coverage, and other dimensional requirements as the respective zoning district.
- d. ADUs that are detached from the primary Dwelling shall not be located closer than five (5) feet from another primary or accessory structure.
- e. ADUs shall be serviced with utilities, such as water, sanitary sewer, and electricity, using the same utility connections or meters as the primary Dwelling.

2. Accessory Structure

Accessory Structures shall not be located closer than five (5) feet from another primary or accessory structure.

Accessory buildings shall not be erected on properties where no primary structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock.

Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

3. Construction Equipment Storage

- a. Construction Equipment Storage areas shall be permitted only in conjunction with an active and valid building permit for a Development.
- b. Construction Equipment Storage areas shall be surrounded by a temporary construction Fence of no less than six (6) feet in height.
 - (1) Access into the area shall be controlled with gates at all designated construction entrances.
 - (2) Temporary construction fencing may be chain-link, but shall not utilize barbed wire or electric fencing components.
- c. Construction Equipment Storage areas shall be cleared, including all temporary construction fencing, prior to issuance of a Certificate of Occupancy.

4. Construction Field Office
 - a. A Construction Field Office shall be permitted only in conjunction with an active and valid building permit for a Development.
 - b. Construction Equipment Storage areas shall be cleared, including all temporary construction fencing, prior to issuance of a Certificate of Occupancy.
5. Drive-Through

See **Section 4.02.H** for stacking space and design requirements for Drive-Through uses.
6. Fuel Pump
 - a. Fuel Pumps shall be covered by a canopy structure open on all sides to allow for safe and sheltered pedestrian and vehicle movement.
 - b. Canopy structures shall be of similar design to the primary structure, including Roof design, color, and architectural style, as determined by the Community Development Director.
 - c. Fuel Pumps shall be protected using bollards or similar vehicle stopping measures installed on both sides of the fuel pump apparatus.
 - d. Each fueling position may count as one (1) Parking Space for the primary use as required by the Table of Allowed Uses.
 - e. See **Section 4.02.H** for stacking space requirements for Fuel Pumps.
7. Garage Sale

Garage sales may be held on non-commercial properties provided that no more than three (3) garage sales are held per calendar year and that each garage sale does not exceed three (3) consecutive days.
8. Home Occupation
 - a. A Home Occupation Permit shall be issued prior to the operation of a Home Occupation in accordance with the Table of Allowed Uses.
 - b. No more than one (1) Home Occupation permit is permitted per Dwelling.
 - c. Home Occupations shall be solely operated and staffed by the owner(s) or occupant(s) of a Dwelling.
 - d. Home Occupations shall be located wholly within an Enclosed structure, and shall not exceed twenty-five (25%) percent of the primary Dwelling's gross area.

For the purposes of calculating the area of a Home Occupation, all areas regularly used during the execution of the subject occupation, including any storage areas of products or goods, shall be counted.
 - e. Home Occupations shall not alter the exterior appearance of the Dwelling, including the addition of any signage, lighting, or outdoor display or storage.
 - f. Home Occupations shall not generate parking, noise, sewage, or water use in excess of what is typical of a Dwelling within the surrounding area.
 - g. No vehicle in excess of one (1) ton may park On-Site or in proximity to a premises used for the associated Home Occupation.
9. Outdoor Storage or Display
 - a. Outdoor Storage or Display areas shall not be located within a Parking Space or Landscaped Area unless associated with Seasonal Sales, in which case Parking Spaces in excess of the required parking minimum may be occupied for the duration of the sales permit described in **Section 2.06.B.24** below.

- b. Outdoor Storage or Display areas shall be located on paved areas along the primary structure's Façades unless minimum spacing requirements are otherwise specified by the adopted Fire Code.
 - c. The storage or display of any unfinished product, meaning a product that is not in its final state intended for sale, shall be screened from public view using a vantage point six (6) feet in height from Grade.
 - (1) Public view shall be considered the visibility of Outdoor Storage or Display areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (2) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C.**
10. Personal Energy Production
- a. Solar Panels
 - (1) Solar panels may be Attached to a primary or accessory structure, or ground-installed independent from a structure.
 - (2) Installation of solar panels shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
 - (3) Attached solar panels shall not exceed the maximum height permitted for the structure they are Attached to and shall match the slope of the Roof or Façade they are Attached to.
 - (4) Ground-installed solar panels shall count toward the maximum permitted Lot Coverage for the respective zoning district.
 - b. Wind Turbines
 - (1) Wind turbines may be Attached to a primary or accessory structure, or ground-installed independent from a structure.
 - (2) Installation of wind turbines shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
 - (3) Attached wind turbines shall not exceed the maximum height permitted for the structure they are Attached to.
 - (4) Ground-installed wind turbines shall be located within the rear yard, and shall be set back from all property lines no less than the height of the tallest portion of the apparatus measured from Grade.
 - (5) A minimum vertical distance of 12 feet shall be provided from Grade to the lowest limitation of any spinning blade or apparatus.
 - (a) All moving components of a wind turbine shall be equipped with a self-monitoring braking, governing, or feathering system so as to prevent uncontrolled rotation.
 - (b) Moving components shall not emit noise in excess of what is typical of the surrounding area.
11. Sports Court or Field
- a. A Sports Court or Field shall require site analysis to determine the appropriate Orientation, screening, and lighting standards to prevent adverse impacts on adjacent properties.
 - b. Applications for a Sports Court or Field shall include a lighting plan in accordance with **Section 4.09.A.4,**

- c. Due to their unique regulations, applications for Sports Court or Fields may present alternative fencing standards to those outlined in **Section 4.05**. The following shall be considered when acting on an application for alternative fencing standards:
 - (1) The ability of the Fence to be maintained in a structurally sound and safe condition that resembles the Fence at the time of installation as close as possible;
 - (2) The impact of the Fence on adjacent properties, including impacts on stormwater flow, sound mitigation, and light shielding; and
 - (3) The minimum Alterations necessary from **Section 4.05** to produce a functioning and safe Sports Court or Field in compliance with any sport-specific rules and regulations.

12. Stable, Private

- a. A Stable, Private shall be located within the rear yard.
- b. Any accessory structure used wholly or partially as a Stable, Private shall comply with the accessory structure standards outlined per zoning district in **Section 2.04** above.

13. Dwelling, Manufactured Home

- a. Dwelling, Manufactured Homes shall be installed in accordance with the Kansas Manufactured Housing Act, established in Chapter 58, Article 42 of the Kansas Statutes Annotated (**KSA 58-4201**), as amended.
- b. Dwelling, Manufactured Homes may be of new or used construction. Previously owned or Occupied units shall not be more than fifteen (15) years old, and the owner shall provide proof that the HUD seal is affixed to the unit.
- c. Design Standards
 - (1) Dwelling, Manufactured Homes shall be no less than 22 feet in width, and the length of the longest Façade shall not exceed two and one-half (2.5) times the length of the shortest Façade.
 - (2) Exterior siding shall be a material customarily used on site-built Dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials.
 - (3) Siding material shall extend below the top of the exterior foundation or curtain wall.
 - (4) A continuous, permanent masonry or concrete foundation, or masonry or concrete curtain wall, unpierced except for required ventilation and Access, shall be installed under the perimeter of the home. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation, and shall not be stored on the Lot.
 - (5) Roof Design
 - (a) Roofs shall be double Pitched Roofs and have a minimum nominal vertical rise of four (4) inches for each twelve (12) inches of horizontal run.
 - (b) Roofing material shall be commonly used in standard residential construction, which is residential in appearance, excluding corrugated aluminum, fiberglass, or metal roofing material.
 - (c) A minimum overhang of twelve (12) inches is required on all Façades, which may include a four (4) inch gutter.
- d. Consistency with Surrounding Development
 - (1) Where established within an existing residential Development or residentially platted Lot, Dwelling, Manufactured Homes shall have an Attached garage if 50 percent or more of the existing homes on the same Block face have garages.

- (2) A detached garage shall be allowed on a Lot on which an Attached garage cannot be constructed due to the setback regulations of the district, or if less than 50 percent of the existing homes on the same and/or adjacent Block face do not have Attached garages.
- (3) Where required to be installed, the roofing and siding material of a detached garage must be the same as that of the Dwelling, Manufactured Home.

14. Dwelling, Modular Home

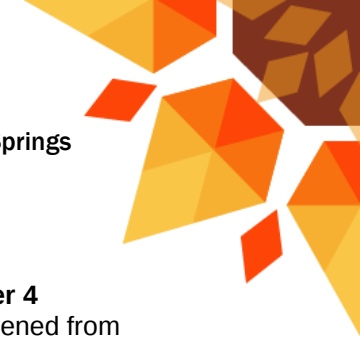
- a. Modular homes shall meet or exceed the minimum Building requirements set forth by the adopted Building Code.
- b. Modular homes shall meet the minimum dimensional standards for Lots and homes, including setbacks, as the respective zoning district.

15. Dwelling, Single-Family Attached

- a. No side yard setback shall be required for Lots used for Dwelling, Single-Family Attached units subject to the following:
 - (1) There shall be no less than ten (10) feet between separate structures;
 - (2) Lot Widths for Lots used for Dwelling, Single-Family Attached units shall be reduced to 24 feet, with a minimum Lot Area of 2,880 square feet.
- b. A Dwelling, Single-Family Attached Building shall contain no less than three (3) and no more than eight (8) Dwelling Units before an interior side setback is required per the applicable zoning district in **Section 2.04** above.

16. Manufactured Home Park

- a. Dwelling, Manufactured Homes installed within a Manufactured Home Park shall comply with the minimum standards outlined in **Section 2.06.B.13** above.
- b. Applications for a Manufactured Home Park shall require a Development Plan in accordance with **Section 1.04.A.2** above.
- c. Manufactured Home Space Requirements
 - (1) Manufactured Home spaces shall be Occupied by no more than one Dwelling, Manufactured Home, and shall be equipped with the following:
 - (a) A concrete pad large enough to accommodate the full area of the installed Dwelling.
 - (b) Personal sanitary sewer and water utility services. The use of On-Site sanitary sewer facilities (OSSF) is prohibited.
 - (c) Personal electrical and gas service.
 - (2) Manufactured Home spaces shall meet the following minimum dimensions:
 - (a) Minimum Site Area: 4,000 square feet
 - (b) Minimum Lot Width: 45 feet
 - (3) A minimum distance of twenty (20) feet shall be provided between a Dwelling, Manufactured Homes and any Building within the Manufactured Home Park.
 - (4) Each manufactured home space shall front upon a private roadway of not less than twenty-four (24) feet in width.
- d. Manufactured Home Park Standards
 - (1) Manufactured Home Parks shall be considered Single-Family Residential Development for the purposes of meeting the Development Standards outlined in **Chapter 4 Development Standards**, where each Dwelling, Manufactured Home is counted as one (1) Dwelling Unit.

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- (2) In addition to the minimum Development Standards outlined in **Chapter 4 Development Standards**, all Manufactured Home Parks shall be screened from adjacent uses using the incompatibility buffer standards outlined in **Section 4.03.E.2.b(1)**.
 - (3) Refuse and Garbage Handling
 - (a) Storage, collection, and disposal of refuse in a Manufactured Home Park shall be required so as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution; and
 - (b) All refuse shall be stored in fly-tight, watertight, rodent- proof containers. Containers shall be provided in sufficient number and Capacity to properly store all refuse.
 - (4) Laundry Facilities

Laundry facilities for the exclusive use of the Manufactured Home Park occupants shall be provided.
 - (5) Storm Shelters

A storm shelter shall be provided to give protection to all residents of the Manufactured Home Park.

 - (a) The storm shelter shall be constructed to provide adequate protection from tornadoes and high winds;
 - (b) The storm shelter shall provide a minimum of thirty (30) square feet per manufactured home pad; and
 - (c) The storm shelter shall comply with the applicable codes and ordinances as adopted by the City of Bonner Springs.
17. Community Gathering, Private
- a. Applications shall include a special event permit for consideration by the City Council.
 - b. Appropriate parking shall be illustrated on a site plan for review.
18. Day Care Center
- a. Day Care Centers shall meet all minimum criteria for licensure with the State of Kansas, and shall provide proof of licensure.
 - b. Any playground area, including all areas children move to and from the structure and the playground area, shall be surrounded by a Fence no less than six (6) feet in height.
 - c. Areas designated for child drop-off shall be clearly marked with visible traffic markings and signage.
 - d. The primary point of child drop-off (i.e., stopping point) shall be covered by an awning, canopy, or similar element to allow for the sheltered transition from a vehicle to the designated Building entrance.
 - e. See **Section 4.02.H** for stacking space requirements for Day Care Center drop-off areas.
19. Day Care Residence
- a. Day Care Residences shall meet all minimum criteria for licensure with the State of Kansas, and shall provide proof of licensure.
 - b. Day Care Residences shall not alter the exterior appearance of the Dwelling, including the addition of any signage, lighting, or outdoor display or storage.
 - c. Day Care Residences shall not generate parking, noise, sewage, or water use in excess of what is typical of a Dwelling within the surrounding area.

20. Farmer's Market

- a. Each vendor shall obtain an operating and health permit prior to operation within a Farmer's Market.
- b. Farmer's Markets may utilize temporary Improvements, including but not limited to temporary lighting fixtures, shelters, and restroom facilities, for no more than 72 consecutive hours of operation.
 - (1) Improvements associated with Farmer's Markets in operation for durations longer than 72 consecutive hours shall be considered permanent structures and shall meet the minimum requirements of these regulations.
 - (2) Farmer's Markets, regardless of temporary or permanent status, and all associated Improvements shall not operate after 10:00 p.m.
- c. Farmer's Market vendors shall be installed on paved surfaces or compacted gravel.
- d. Farmer's Market vendors and Improvements may occupy existing On-Site Parking Spaces under the following conditions:
 - (1) The Farmer's Market is not in operation for more than 72 consecutive hours; and
 - (2) The minimum parking requirements for both the primary use and Farmer's Market specified in the **Table of Allowed Uses** are still met.

21. Alternative Financial Service

- a. Alternative Financial Service establishments shall not be operated within one-quarter mile (1,320 feet) from one another.
- b. Alternative Financial Service establishments shall not be operated within five hundred (500) feet of residential zoning districts.
- c. Alternative Financial Service establishments shall not be operated within one-thousand five hundred (1,500) feet of schools, churches, public Buildings, daycares, parks, and hospitals.
- d. For the purposes of calculating separation between Alternative Financial Service establishments and other uses, the distance shall be measured using an aerial circumference originating from each establishment's primary point of entry.

22. Commercial Amusement, Outdoor

- a. No intermittent or Flashing lights shall be visible beyond the property line of a Commercial Amusement, Outdoor establishment.
- b. Exterior auditory devices, such as speakers or other sound effects, shall not exceed 45 Decibels at the property line of a Commercial Amusement, Outdoor establishment.
- c. Commercial Amusement, outdoor structures, or Improvements shall not be located within 250 feet of a residentially zoned or used property, excluding Dwelling, Multi-Family uses.

23. Food Truck Park

- a. Each vendor shall obtain an operating and health permit prior to operation within a Food Truck Park.
- b. Food Truck Parks may be standalone establishments or may be installed in conjunction with permanent uses on a temporary or permanent basis.
- c. Food Truck Parks may utilize temporary Improvements, including but not limited to temporary lighting fixtures, shelters, and restroom facilities, for no more than 72 consecutive hours of operation.

- (1) Improvements associated with Food Truck Parks in operation for durations longer than 72 consecutive hours shall be considered permanent structures and shall meet the minimum requirements of these regulations.
 - (2) Food Truck Parks, regardless of temporary or permanent status, and all associated Improvements shall not operate after 10:00 p.m.
 - d. Vendors shall be parked in authorized Parking Spaces (i.e., vendor locations) that meet the minimum requirements of **Section 4.02**, including dimensional, material, and configuration requirements.
 - (1) Vendor locations that are installed within existing parking areas shall not interfere with pedestrian or vehicle circulation.
 - (2) The minimum parking requirements for both the primary use, if applicable, and the Food Truck Park specified in the Table of Allowed Uses shall be met.
 - e. Seating areas and other furnishings intended for patron use shall not interfere with existing parking areas or pedestrian and vehicle circulation.
 - f. Restroom facilities shall be provided On-Site or through a shared use agreement with an Abutting commercial establishment.
 - (1) Access to shared facilities shall be granted for the duration of the Food Truck Park operation hours.
 - (2) Temporary restroom facilities shall be screened from public view from either On-Site or Off-Site, using a vantage point six (6) feet in height from Grade.
 - (a) Public view shall be considered the visibility of Outdoor Storage or Display areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (b) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.
 - g. Each vendor location shall be provided with electrical, water, and wastewater connections.
 - h. Waste receptacles shall be provided for each vendor location, and shall be emptied daily to prevent overloading.
24. Seasonal Sales
- a. Seasonal Sales shall obtain an operating permit prior to operation.
 - b. Seasonal Sales may utilize temporary Improvements, including but not limited to temporary lighting fixtures, shelters, and restroom facilities, for no more than 72 consecutive hours of operation.
 - (1) Improvements associated with Seasonal Sales in operation for durations longer than 72 consecutive hours shall be considered permanent structures, and shall meet the minimum requirements of these regulations.
 - (2) Seasonal Sales, regardless of temporary or permanent status, and all associated Improvements shall not operate after 10:00 p.m.
 - c. Parking areas may be installed on paved surfaces or compacted gravel.
25. Shooting Range
- a. Noise generated from a Shooting Range shall not exceed 45 Decibels at the property line.
 - b. Shooting Range structures shall not be located within 250 feet of a residentially zoned or used property.

26. Vehicle Sales and Rental

- a. Parking Spaces intended for vehicles for sale or rent shall be Fenced in accordance with **Section 4.05.C.1** below.
- b. No more than eighty (80) percent of the total required parking per the **Table of Allowed Uses** may be utilized for the parking of vehicles intended for sale or rent.
- c. Areas intended for the parking of sales for sale or rent shall be subject to the parking design standards outlined in **Section 4.02** below.

27. Telecommunications Facility

- a. Exempt Facilities
 - (1) The requirements of this **Section 2.06.B.27** shall not apply to a facility that is less than seventy (70) feet in height, and:
 - (a) Is operated by a federally-licensed amateur radio station operator; or
 - (b) Is used exclusively for receive-only antennas.
 - (2) Towers owned and operated by the City shall not require approval of an SUP, but shall comply with the other requirement of this **Section 2.06.B.27**.
- b. General Requirements
 - (1) Telecommunications facilities shall comply with all federal regulations, including those issued by the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
 - (2) Installation of a Telecommunication Facility, including any on-ground Improvements or towers, shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
 - (3) Telecommunication facilities shall be inspected annually for structural and operational soundness.
 - (a) Inspections shall be made by a knowledgeable expert, as determined by the Chief Building Official.
 - (b) A copy of such annual inspection shall be provided to the City.
 - (4) A Telecommunication Facility may be Attached to, or integrated with, an existing structure or detached as a standalone facility.
 - (5) Co-location

All telecommunication facilities shall be designed with tower cabinets to accommodate co-location by other providers.
 - (6) Removal of Abandoned Towers
 - (a) Any facility that is no longer in use or has not been used for a continuous period of twelve (12) months for its original communications purpose shall be removed at the owner's expense.
 - (b) In the case of co-location, a facility shall not be deemed abandoned until all users cease operations.
- c. Operational Requirements
 - (1) Telecommunications facilities shall be operated in a manner that does not cause interference with, or disruption to, public safety communications, including but not limited to police or fire departments.

- (2) In the event that the facility causes such an interference or disruption, the Applicant shall be responsible to:
 - (a) Remedy the problem within 24 hours of written notice by the City; or
 - (b) Cease operation of the facility until the problem is remedied.
- d. Design Requirements

The application and approval of a Development Plan in accordance with **Section 1.04.A** above may be required by the Community Development Director in order to confirm compliance with this **Section 2.06.B.27**.

 - (1) Height
 - (a) Ground components of a Telecommunication Facility, including but not limited to cabinets, housing structures, and screening walls, shall not exceed the maximum height permitted within the respective zoning district.
 - (b) Telecommunication tower height shall be restricted to the distance to the nearest property line, but shall not exceed 120 feet in height from Grade.
 - (2) Lighting
 - (a) If required by federal regulations, tower lighting shall be reviewed with an application for a Special Use Permit to ensure the least amount of disturbance to surrounding views.
 - (b) Security lighting around the base of a tower and facility ground components may be provided in accordance with **Section 4.09**.
 - (3) Locations and Separation
 - (a) Applications for a new Telecommunication Facility site shall include verification that all existing facilities have been approached for co-location opportunities.
 - (b) Telecommunication facilities shall not be located within one (1) mile of an existing facility without adequate proof of the need of the new facility to sufficiently serve the City.
 - (4) Design Treatments
 - (a) Telecommunication facilities Attached to, or integrated with, a Building or structure shall be screened, constructed, and colored to match the structure to which they are Attached.
 - (b) Components mounted on the side of a Building or structure shall be painted to match the color of the Building or structure against which they are most commonly seen.
 - (c) Multiple antennas mounted on a single support structure should be coordinated in design, and spaced and balanced to give a planned and uncluttered appearance.
 - (5) Ground equipment shall be screened from public view using a vantage point six (6) feet in height from Grade.
 - (a) Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (b) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.

28. Utility Distribution

Utility Distribution areas shall be screened from public view using a vantage point six (6) feet in height from Grade.

- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
- b. Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.

29. Vehicle Tow or Storage Lot

Areas used for the storage of vehicles shall be screened from public view using a vantage point six (6) feet in height from Grade.

- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
- b. Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.

Section 2.07. Nonconformities

A. Purpose

The purpose of this **Section 2.07** is to:

1. Regulate Nonconforming Lots, Nonconforming Structures, or Nonconforming Uses that are created when zoning designations or regulations are created or changed such that an existing lawfully established use, Lot or structure no longer conforms to the regulations of these regulations;
2. Explain the effect of this Nonconforming status and help differentiate nonconformities, which have legal status under these regulations, from zoning violations, which are illegal and subject to penalties and enforcement action.
3. Recognize the interests of landowners in continuing to use their property for uses that were lawfully established;
4. Promote maintenance, reuse, and Rehabilitation of existing Buildings; and
5. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

B. Generally

1. Authority to Continue

Any nonconformity legally in existence at time of the effective date specified in **Section 1.01.B** above, or any legal Lot, structure, use, or situation that becomes Nonconforming upon adoption of these regulations or any amendment thereof, including but not limited to any amendment of the zoning map, may be continued, subject to the regulations of this **Section 2.07**.

2. Determination of a Nonconformity

Determination of a legal Nonconforming status shall be made in accordance with **Section 2.03.F** above.

3. Repairs and Maintenance

Nothing in these regulations shall prohibit the operation and maintenance of legal Nonconforming Lots, Nonconforming Structures, or Nonconforming Uses, provided that maintenance is to reestablish the condition at the time of the effective date of the nonconformity.

4. Change of Tenancy or Ownership

A determination of a Nonconforming status shall remain with the Nonconforming Lot, Nonconforming Structure, or Nonconforming Use regardless of changes to tenancy, ownership, or management.

C. Nonconforming Lots

1. Existing Platted Lots are Conforming Lots

Any existing Lot platted prior to the adoption of these regulations, which was legally conforming, shall be deemed a conforming Lot.

2. Residential Lot Exemption

- a. Lots of record existing prior to the adoption of these regulations that do not meet the minimum area requirements in the applicable zoning district established in **Section 2.04** above may be used for Dwelling, Single-Family Detached uses provided that:

- (1) All other dimensional requirements within the applicable zoning district are met;

- (2) All other subdivision regulations within the applicable zoning district are met; and
 - (3) All Development Standards within the applicable zoning district are met.
 - b. Existing Lots of record that do not meet the requirements outlined in **Section 2.07.C.2.a** above shall require the appropriate zoning relief procedure specified in **Section 2.03.D** above prior to Development with any permissible use.
- D. Nonconforming Structures
- 1. Existing Structures

Any existing structure that does not meet the dimensional or Development Standards of these regulations, but was legally erected prior to the adoption of these regulations shall be deemed a legal Nonconforming Structure.
 - 2. Voluntary Alterations to Nonconforming Structures
 - a. Repairs to Nonconforming Structures, or portions thereof, are permitted provided that the nonconformity of the structure is not expanded in any way, including but not limited to volume, area, or footprint.
 - b. Expansions of Nonconforming Structures are permitted provided that:
 - (1) The expansion is no greater than fifty (50) percent of the structure's total area;
 - (2) The nonconformity of the structure is not expanded in any way, including but not limited to volume, area, or footprint; and
 - (3) The expansions meets all other requirements established in these regulations.
 - c. A Nonconforming Structure that has been relocated for any distance shall thereafter conform to the regulations of the applicable zoning district in which it is located after it is moved.
 - d. A Nonconforming Structure, or portion thereof, within any zoning district may be altered to decrease its nonconformity.
 - e. Voluntary removal, damage, or destruction of a Nonconforming Structure, or portion thereof, amounting to 50% or more of the structure's total existing area shall require either complete removal of the structure, or its reconstruction to the existing state prior to removal, damage, or destruction.
 - 3. Involuntary Alterations to Nonconforming Structures
 - a. Involuntary Alterations shall include damage assessed via natural occurrence or other disaster, including but not limited to strong winds, floods, earthquakes, storms, and fires.
 - b. The rebuilding, reconstruction, or Restoration of a Nonconforming Structure, or portion thereof, that has been involuntarily removed, damaged, or destroyed is permitted provided that the nonconformity of the original structure is not expanded in any way, including but not limited to volume, area, or footprint.
 - c. Such reconstruction is permitted provided that it begins within eighteen (18) months of the involuntary removal, damage, or destruction, and that the reconstruction complies with all other applicable zoning, Development Standards, and Building Codes.
 - 4. Rectifying a Nonconforming Structure
 - a. A Nonconforming Structure may be brought into conformity by way of an authorized procedure under these regulations, including but not limited to zoning relief, zoning map amendments, or by altering the structure to comply with the these standards.
 - b. A structure constructed unlawfully shall not be considered a Nonconforming Structure for the purposes of this **Section 2.07**, and is a prohibited structure unless it is brought into compliance as provided herein.

E. Nonconforming Uses

1. Existing Uses

Any existing use of land that does not conform to the permitted uses within the applicable zoning district as established in **Section 2.05** above, but was legally in operation prior to the adoption of these regulations shall be deemed a legal Nonconforming Use.

2. Discontinuation of Nonconforming Use

- a. The lawful transition of a property from a Nonconforming Use to a conforming use within the applicable zoning district shall render the Nonconforming status resolved. Reinstating the same or a different Nonconforming Use following resolution shall be prohibited.
- b. If a Nonconforming Use ceases operations for a period of more than six (6) months, then such Nonconforming Use shall be deemed to be permanently discontinued.
 - (1) For the purpose of this **Section 2.07.E.2**, the operation of a use shall be determined to be ceased following the intentional termination of the use by the owner.
 - (2) Allowing for the expiration of an active Certificate of Occupancy, or the issuance of a Certificate of Occupancy for a new use, shall constitute intentional termination.
- c. Any Nonconforming Use that does not involve a permanent type of structure or operation, and that is moved from the premises shall be considered to have been discontinued, regardless of intent.

3. Expansion of Nonconforming Use

- a. A Nonconforming Use within a structure, or portion thereof, may be expanded or extended into the remaining portions of the Building provided the Community Development Director determines the areas of the structure in which the expansion is proposed were manifestly arranged and designed for the use.
- b. Nonconforming Uses may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

F. Noncompliance with Certain Development Standards

1. Noncompliance with Off-Street Parking Requirements

If a nonconformity is established due to noncompliance with the off-street parking requirements outlined in **Section 4.02** below, the following shall apply:

- a. Whenever a structure or use is changed or altered in Floor Area, number of Dwelling Units, seating Capacity, or other metric that results in an increase in the minimum Parking Space requirement, such additional stalls shall be required based on the new structure or use prior to operation.
- b. Existing parking that is adequate regarding number of spaces, but not with regard to paving or dimensional standards must be brought into compliance under the following circumstances:
 - (1) If a Nonconforming parking area expands by fifty (50) percent or less of its current size, the new area shall meet the requirements of **Section 4.02** below. The existing area may be allowed to continue subject to the Alteration requirements of **Section 2.07.D** above; or
 - (2) If a Nonconforming parking lot expands by more than fifty (50) percent of its current size, the entire parking area shall meet the requirements of **Section 4.02** below.

2. Noncompliance with Landscaping Requirements

If an existing structure or parking area expands by more than twenty (20) percent of its current size, then the site shall meet the minimum Landscaping requirements of **Section 4.03** below.

Chapter 3. Subdivision Regulations

Section 3.01. General Provisions

A. Purpose

The purpose of this **Chapter 3. Subdivision Regulations** is to:

1. Promote the health, safety, comfort, and general welfare of the City by providing orderly policies and procedures for the division of real property into subdivisions;
2. Provide for the proper reservation, location, and width of streets, utilities, and drainage; and
3. Provide for and secure the construction of necessary Improvements such as water, sewer, drainage, and other utilities.

B. Applicability

1. Subdivision Required

- a. A subdivision, or Plat, shall be made in accordance with this **Chapter 3. Subdivision Regulations** prior to the following actions:
 - (1) Subdivision of land into two or more Lots or Blocks for the purpose of laying out any subdivisions, suburban Lots, Building Lots, or Parcels;
 - (2) Combining or modifying the limitations, content, or details of a lawfully existing Plat; or
 - (3) Establishing or dedicating any Right-of-Way, Easement, or other property intended for public use.
- b. Any lawfully existing Plats recorded prior to the effective date of these regulations shall remain valid.
- c. Any subdivision shall be prohibited where said subdivision places an existing structure in violation of these regulations.

2. Exemptions

- a. A Plat shall not be required for:
 - (1) Land used for railroad Right-of-Way or public utilities that is subject to local, state, or federal regulations, and where no new street or Easement of Access is involved; or
 - (2) Whenever any Parcel of land has been ordered by law to be partitioned.
- b. Industrial property
Lots zoned for industrial purposes which have been previously platted may be divided into two or more Lots without replatting or such Lots in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-752(f)**).

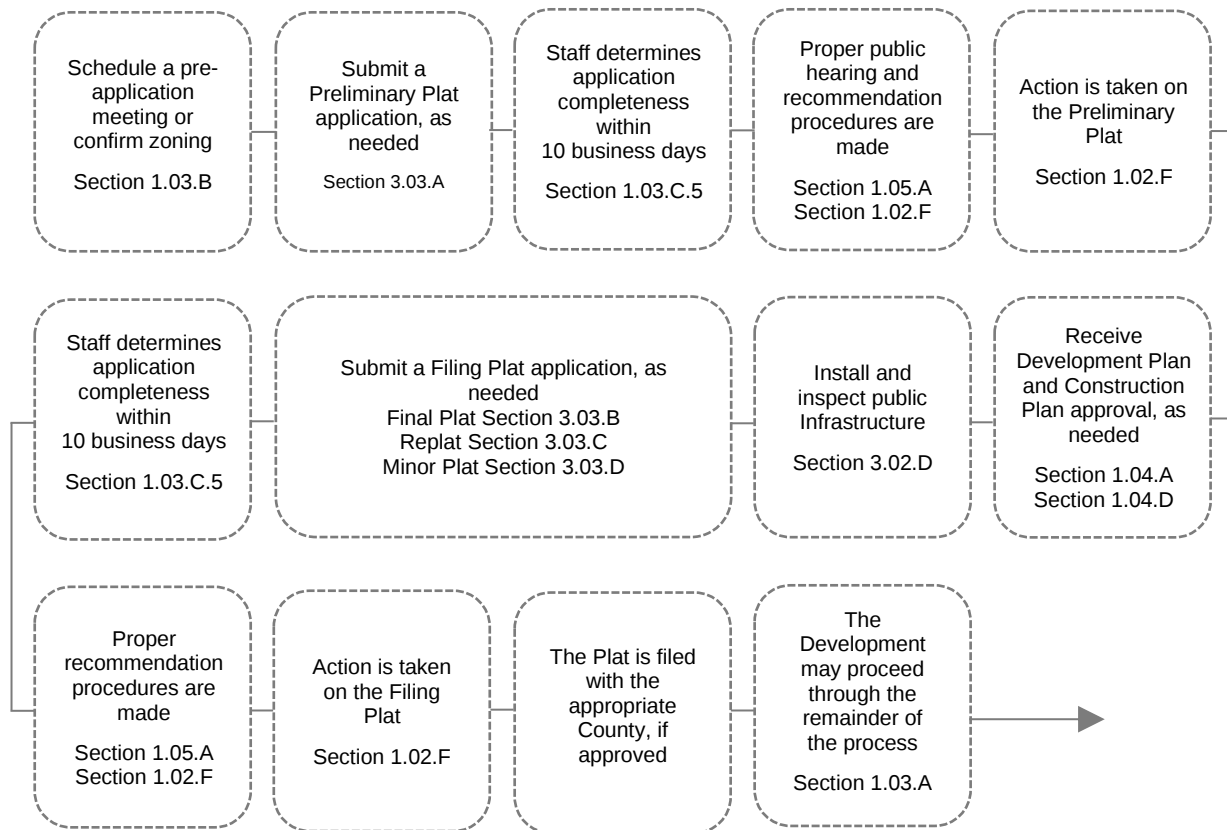
Section 3.02. Subdivision Procedures

A. General Application Requirements

In addition to this **Section 3.02**, subdivision applications are subject to the application requirements outlined in **Section 1.03** and **Section 1.04.C** above.

B. Subdivision Process Overview

1. This section provides a general overview of the land subdivision process and references appropriate sections.
2. Vacating and Amending Plats may be necessary throughout the duration of the overall Development process depicted in **Section 1.03.A** above.



C. Concurrent Submission of Plats

Plat submittals made in accordance with this **Chapter 3. Subdivision Regulations** may be made concurrently.

D. Improvement Installation

The Applicant shall install all necessary Improvements outlined in **Section 3.04** below prior to approval of a subdivision unless outlined in this **Section 3.02.D**.

1. Exceptions for Existing Improvements

- a. Where existing Improvements within a proposed subdivision meet the requirements of **Section 3.04** below as determined by the City Engineer, additional or duplicate Improvements may not be required.
- b. Where existing Improvements within a proposed subdivision do not meet the requirements of **Section 3.04** below as determined by the City Engineer, the repair, correction, or replacement of such Improvements shall be required to reach compliance.

2. Timing of Improvement Installation

- a. Installation and inspection of all required Improvements shall be required prior to approval of a Filing Plat by the responsible authority outlined in **Section 1.02.F** above.
- b. In lieu of the construction and inspection of Improvements prior to approval of the Plat, the City Council may accept one or a combination of the following:
 - (1) A surety in the form of a bond, cashier's check, escrow account, irrevocable letter of credit, or other like security for 110% of the amount determined by the City Engineer for the construction of the required Improvements.
 - (a) The City Council shall establish a period of time in which the Improvements shall be installed lest the surety be executed.
 - (b) Such surety shall be properly executed prior to any grading or construction, and may be released in segments as determined appropriate by the City Council.
 - (2) A petition, properly executed by the property owners, to be used for the construction of the Improvements by the City Council, the costs of which shall be assessed against the subdivided property.
- c. Improvements shall not be constructed until engineering drawings have been approved by the City Engineer, the bonding of all public Improvements, and all fees have paid.

3. Inspection Process

- a. Following the installation of Improvements, but prior to the acceptance, all Improvements shall be inspected for compliance by the City Engineer.
 - (1) The Applicant shall pay all fees as required by the Master Fee Schedule prior to inspection.
 - (2) If it is determined that the Improvements do not comply with the approved engineering plans and specifications, the City Engineer shall notify the Applicant of all observed deficiencies.
 - (3) When such deficiencies have been corrected, the Applicant shall notify the City Engineer that the Improvements are ready for reinspection.
- b. Upon the determination by the City Engineer that there are no deficiencies in the Improvements and that all Improvements have been installed in conformance with the approved engineering drawings and requirements of these regulations, a letter of acceptance shall be issued and the Plat may be filed.

4. Improvement Maintenance Guarantee

- a. Prior to the acceptance by the City of the installed Improvements, the subdivider shall provide a bond, cashier's check, escrow account, irrevocable letter of credit, or other like security guaranteeing each Improvement against defects in workmanship and materials for a period of two (2) years from the date of acceptance.

- b. Such guarantee shall be one hundred twenty-five (125) percent of the full amount of the estimated cost of the Improvements as determined by the City Engineer and shall be filed with the City prior to the acceptance of the Improvements.

Section 3.03. Subdivision Submittal Types

A. Preliminary Plat

1. Generally

- a. The purpose of a Preliminary Plat is to ensure:
 - (1) Lots established by a proposed subdivision will be consistent with all dimensional standards of this **Chapter 3. Subdivision Regulations** and **Chapter 2 Zoning Regulations** above;
 - (2) Adequate Improvements are planned to serve the Lots, including Right-of-Ways and public utilities such as water, wastewater, and stormwater facilities; and
 - (3) Property is efficiently organized for all required Right-of-Ways, public improvements, and other land dedicated for public use to prevent substantial design changes throughout the development process.
- b. Approval of a Preliminary Plat does not constitute City acceptance of any Right-of-Way, Improvement, utility, or dedication of property.

2. Preliminary Plat Required

- a. A Preliminary Plat shall be required in the sequence identified in **Section 1.03.A** and **Section 3.02.B** above for all Development Application containing one or more of the following:
 - (1) Residential subdivisions of two or more Lots where an extension of City facilities is necessary to serve the proposed Lots;
 - (2) Residential subdivisions that require the extension of City services, such as Right-of-Ways or utilities, or the dedication of Easements or property to the City; and
 - (3) Phased residential or nonresidential subdivisions, where Access to existing or proposed City services are established through at least one other Phase.
- b. In addition to those listed in **Section 3.03.A.2.a** above, a Preliminary Plat may be required for any Development Application upon determination by the Community Development Director that substantial impacts to surrounding Parcels are anticipated.

3. Preliminary Plat Action

- a. Following the submittal of a complete Preliminary Plat application in accordance with **Section 1.04.C** above, the Planning Commission shall act on the Plat within sixty (60) days after the first meeting of the Planning Commission following the submittal date.
 - (1) Failure to act on the Plat shall constitute Plat approval.
 - (2) If found insufficient in meeting the requirements of these regulations, the Planning Commission shall provide the reasons for denial of the Plat in writing.
- b. Following denial by the Planning Commission, any resubmittal of a Preliminary Plat shall be considered a new application and shall be subject to the general application requirements set forth in **Section 1.03.C.2** above.

4. Preliminary Plat Effect

A Preliminary Plat shall be effective for one (1) year following the date of approval if the construction or installment of site Improvements has not begun.

- a. Prior to the end of the expiration period, the Community Development Director may, at the request of the property owner or their agent, grant an extension to the validity of the Preliminary Plat for up to one (1) year.

Following the expiration of an extension granted by the Community Development Director, any additional extension shall require the approval of the Planning Commission.

- b. If a Final Plat has not been submitted, approved, and filed within the expiration or extension period, a revised Preliminary Plat shall be required prior to processing any further applications related to a Development Application.

B. Final Plat

1. Generally

The purpose of a Final Plat is to:

- a. Confirm the dimensions, Access, and orientation of Lots established by a proposed subdivision are compliant with all standards of this **Chapter 3. Subdivision Regulations** and **Chapter 2 Zoning Regulations** above;
- b. Ensure required Improvements, including Right-of-Ways and public utilities such as water, wastewater, and stormwater facilities, are adequately located and installed to serve the proposed Lots;
- c. Provide the City with a means of accepting all required Right-of-Ways, Easements, and dedication of property as may be required by these regulations; and
- d. Provide a document to record the approved subdivision of property with the County.

2. Final Plat Required

A Final Plat shall be required in the sequence identified in **Section 1.03.A** and **Section 3.02.B** above for all Development Application listed in **Section 3.01.B.1.a** above.

3. Final Plat Action

- a. Following the submittal of a complete Final Plat application in accordance with **Section 1.04.C** above, the Planning Commission shall act on the Plat within sixty (60) days after the first meeting of the Planning Commission following the submittal date.
 - (1) Failure to act on the Plat shall constitute Plat approval.
 - (2) If found insufficient in meeting the requirements of these regulations, the Planning Commission shall provide the Applicant with the reasons for denial of the Plat in writing.
- b. Following approval by the Planning Commission, the City Council shall adopt the Plat within thirty (30) days after the first meeting of the City Council following the approval date.
 - (1) Adoption of the Final Plat by the City Council shall constitute acceptance of all public land depicted on the Plat.
 - (2) The City Council may defer approval of a Final Plat for an additional thirty (30) days.
 - (3) If found insufficient in meeting the requirements of these regulations, the City Council shall provide the Applicant and Planning Commission with the reasons for denial of the Plat in writing.

- c. Any resubmittal of a Final Plat that has been denied by either the Planning Commission or City Council shall be considered a new application and shall be subject to the general application requirements set forth in **Section 1.03.C.2** above.
- C. Replat
 - 1. Generally
 - a. The purpose of a Replat is to modify existing platted Lots without the need for a Vacating Plat discussed in **Section 3.03.E** below.
 - b. Replats may be for all or a portion of a previously recorded Plat.
 - c. Upon approval and recordation in accordance with **Section 1.04.C.2** above, a Replat becomes controlling over any previously recorded Plat.
 - 2. Replat Required
 - a. A Replat shall be required when altering the Lot Lines, Lot identification number, Block identification number, setbacks, or any Easement or property dedicated to the City previously established by a lawful subdivision as determined by these regulations.
 - b. Replats shall not be required for scrivener's errors or changes in ownership information reflected on a Plat document but shall be required when altering the dedicatory language of any Easements previously recorded by Plat.
 - 3. Replat Action
 - a. Following the submittal of a complete Replat application in accordance with **Section 1.04.C** above, the Planning Commission shall act on the Plat within sixty (60) days after the first meeting of the Planning Commission following the submittal date.
 - (1) Failure to act on the Plat shall constitute Plat approval.
 - (2) If found insufficient in meeting the requirements of these regulations, the Planning Commission shall provide the Applicant with the reasons for denial of the Plat in writing.
 - b. Following approval by the Planning Commission, the City Council shall adopt the Replat within thirty (30) days after the first meeting of the City Council following the approval date.
 - (1) Adoption of the Plat by the City Council shall constitute acceptance of all public land depicted on the Plat.
 - (2) The City Council may defer approval of a Plat for an additional thirty (30) days.
 - (3) If found insufficient in meeting the requirements of these regulations, the City Council shall provide the Applicant and Planning Commission with the reasons for denial of the Plat in writing.
 - c. Any resubmittal of a Replat that has been denied by either the Planning Commission or City Council shall be considered a new application and shall be subject to the general application requirements set forth in **Section 1.03.C.2** above.
- D. Minor Plat
 - 1. Generally

The purpose of a Minor Plat is to allow for the administrative approval of land subdivision under certain circumstances.
 - 2. Minor Plat Permitted

Applications for a Minor Plat may be considered for when the following circumstances apply:

 - a. The subdivision establishes no more than two Lots of record;

- b. The subdivision does not require the extension or expansion of City services, such as Right-of-Ways, Easements, Infrastructure, or property dedication; and
 - c. The subdivision does not create an additional or substandard Lot.
 - 3. Minor Plat Action
 - a. Following the submittal of a complete Minor Plat application in accordance with **Section 1.04.C** above, the Community Development Director shall act on the Plat within sixty (60) days after the date of application.
 - (1) Failure to act on the Plat shall constitute Plat approval.
 - (2) If found insufficient in meeting the requirements of these regulations, the Community Development Director shall provide the Applicant the reasons for denial of the Plat in writing.
 - b. Any resubmittal of a Minor Plat that has been denied by the Community Development Director shall be considered a new application and shall be subject to the general application requirements set forth in **Section 1.03.C.2** above.
- E. Vacating Plat
 - 1. Generally
 - a. The purpose of a Vacating Plat is to allow for the removal, or vacation, of City services, such as Right-of-Ways or Easements dedicated for public use.
 - b. The vacation of Right-of-Ways, Easements, and Building setback lines may be requested and considered pursuant to Chapter 12, Article 5 of the Kansas Statutes Annotated (**KSA 12-504**).
 - 2. Vacating Plat Consideration

Vacation may be made by Plat approved in accordance with these regulations provided:

 - a. Appropriate public hearing notices have been made in accordance with **Section 1.05** above;
 - b. In the event of a petition for vacation of an Easement, written consent for such vacation must be obtained from all utility companies operating within the Easement and the entity the Easement is dedicated to; and
 - c. Alternative Right-of-Ways and Easements are reserved where necessary.
 - 3. Vacating Plat Action
 - a. Following the submittal of a complete Vacating Plat application in accordance with **Section 1.04.C** above, the Planning Commission shall act on the Plat within sixty (60) days after the first meeting of the Planning Commission following the submittal date.
 - (1) Failure to act on the Plat shall constitute Plat approval.
 - (2) If found insufficient in meeting the requirements of these regulations, the Planning Commission shall provide the Applicant the reasons for denial of the Plat in writing.
 - b. Following approval by the Planning Commission, the City Council shall adopt the Vacating Plat within thirty (30) days after the first meeting of the City Council following the approval date.
 - (1) Adoption of the Plat by the City Council shall constitute acceptance of all public land depicted on the Plat.
 - (2) The City Council may defer adoption of a Plat for an additional thirty (30) days.
 - (3) If found insufficient in meeting the requirements of these regulations, the City Council shall provide the Applicant and Planning Commission with the reasons for denial of the Plat in writing.

- c. Any resubmittal of a Vacating Plat that has been denied by either the Planning Commission or City Council shall be considered a new application and shall be subject to the general application requirements set forth in **Section 1.03.C.2** above and the public hearing requirements set forth in **Section 3.03.E.2** above.

F. Amending Plat

1. Generally

- a. The purpose of an Amending Plat is to allow for a Plat revision process alternative to the affidavit procedures outlined in Chapter 12, Article 4 of the Kansas Statutes Annotated (**KSA 12-420**)
- b. The administrative approval of a revision shall only be permitted if the Plat was recorded in accordance with this **Chapter 3. Subdivision Regulations**.

2. Amending Plat Permitted

The procedures for an Amending plat shall apply when the sole purpose of a Plat application is to accomplish one or more of the following:

- a. Correct an Error or Make an Administrative Adjustment
 - (1) Correct an error in a course or distance shown on the preceding Plat.
 - (2) Add a course or distance that was omitted on the preceding Plat.
 - (3) Correct an error in a real property description shown on the preceding Plat.
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including Lot numbers, acreage, street names, and identification of adjacent recorded Plats.
 - (7) Correct an error in courses and distances of Lot Lines between two adjacent Lots if:
 - (a) Both Lot owners join in the Application for amending the Plat;
 - (b) Neither Lot is abolished;
 - (c) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.
- b. Relocate Lot Lines
 - (1) Relocate a Lot Line to eliminate an inadvertent encroachment of a Building or other Improvement on a Lot Line or Easement.
 - (2) Relocate one or more Lot Lines between one or more adjacent Lots if:
 - (a) The owners of all those Lots join in the Application for amending the Plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (c) The amendment does not increase the number of Lots.

3. Amending Plat Action
 - a. Following the submittal of a complete Amending Plat application in accordance with **Section 1.04.C** above, the Community Development Director shall act on the Plat within sixty (60) days after the date of application.
 - (1) Failure to act on the Plat shall constitute Plat approval.
 - (2) If found insufficient in meeting the requirements of these regulations, the Community Development Director shall provide the Applicant the reasons for denial of the Plat in writing.
 - b. Any resubmittal of an Amending Plat that has been denied by the Community Development Director shall be considered a new application and shall be subject to the general application requirements set forth in **Section 1.03.C.2** above.
- G. Subdivision Improvement Waiver
 1. Generally

The purpose of a petition for a Subdivision Improvement Waiver is to ensure that the imposition of uniform dedication, construction, and fee standards to a proposed Development does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed Development on the City's roadways and public facilities systems.
 2. Approval Authority

An application for a Subdivision Improvement Waiver shall be considered by the applicable approval authority outlined in **Section 1.02.F** above.
 3. Subdivision Improvement Waiver Applicability
 - a. Waiver of Standard or Requirement
 - (1) An Applicant may file a petition for relief under this **Section 3.03.G** to contest any requirement to dedicate land or to construct public Improvements as required by this Code, other ordinance, or Attached as a condition to approval of the application.
 - (2) An Applicant may request a Subdivision Improvement Waiver of a particular standard or requirement applicable to a Plat or Construction Plan application.
 - (3) A Subdivision Improvement Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
 - (4) An Applicant may, if desired, submit more than one Subdivision Improvement Waiver petition if there are several standards or requirements at issue.
 - (5) A Subdivision Improvement Waiver shall be made in conjunction with a Plat application.
 4. Subdivision Improvement Waiver Application
 - a. Applications for a Subdivision Improvement Waiver shall be made in accordance with **Section 1.03** above.
 - b. The petition for relief from a dedication, construction, or fee requirement shall allege that the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed Development on City facilities does not reasonably benefit the proposed Development.
 - c. A Subdivision Improvement Waiver shall not be granted to authorize deviations from **Chapter 2 Zoning Regulations** above as it relates to zoning regulation terms, standards, and criteria that pertains to an allowed use or Lot within a zoning district.

d. Study Required

In addition to the application requirements outlined in **Section 1.03** above, the Applicant shall provide a study in support of the petition for relief that includes the following information:

(1) Capacity Utilized

- (a) Total Capacity of the City's facilities to be utilized by the proposed Development, employing standard measures of Capacity and equivalency tables relating the type of Development proposed to the quantity of system Capacity to be consumed by the Development.
- (b) If the proposed Development is to be developed in Phases, such information also shall be provided for the entire Development proposed, including any Phases already developed.

(2) Capacity Supplied

- (a) Total Capacity to be supplied to the City's facilities by the proposed dedication of an interest in land or construction of Public Improvements.
- (b) If the application is part of a phased Development, the information shall include any Capacity supplied by prior dedications or construction of public Improvements.

(3) Capacity Comparison

- (a) A comparison of the Capacity of the City's facilities to be consumed by the proposed Development with the Capacity to be supplied to such facility by the proposed dedication of an interest in land, construction of Public Improvements, or payment of a fee.
- (b) In making this comparison, the impacts on the City's facilities from the entire Development shall be considered.

(4) Oversizing

The effect of any City participation in the costs of Oversizing the public improvement to be constructed in accordance with the City's requirements.

(5) Other Information

Any other information that shows the alleged disproportionality between the impacts created by the proposed Development and the dedication or construction requirement imposed by the City.

5. Subdivision Improvement Waiver Criteria

a. No Subdivision Improvement Waiver shall be granted unless the approval authority finds:

- (1) That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the Improvement provisions of these regulations would deprive the Applicant of the reasonable use of their land;
- (2) That the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed Development on the City's facilities; and
- (3) That the application of the standard or condition reasonably benefits the Development.

b. In making such determination, the approval authority shall consider the evidence submitted by the Applicant, the recommendation of the City Engineer, and if the request meets the intent of these regulations.

- c. Falsification of Information
 - (1) Any falsification of information by the Applicant shall be cause for the Subdivision Improvement Waiver request to be denied.
 - (2) If the Subdivision Improvement Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Improvement Waiver and shall be grounds for reconsideration of the request.
 - d. Burden of Proof
 - (1) The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Improvement Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant.
 - (2) The Applicant shall submit the burden of proof with an application for a Subdivision Improvement Waiver.
6. Effect of Approval
- a. Following the granting of a Subdivision Improvement Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plan application, as applicable.
 - b. The Subdivision Improvement Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those applications.
 - c. Extension of those applications shall also result in extension of the Subdivision Improvement Waiver.

Section 3.04. Subdivision Standards

A. Generally

1. This **Section 3.04** identifies minimum requirements and sizes for City facilities, including utilities, roadways, and parks, that are necessary in order to provide the minimum level of service to protect or promote the public health, safety, and welfare of existing and future residents.
 - a. It is the intent of these regulations that no Development occurs until these minimum levels of service are met.
 - b. Each subdivision in the City shall be required to dedicate, construct, or upgrade any required facilities and Infrastructure to a Capacity that meets these minimum standards.
2. Compliance with City Plans and Codes
 - a. In addition to the requirements of this **Section 3.04**, all public improvements must conform to the standards, criteria, and requirements of the City Standard Specifications and Design Criteria Manual.
 - b. In the event the requirements of this **Section 3.04** conflict with the City Standard Specifications and Design Criteria Manual, the more restrictive standard shall control.
3. Timing of Improvements

If the construction of Public Improvements is not completed within two (2) years from the Construction Plan approval date, then the Infrastructure must be redesigned using the most current criteria.
4. Study Required

A subdivider shall be required to provide an engineering study prepared by a licensed engineer in compliance with **Section 5600** of the City's Design Criteria.

B. Lots

1. Rules of Measurement

- a. Side Lot Lines shall intersect the Abutting Right-of-Way line or other approved means of ingress and egress between 60 and 90 degrees. The angle of intersection with curved Right-of-Ways or other approved means of ingress and egress shall be measured from the tangent of said curve.
- b. Minimum Lot Widths shall be measured at the required front lot setback.
- c. When Side Lot Lines vary in length, Lot Depths shall be determined by the average length between the front and Rear Lot Lines.
- d. Dimensions of Irregular Lots shall be measured in a reasonable fashion as determined by the Community Development Director.
- e. Permanent Monuments
 - (1) Permanent monuments shall be placed at all Lot and Block corners, angle and curvature points, and at intermediate points as required prior to the final acceptance of the subdivision.
 - (2) Permanent monuments shall be placed in accordance with State and County requirements.

2. Lot Design

- a. The width, depth, and area of residential and nonresidential Lots shall be dictated by the applicable zoning district established in **Chapter 2 Zoning Regulations** above.
- b. Double-Frontage Lot and Flag Lots are prohibited unless otherwise approved by the Planning Commission.
- c. When approved, Flag Lot “pole” areas shall not be calculated when determining the minimum Lot Area, Lot Coverage, or Lot Depth ratio.
 - (1) Flag Lot “poles” shall not be less than thirty (30) feet in width along the full extent of the pole.
 - (2) All required setbacks shall be measured within the Flag Lot “flag” at the terminus of the “pole”.

3. Lot Depth Ratio

Unless approved by the Planning Commission, the depth of all Lots shall not exceed three (3) times the proposed width unless intended for dwelling, single-family attached uses, whereas the depth shall not exceed five (5) times the proposed width.

4. Lot Access

- a. All Lots shall abut on and have Access to a public street unless otherwise exempt in **Section 3.04.B.4.b** below.
- b. When subdividing property that abuts a Parcel with no Access to Right-of-Way or other approved means of ingress or egress, the subject property shall make reasonable accommodation, as determined by the Community Development Director, to allow for future or immediate approved Access at the time said property develops.
- c. Residential Lots shall not have direct Access to arterial or collector streets unless otherwise approved in writing by the City Engineer.
 - (1) Access to all Corner Lots shall be from the street of lesser functional classification. In cases where the Corner Lot is adjacent to two streets of the same classification, Access may be permitted on either street.

- (2) If permitted in accordance with **Section 3.04.B.4.c** above, no individual Lot or group of contiguous Lots under the same ownership shall be permitted more than one point of Access to any arterial or collector street.
 5. Lots Subject to Flooding
 - a. Land subject to a 100-year flood shall not be subdivided for any use until receipt of evidence that the construction of specific Improvements proposed by the Applicant can be expected to yield a usable Building site (i.e., Flood Study and FEMA CLOMR [Conditional Letter of Map Revision]).
 - b. If protective flood works, including adequate and proper surface drainage are designed and installed by the subdivider in accordance with standards of the appropriate regulatory agency or other public body having exclusive jurisdiction for flood control in the subject area, only then shall an area of this classification be subdivided.
- C. Blocks
1. Rules of Measurement
 - a. Block Length

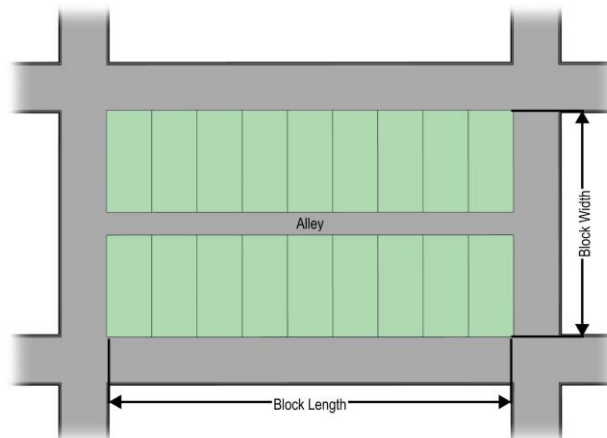
The length of a Block shall be considered to be the distance from property corner to property corner, measured along the property line of the Block face:

 - (1) Of greatest dimension; or
 - (2) On which the greatest number of Lots face.
 - b. Block Width

The width of a Block shall be considered to be the distance from property corner to property corner, measured along the property line of the Block face:

 - (1) Of least dimension; or
 - (2) On which the fewest number of Lots face.
 - c. For the purposes of measuring Block length and width, property corner shall mean the point of intersection of the tangent lines of any Right-of-Way curves required for turning radii.

Figure 3.1. Block Measurement Graphic



2. Block Length

- a. Intersecting streets which determine Block length shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood.
- b. Block length shall be determined by zoning district in accordance with **Table 3.1. Maximum Block Lengths** unless otherwise approved by the Community Development Director where topography or other conditions justify a departure from these maximums.
- c. Pedestrian ways or Easements may be utilized in all districts to increase the maximum Block length requirements.
 - (1) Pedestrian ways or Easements shall be located within fifty (50) feet of the center of the Block unless otherwise approved by the Community Development Director where topography or other conditions justify departure from this requirement.
 - (2) Pedestrian ways or Easements shall have a minimum width of ten (10) feet.
 - (3) Pedestrian ways or Easements shall connect residential streets, or a street to a Common Area Lot or dedicated park space.

Table 3.1. Maximum Block Lengths

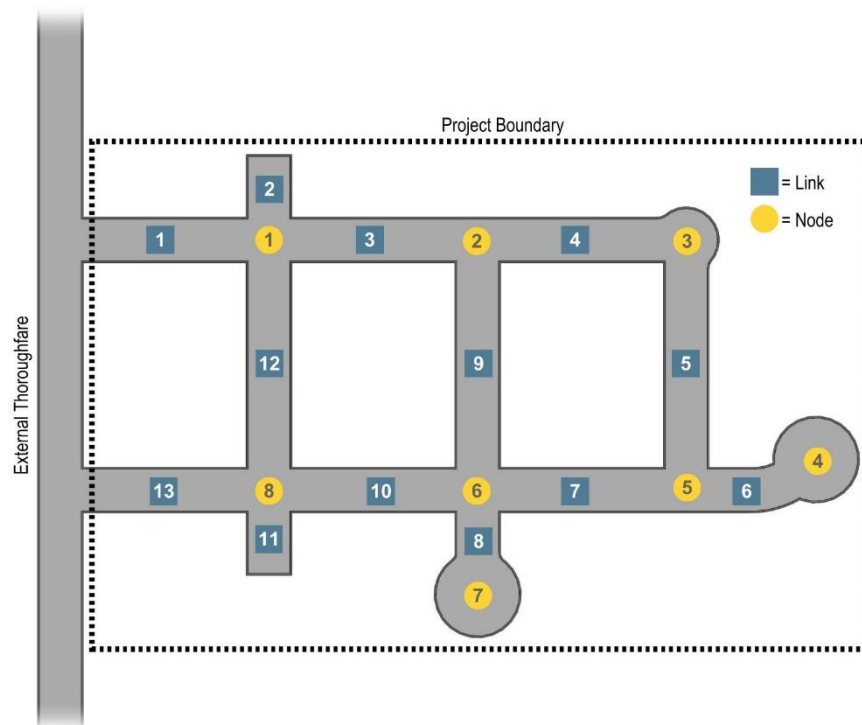
Zoning District	Max. Block Length without Pedestrian Way/Easement	Max. Block Length with Pedestrian Way/Easement
Loring Service Area Districts		
LA, Loring Agricultural District	N/A	N/A
LR, Loring Residential District	N/A	N/A
Standard Residential Districts		
RR, Rural Residential District	2,100 feet	2,520 feet
ER, Estate Residential District	1,650 feet	1,980 feet
GR, General Residential District	720 feet	900 feet
Standard Commercial Districts		
CC, Central Commercial District	500 feet	600 feet
LC, Local Commercial District	1,000 feet	1,200 feet
GC, General Commercial District	2,000 feet	2,500 feet
HC, Highway Commercial District	2,000 feet	2,500 feet
LI, Light Industrial District	2,000 feet	2,500 feet
HI, Heavy Industrial District	N/A	N/A
Special Districts and Overlays		
MR, Mixed-Residential District	500 feet	600 feet
MC, Mixed-Use Commercial District	1,000 feet	1,200 feet
PD, Planned Development District	As determined	As determined

3. Connectivity Ratio

Subdivisions that include one or more Blocks shall utilize a connectivity ratio of at least 1.2 links per node.

- a. A link is any extension of a non-arterial roadway that connects two nodes, or a Right-of-Way stub to adjacent property.
- b. A node is any terminus or intersection of non-arterial roadways.

Figure 3.2. Connectivity Graphic



D. Streets and Right-of-Ways

The purpose of this section is to ensure adequate and safe pedestrian and vehicle circulation within the City.

1. Street Classification and Expectations

- a. The subdivider shall install all interior streets, sidewalks, and associated Infrastructure systems prior to acceptance of a subdivision.
- b. Street classification shall be determined by the City's Transportation Master Plan.
- c. All Developments shall provide for streets and sidewalks to serve said Development in accordance with the requirements included or referenced herein.
- d. The subdivider shall, at their own expense, pay for the construction of all Alleys, streets, and associated Improvements within the subdivision.

2. Street Layout

- a. When Abutting existing dead-end street stubs, Alleys, or partial streets, new subdivisions shall accommodate the continuation or expansion of the Right-of-Way and associated Improvements so as to prevent segmented Development that relies on surrounding thoroughfares for connectivity.
 - (1) When subdividing property that abuts or continues any existing Right-of-Way that is less than the minimum required width, dedication shall be made to provide half of the required width from the Right-of-Way centerline.
 - (2) When subdividing property that abuts or continues any existing Right-of-Way that does not meet the general standards of the City Standard Specifications and Design Criteria Manual, including but not limited to pavement width, Infrastructure, and sidewalks, Improvements shall be made within along the frontage of the Right-of-Way to conform to these requirements.
- b. Street stub-outs to adjoining residential properties shall occur at least every nine hundred (900) feet along each boundary of the subdivision.
 - (1) If no Development occurs and a stubbed street is to be terminated, the subdivider is responsible for creating a permanent end to the street.
 - (2) A temporary turnaround shall be provided as follows for any street stub-out that exceeds two hundred (200) feet in length from the nearest intersection.

3. Culs-de-Sac and Dead-End Streets

- a. Culs-de-sac and dead-end streets shall meet the minimum criteria of the City Standard Specifications and Design Criteria Manual, including minimum turnaround pavement and Right-of-Way width.
- b. Maximum Length
 - (1) Culs-de-sac and dead-end streets shall not exceed three hundred (300) feet in length unless otherwise approved by the Community Development Director where topography or other conditions justify a departure from this measurement.
 - (2) The length of a cul-de-sac or dead-end street shall be measured from the intersection of the Right-of-Way centerlines to the centerline of the terminus.

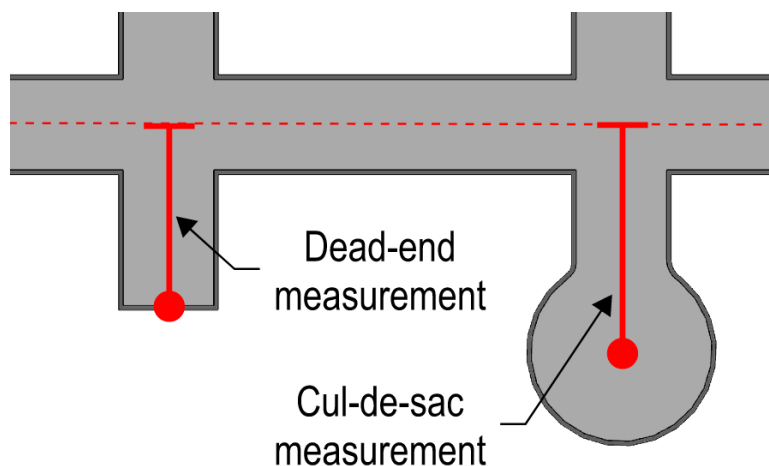


Figure 3.3. Cul-de-sac and Dead-end Street Measurement

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4. Street Names, Signs, and Lighting
 - a. Subdivisions that establish the continuation of existing streets shall utilize the same name unless otherwise approved by the Planning Commission.
 - b. All new street names shall be unique to prevent confusion amongst emergency and postal services.
 - c. The City shall install street name signs at all intersections within a subdivision. The Developer shall pay the costs associated with the signs, poles, and installation.
 - d. Street lighting shall be required as outlined in the City Standard Specifications and Design Criteria Manual and **Chapter 4 Development Standards** below.
 - e. All street names shall be reviewed by the Community Development Director.
 5. Alleys
 - a. Alleys may be required in commercial, industrial, and residential areas.
 - b. Dedicated Alley Right-of-Ways shall be no less than fifteen (15) feet in width, with twelve (12) feet of paving.
 - c. Alley paving shall be constructed in accordance with the City Standard Specifications and Design Criteria Manual.
- E. Sidewalks
1. Sidewalks Required
 - a. Sidewalks shall be installed on both sides of new streets and in any pedestrian ways or Easements required by **Section 3.04.C.2.c** above.
 - b. Where a subdivision application involves a Lot Abutting an existing Right-of-Way with no sidewalk or a sidewalk that does not meet the standards of this **Section 3.04.E**, the Applicant shall be responsible for installing or upgrading a sidewalk along the frontage of the subject property.
 - c. Relief from sidewalk installation or upgrading requirements may be applied for in accordance with **Section 3.03.G** above. In addition, the approval authority shall consider the following regarding a waiver request of the sidewalk requirements:
 - (1) Whether the sidewalk will serve as a functional extension or continuation of Abutting sidewalks;
 - (2) Whether the sidewalk will serve as a component of a broader trail system or pedestrian network; and
 - (3) If an upgrade, whether the existing sidewalk poses a threat to pedestrian welfare and usability.
 2. Sidewalk Design, Construction, and Maintenance
 - a. Sidewalks shall be constructed in accordance with the City Standard Specifications and Design Criteria Manual.
 - b. Sidewalks shall be a minimum of five (5) feet in width and located within a dedicated Right-of-Way or pedestrian Easement.
 - c. Re-routing a sidewalk to accommodate existing Improvements or utility Infrastructure shall require approval of the City Engineer.
 - d. Sidewalk construction may be delayed until the Development of associated residential Lots, but in locations not adjacent to, the sidewalk shall be constructed with the other Improvements in the subdivision.

- e. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements. Barrier-free ramps shall be provided for Access to the street at all street intersections and shall be directional towards a receiving ramp.
- f. Where dead-end sidewalks are permitted due to delayed construction or Project phasing, proper accommodation shall be made in the interim to provide a protected outlet for pedestrians as determined by the Community Development Director.
- g. The property owner shall be responsible for the maintenance of Abutting sidewalks within a Right-of-Way, or of sidewalks within a pedestrian way or Easement, to the standards of this **Section 3.04.E**.

F. Traffic Impact Analysis

1. Generally

- a. The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of specific Development activity on the existing and planned roadway system and identify any necessary mitigation measures.
- b. The specific study areas and analysis periods shall be determined by the City Engineer.
- c. It shall be the responsibility of the Applicant to submit a TIA that meets the application requirements outlined in **Section 1.03.C.2.a** above.

2. Development Applications that Require a TIA

a. Zoning Applications

A TIA is required for consideration with the following Zoning applications:

- (1) All zoning requests for land uses that will generate 2,500 or more vehicle trips per day as determined by the latest Trip Generation Estimates published by the Institute of Transportation Engineers (ITE); or
- (2) All zoning requests determined by the City Engineer to:
 - (a) Adversely impact the traffic circulation of nearby residential neighborhoods;
 - (b) Have inadequate site accessibility;
 - (c) Differ significantly from that contemplated in the Comprehensive Plan; or
 - (d) Inadequately accommodate the expected traffic generation.

b. Development Applications

A TIA is required for consideration with the following Development Plans or Plat applications:

- (1) All Development Applications for land uses that will generate over 100 total trips during the AM or PM peak hour, or 750 daily trips as determined by the latest Trip Generation Estimates published by the ITE; or
- (2) Where no TIA was previously performed, Development Applications determined by the City Engineer to meet the criteria listed in **Section 3.04.F.2.a(2)** above.

3. TIA Updates

A TIA shall be updated when the circumstances of the original study have changed significantly, as determined by the City Engineer.

4. Mitigation Required

Upon review of a TIA submitted in accordance with this **Section 3.04.F**, the City Engineer may require appropriate mitigation measures, including the following:

- a. Phasing construction to relate site Improvements to the Development of the required thoroughfare system;

- b. Off-Site Improvements, including the provision of Right-of-Way or the participation in funding for needed thoroughfare and intersection Improvement; or
- c. On-Site Improvements, including Access controls and site circulation adjustments.

G. Easements and Dedications

1. Generally

- a. Easements and dedication of all property needed for the construction of streets, Alleys, common Access Easements, sidewalks, storm drainage facilities, Floodways, water mains, wastewater mains, and other utilities, Retaining Walls, and any other property necessary to serve the Development shall be shown and dedicated on Plat documents.
 - (1) All required utilities shall be installed, reviewed, and approved by the City Engineer prior to subdivision acceptance.
 - (2) Such utilities shall be installed according to the specifications of the controlling utility company or public agency.
- b. When needed for effective operation, the agency responsible for any required Easement, including the City, may request for a wider Easement than otherwise required in this **Section 3.04.G**.
- c. Easements shall not be obstructed by any permanent Improvements, such as structures, Retaining Walls, or Landscaping trees required in **Chapter 4 Development Standards** below.
- d. A property owner may lawfully construct Fences and install Landscaping, such as Grasses and shrubs, within the limitations of any required Easement at their own risk of removal by the Easement operator.
 - (1) Improvements may be removed by the Easement operator for Access, utility service, or maintenance at the property owner's sole expense.
 - (2) Plant overgrowth, debris, and other encroachments within Easements shall be maintained in an acceptable state by the property owner.

2. Public Utility Easements (PUEs)

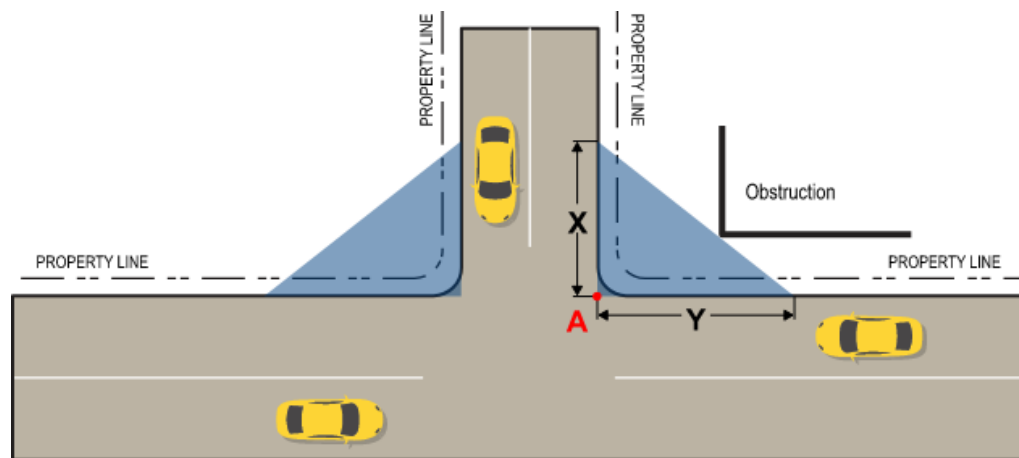
- a. PUEs of not less than twenty (20) feet in width shall be provided along the front and Rear Lot Lines of all Lots.
- b. PUEs not less than five (5) feet in width may be required alongside Lot Lines of all Lots for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, or other public utilities where necessary.
- c. All utilities for new subdivisions shall be placed underground unless approved otherwise by the City due to physical constraints of the site.
- d. Dedicatory language shall be placed on the face of a Plat that dedicates a PUE in accordance with the universal application requirements listed in **Section 1.03.C.2** above.

3. Storm Drainage Easements

- a. Storm drainage Easements shall be provided in accordance with the City Standard Specifications and Design Criteria Manual.
- b. If a watercourse, drainageway, channel, pond, or similar stormwater Infrastructure is located within the limitations of a proposed subdivision, a drainage Easement shall be provided encompassing the full limitations of the Improvement.
 - (1) It shall be the responsibility of the property owner to maintain such drainage Easement in an acceptable manner in perpetuity.

- (2) Any Improvements within the limitations of a drainage Easement encompassing a watercourse, drainageway, channel, pond, or similar natural stormwater Infrastructure shall require approval from the City Engineer, Federal Emergency Management Agency (FEMA), or other authority having jurisdiction, as applicable.
- c. Drainage Easements shall encompass the full limitations of all stormwater Infrastructure, including underground Improvements and adequate Access for maintenance when necessary.
 - (1) The subdivider may be required to have an engineer's study prepared to determine the appropriate limitations of a drainage Easement.
 - (2) Such study shall be in accordance with the City Standard Specifications and Design Criteria Manual.
- d. Regional Stormwater Detention
 - (1) Upon approval from the City Engineer, a subdivider may pay a fee-in-lieu of detention if it is determined the downstream Infrastructure has the Capacity to convey the designed stormwater per the City Standard Specifications and Design Criteria Manual.
 - (2) If construction of the regional detention system is approved, the subdivider shall pay into the City the established costs for private detention so that the City may construct a regional detention facility.
- 4. Sight Triangle Easement
 - a. Sight triangles shall be provided at all street-to-street, driveway-to-street, and Alley-to-street intersections.
 - b. Sight triangles shall be measured in accordance with **Figure 3.4 Sight Triangle Easement Measurement**, where "X" represents the interior depth, "Y" represents the exterior depth, and "A" represents the vertex created by extending the curb or pavement lines.

Figure 3.4. Sight Triangle Easement Measurement



- c. Minimum sight triangle leg dimensions shall be determined based on **Table 3.2. Sight Triangle Dimensions**.

Table 3.2. Sight Triangle Dimensions

Intersection Type	Sight Triangle Dimensions	
	X	Y
	All "Y" dimensions shall be increased by 25 feet per 5 MPH increase in speed limit of the external street beyond 35 MPH.	
Street-to-Street	25 feet	25 feet
Driveway-to-Street	20 feet	20 feet
Alley-to-Street	10 feet	10 feet

- d. Improvements within a sight triangle Easement, including but not limited to fencing, Landscaping, hardscaping, signage, and lighting fixture installation, shall not be between two (2) and eight (8) feet in height from Grade.

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Chapter 4. Development Standards

Section 4.01. General Provisions

A. Purpose

The purpose of this **Chapter 4 Development Standards** is to:

1. Promote the health, safety, comfort, and general welfare of the City by establishing minimum requirements for the Development or redevelopment of property;
2. Provide for proper vehicular and pedestrian circulation to and from residential and nonresidential uses; and
3. Mitigate any adverse impacts to existing and future residents and the environment that may be caused by Development.

B. Compliance Required

1. Compliance with this **Chapter 4 Development Standards** shall be required for the following, unless deemed unnecessary by the Community Development Director, prior to the issuance of a Certificate of Occupancy in accordance with **Section 1.04.F** above:
 - a. The Development or redevelopment of a Parcel, including the installation of any new structure, site revisions, vehicular Access, or parking;
 - b. The relocation of the primary structure on a Parcel;
 - c. A lawful change in the use of an existing structure, excluding individual tenants, where the change constitutes review and approval of different parking criteria per **Section 4.02** below; or
 - d. The redevelopment of a Parcel where there is an increase in:
 - (1) Gross Building area of fifty (50) percent; or
 - (2) Impervious area of twenty (20) percent.
2. Any lawfully existing Development established and approved prior to the effective date of these regulations shall remain valid.

C. Alternative Compliance Process

1. Generally
 - a. The purpose of the Alternative Compliance Process is to allow for different Development Standards that are in agreement with the purpose of these regulations, and will produce a substantially equivalent or enhanced level of results as intended by the original Development Standards.
 - b. Unless otherwise stated, requests for Alternative Compliance shall be determined by the responsible authority outlined in **Section 1.02.F** above.
2. Applicability
 - a. Requests for Alternative Compliance from provisions specifically cited within this **Chapter 4 Development Standards** may be submitted for review and approval along with the Development Plan for a Project, or with the Development's initial application.
 - b. Alternative compliance requested to any provision outside of this **Chapter 4 Development Standards** shall not be granted through the Alternative Compliance Process.

3. Determination

- a. In determining a request for Alternative Compliance, the approval authority shall confirm the alternative standard(s):
 - (1) Meet the intent of these regulations and this **Chapter 4 Development Standards**;
 - (2) Does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements; and
 - (3) Does not modify the land uses allowed in the zoning district in which the subject property is located.
- b. The approval authority shall not be obligated to grant a request for Alternative Compliance.
- c. Determination on Alternative Compliance requests shall be made on a case-by-case basis and shall not be used as precedent for additional or separate requests.

Section 4.02. Parking, Circulation, and Loading

A. Purpose

The purposes of this **Section 4.02** is to:

1. Encourage the efficient design and construction of vehicle maneuvering areas throughout the City;
2. Promote a high-quality built environment through parking area design;
3. Protect pedestrian and traffic safety; and
4. Supply reasonable amounts of parking and parking alternatives for patrons and business owners.

B. Applicability

1. Unless otherwise stated in this **Section 4.02**, parking and loading spaces shall be provided for all Building additions or Buildings erected, altered, or converted for any permitted use according to the following standards.
 - a. Existing Parking Spaces previously required shall not be used to satisfy additional required off-street parking for any new structures or uses of land.
 - b. Existing Parking Spaces shall be maintained and shall not be reduced below the minimum required amount so long as the Primary Building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this **Section 4.02**.
2. Vehicle parking may be provided exclusively, or with a combination of spaces on the subject Parcel, along an Abutting Right-of-Way where permissible, or as part of a shared parking agreement in accordance with **Section 4.02.D** below.
3. Off-street parking areas shall be upgraded to these minimum standards with a change in use.

C. General Provisions

1. Minimum Spaces Required

- a. The minimum number of Parking Spaces required shall be as indicated in the **Table of Allowed Uses**.
 - (1) The total parking requirement shall be the sum of the specific Parking Space requirements for each use classification included in the Building or Development.
 - (2) When the calculation of the number of off-street Parking Spaces yields a fraction of a whole number, the required parking minimum shall be rounded up to the next whole number.
- b. Off-street Parking Spaces shall be used solely by functioning motor vehicles owned by patrons, occupants, or employees of the associated primary use On-Site.

2. Maximum Spaces Permitted

Off-street Parking Spaces shall not exceed one hundred twenty-five percent (125%) of the required minimum Parking Spaces required by the **Table of Allowed Uses**.

3. Accessible Parking Spaces

In addition to the minimum Parking Spaces required by the **Table of Allowed Uses**, accessible Parking Spaces shall be provided in conformance with Federal Americans with Disabilities Act (ADA) requirements.

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4. Minimum Parking Area Standards
 - a. All Driveways and off-street parking shall be constructed in accordance with **Section 4.02.E** below.
 - b. The parking of any motor vehicle, trailer, or Recreational Vehicle on gravel, Grass, pavers, or other unimproved surface shall be prohibited unless fully located in the rear yard and screened from view from Abutting thoroughfares.
 - c. The obstruction of any sidewalk, Alley, emergency vehicle, or utility vehicle way by any on- or off-street parking area shall be prohibited.
 - d. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
 5. Parking Requirements for New or Unlisted Use
 - a. Where questions arise concerning the minimum parking requirements for any use not specifically listed in the **Table of Allowed Uses**, the Community Development Director shall assign the ratio of a similar use.
 - b. An Applicant for a new or unlisted use may submit a professionally prepared parking study to the Community Development Director for consideration. Such study shall justify the proposed parking ratio using industry data and latest trip generation estimates published by the Institute of Transportation Engineers (ITE).
 6. Acceptable Materials
 - a. In addition to the parking area standards outlined in **Section 4.02.C.4** above, all commercial and multifamily parking areas, driveways, and vehicle maneuvering areas shall be constructed of concrete, asphalt, or other material approved by the Community Development Director and Parking Lot Construction Standards maintained by the City.
 - b. In addition to the parking area standards outlined in **Section 4.02.C.4** above, other residential driveways and parking areas shall utilize the following materials and construction methods unless otherwise approved by the Community Development Director:
 - (1) Pavers;
 - (2) Concrete ribbon strips;
 - (3) Concrete; and
 - (4) Asphalt, excluding asphalt millings.
 - c. Gravel residential driveways are permitted within the LA, Loring Agricultural District, LR, Loring Residential District, and RR, Rural Residential District the approach of said driveways must be paved.
 - D. Shared Parking Agreements
 1. The intent of a Shared Parking Agreement is to provide an opportunity for mutual Off-Site parking areas between uses of the same or less restrictive zoning classification in the following cases:
 - a. When the required amount of Parking Spaces cannot be provided due to the size, shape, or other physical limitation of one or both Lots or Parcels;
 - b. An existing or proposed parking area provides excess Parking Spaces that may be easily accessed by surrounding properties in accordance with this **Section 4.02.D**; or
 - c. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the shared parking provided.

2. In all cases listed in **Section 4.02.D.1** above, shared Parking Spaces located on other property shall conform to applicable City ordinances and use regulations of the zoning district in which the other property is located.
 3. Properties engaged in a Shared Parking Agreement shall be located within 500 feet of one another, and shall provide a suitable path of pedestrian travel connecting the shared Parking Spaces to the subject use, as determined by the Community Development Director.
 - a. Properties shall be subject to appropriate deed or Easement restrictions, approved by the Community Development Director and recorded in the office of the Register of Deeds of the County in which such other property is located, binding such properties and the owners and assigns thereof to maintain a specified area exclusively for the use as Parking Spaces for the said new use, structure, or Building.
 - b. Such deed or Easement restriction shall explicitly apply throughout the existence of such new use, structure, or Building in which such Parking Spaces are necessary, or until an equal area or number of such Parking Spaces are provided elsewhere.
 4. Applicants may be required to submit survey data substantiating a request for reduced parking requirements as determined by the Community Development Director.
- E. Off-Street Parking Dimensions and Design Criteria
1. All required off-street Parking Spaces shall be at least nine (9) feet in width and at least eighteen (18) feet in depth.
 - a. Where a Parking Space terminus abuts a Landscaped Area, property line, pedestrian walkway, or another Parking Space, a non-mountable curb or wheel stop shall be provided to prevent overhang.
 - b. When required, a non-mountable curb or wheel stop shall be located two (2) feet from the Parking Space terminus, yielding sixteen (16) feet of parking depth within the stall.
 2. Each required off-street Parking Space shall open directly upon an aisle or Driveway of such width and design as to provide safe and efficient means of vehicular Access to such Parking Space.
 3. Off-street parking area lighting shall be in accordance with **Section 4.09** below.
 4. Unless otherwise required to support minimum fire and emergency Access requirements, all parking within Off-Site parking areas shall be constructed using one of the following configurations listed in **Table 4.1. Parking Angle Configurations**.
 5. Parking Lot Construction Standards

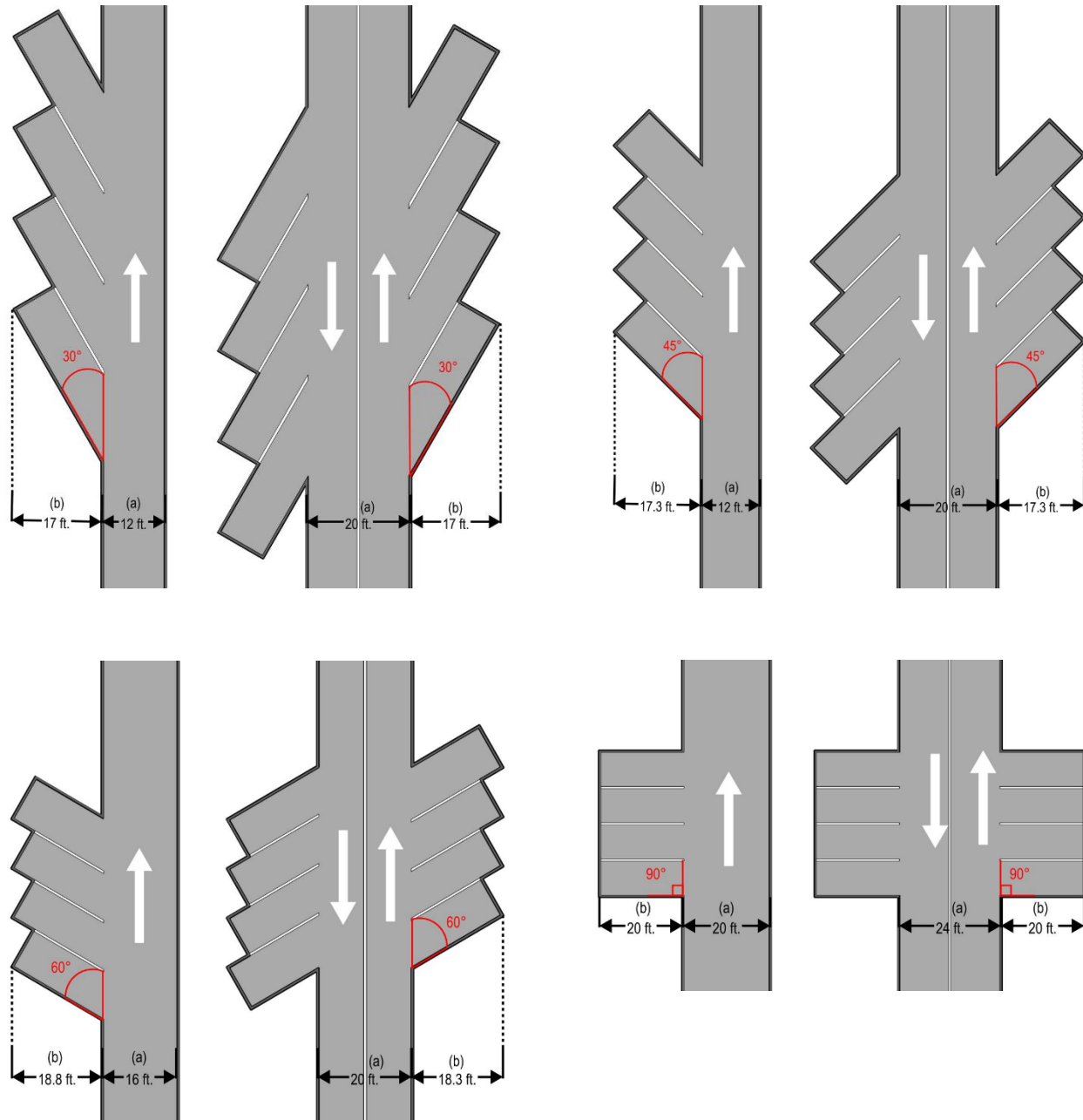
All parking areas shall be constructed of materials and methods specified in the Parking Lot Construction Standards maintained by the City.

Table 4.1. Parking Angle Configurations

Parking Angle	One-Way Circulation		Two-Way Circulation	
	Aisle Width (a)	Linear Stall Width (b) ¹	Aisle Width (a)	Linear Stall Width (b) ¹
30°	12'	17'	20'	17'
45°	12'	17.3'	20'	17.3'
60°	16'	18.8'	20'	18.8'
90°	20'	20'	24'	20'

¹ Linear Stall Width (b) is measured perpendicular to the drive aisle.

Figure 4.1. Typical Parking Configurations



F. Use Specific Parking Standards

1. Single-Family Residential Parking Standards

- a. No more than thirty-five (35) percent of the front, side, or rear yard may be covered with Driveways or parking surface.
- b. No vehicle with a manufacturer's gross vehicle weight of 12,500 pounds or greater may be parked in residential districts for other than temporary delivery purposes with the exception of Recreational Vehicles.
 - (1) Recreational Vehicles shall be parked in accordance with **Section 4.02.C.4** above, and shall not be visible from a public Right-of-Way or sidewalk.
 - (2) Recreational Vehicle parking within a Right-of-Way in excess of two (2) weeks shall be prohibited.
 - (3) No more than one (1) Recreational Vehicles per Dwelling Unit shall be parked On-Site.
- c. Construction vehicles and trailers are not permitted to be parked or stored in residential districts unless on an active construction site where construction is being carried on under an approved, valid construction permit.

2. Nonresidential, Multi-Family, and Mixed-Use Parking Standards

- a. Parking areas shall be laid out to continue the street or Block pattern of the area so that the Lots can easily be redeveloped with Buildings consistent with the design of the surrounding Development.
- b. No more than two (2) rows of Parking Spaces shall be located between a Building Façade and street Right-of-Way unless otherwise approved by the Community Development Director.
- c. Parking rows shall not exceed twelve (12) consecutive Parking Spaces within a group. **ENT (Entertainment and Amusement) zoning shall be allowed twenty-four (24) consecutive spaces.**
 - (1) Parking islands shall be used between and at the terminus of all parking groups to soften the impact of impervious cover.
 - (2) Parking islands shall be surrounded by a six-inch, non-mountable curb, and shall be at least nine (9) feet in width and at least eighteen (18) feet in depth from face-of-curb to face-of-curb.
 - (3) Parking islands shall be landscaped in accordance with **Section 4.03.G.1** below.

G. Vehicle and Pedestrian Circulation for Nonresidential, Multi-Family, and Mixed-Use Developments

1. Vehicular Circulation

- a. Vehicular circulation routes, or Driveways, shall be provided between nonresidential and multi-family properties so as to limit the need for vehicle trips onto external thoroughfares.
 - (1) When developing adjacent to undeveloped property, internal Driveway stub outs shall be provided to the property line to allow for future extension.
 - (2) No dead-end Driveways shall exceed one hundred fifty (150) feet in length without a turnaround approved by the Fire Department.
- b. Driveways shall be shown and dedicated on a Plat within Mutual Access Easements and shall explicitly allow for the unimpeded Access of vehicles to and from the site.
 - (1) The width of Driveways shall be determined by the parking angles set forth in **Table 4.1. Parking Angle Configurations.**

- (2) Where no Parking Spaces are proposed along the full extent or portion of a Driveway, a minimum width of twelve (12) feet and twenty-four (24) feet shall be used for one- and two-way Driveways, respectively.
- (3) Mutual Access Easements shall utilize a minimum interior turning radii of fifteen (15) feet.

2. Pedestrian Circulation

- a. Pedestrian circulation patterns shall be considered and included in the design of all nonresidential and multi-family Developments to prevent frequent vehicular trips between Abutting or nearby Parcels.
- b. Pedestrian connections shall be constructed of concrete or other hard-surface material as determined appropriate by the Community Development Director.
- c. A pedestrian connection to the entrance of all structures intended for use shall be provided within one hundred (100) feet of all off-street Parking Spaces.
 - (1) Pedestrian connections shall be provided from an Abutting perimeter public sidewalk to the internal circulation pattern, if applicable.
 - (2) Pedestrian connections internal to parking areas shall be distinguished from driving surfaces by textured, painted, or raised pavement, and lit in accordance with **Section 4.09** below.
- d. Pedestrian connections shall conform to ADA requirements. Barrier-free ramps shall be provided for Access where necessary and shall be directional towards a receiving ramp.

H. Vehicle Stacking Requirements

1. Generally

- a. When required in accordance with **Section 2.06.B.5** above, stacking spaces shall be provided in addition to the minimum On-Site Parking Spaces.
- b. Stacking spaces shall not obstruct any Driveway, pedestrian connection, loading area or dumpster approach, or emergency Access route required in these regulations.

2. Stacking Space Dimensions and Design Criteria

- a. Stacking spaces shall be not less than ten (10) feet in width and twenty (20) feet in depth.
- b. An escape lane of no less than twelve (12) feet in width or similar mechanism, as deemed appropriate by the Community Development Director, shall be provided along the full extent of the required stacking spaces.
- c. Drive-through lanes, including all associated stacking spaces and escape lanes, shall be located internal to the site so that the lanes are not between a Building and an Abutting Right-of-Way unless otherwise determined as impractical by the Community Development Director.
- d. If deemed impractical, additional Landscaping shall be installed to screen the drive-through lanes from public view from either On-Site or Off-Site, using a vantage point six (6) feet in height from Grade.
 - (1) Public view shall be considered the visibility of the drive-through lanes from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park in accordance with **Section 4.07** below, plaza, mutual Access Easement, or other area intended for public gathering or use.

- (2) For the purposes of determining visibility, the first and last stacking space within the drive-through lanes shall not be considered, and may be visible from public view.

3. Number of Required Stacking Spaces

The number and origin of required stacking spaces shall be provided in accordance with **Table 4.2. Stacking Space Requirements.**

Table 4.2. Stacking Space Requirements

Use	Stacking Spaces Required
Drive-Through in conjunction with a Restaurant	4 spaces from the first stopping point, plus 1 space per additional stopping point, plus 1 space after the last stopping point
Fuel Pump	1 space per pump
Day Care Center	1 space per 10 children enrolled starting at the stopping point
Other Drive-Through use	4 spaces from the first stopping point, plus 1 space per additional stopping point

I. Loading Space Requirements

- Off-street loading spaces shall be provided for all nonresidential Buildings involving the receipt or distribution of materials or merchandise by motor vehicles.
- Loading spaces shall be located to the rear of the property, and shall not be visible from a public-Right-of-Way.
- Loading spaces, including the required berth, shall not encroach or interference with any street, Alley, pedestrian walkway, or emergency Access.
- Loading spaces shall be provided in accordance with **Table 4.3. Loading Space Requirements**

Table 4.3. Loading Space Requirements

Gross Floor Area (SF)	Required Number of Loading Spaces	Minimum Loading Berth Dimensions	
		Length	Width
≤ 9,999	1	25'	10'
10,000 – 39,999	3	70'	10'
40,000 ≤	3, plus 1 per 40,000 additional SF	70'	10'

Section 4.03. Landscaping and Buffering

A. Purpose

The purpose of this **Section 4.03** is to:

1. Complement architecture, provide shade, focus attention, add natural elements to paved surfaces, and improve the visual quality of site design;
2. Blend and replenish native tree stock where possible and, in all cases, to utilize low maintenance species common to this region;
3. Buffer and screen unsightly views and incompatible uses of the land or Development; and
4. Maintain and improve the environment by air purification, oxygen regeneration, ground water recharge, storm water runoff reduction, and noise, glare, and heat abatement.

B. Applicability

1. Compliance Required

Unless otherwise stated, this **Section 4.03** shall apply to:

- a. The installation of Landscaping, either voluntarily or required, for all new Developments; and
- b. Construction or site redevelopment where new or existing plantings are proposed to be installed, repaired, or replaced.

2. Exemptions for Single-family Properties

When developed with a primary structure, individual single-family Lots are exempt from the requirements of this **Section 4.03**, but shall comply with the following criteria:

- a. Landscaping shall be planted with the property owner's discretion, and shall not prevent any utility operations required in these regulations;
- b. Landscaping shall not be an invasive species or detriment to surrounding property;
- c. Landscaping shall comply with the minimum maintenance requirements established in **Section 4.03.D.1** below; and
- d. No planting other than an approved ground cover shall be permitted adjacent to a single-family property within a Right-of-Way unless otherwise stated.

C. Landscape Plan Required

1. The purpose of a landscape plan is to confirm compliance with this **Section 4.03**.
2. A landscape plan, signed and sealed by a registered landscape architect, shall be included with all Development Plan applications required in **Section 1.04.A** above.
3. Landscape plan applications shall conform to the universal application requirements listed in **Section 1.03.C.2** above.

D. General Planting Requirements

This **Section 4.03.D** establishes general planting requirements applicable to all required Landscaped Areas, Common Area Lots, and dedicated or reserved parkland Lots.

1. Timing

All required landscape plantings shall be installed and found conforming prior to issuance of a Certificate of Occupancy in accordance with **Section 1.04.F** above.

2. Maintenance
 - a. Landscaped Areas and plantings shall be maintained in healthy, growing condition, and shall be replaced with the species and specifications approved on the Landscape Plan if damaged, destroyed, or removed.
 - b. Landscaped Area and planting maintenance shall be the responsibility of the property owner, Homeowners' or Property Owners' Association, as applicable.
 - c. Landscaped Areas shall be kept free of trash, litter, weeds, or other such materials or plants not approved on a Landscape Plan.
 - d. The City may deliver notice of noncompliant plantings via certified mail. The entity responsible for maintenance shall establish compliance within ninety (90) calendar days of the City's notice.
 - e. No plantings shall limit a minimum clearance of ten (10) feet above sidewalks and fourteen (14) feet above all Right-of-Ways.
3. Irrigation Required
 - a. All Landscaped Areas shall be irrigated with an Automatic Irrigation system, or shall be within one hundred (100) feet from a hose and spigot source to allow for manual application.
 - b. Automatic Irrigation shall be covered at all times with approved ground cover. Any above-ground irrigation equipment shall be subject to the screening requirements of **Section 4.05.F.1** below.
 - c. The Community Development Director may reduce or eliminate irrigation requirements for applications of xeriscape plantings and design.
 - (1) Plantings used in xeriscape design shall meet the minimum dimensional standards required by this **Section 4.03**.
 - (2) Applications utilizing xeriscape design shall include a narrative, signed and sealed by a registered landscape architect, attesting to the functionality and survivability of the proposed plantings.
4. Planting Area Design
 - a. Required Landscaped Areas shall be bounded by either a curb, Fence, or wall on all sides.
 - b. Changes in ground cover material internal to required Landscaped Areas shall be separated by landscape edging between three (3) inches and six (6) inches in height.
 - (1) Landscape edging material may be steel, masonry, or a combination thereof.
 - (2) Landscape edging shall be identified and approved on a required Landscape Plan.
 - c. All required shrub planting areas shall be no less than four (4) feet in width and shall be covered with a layer of mulch or gravel no less than two inches in depth.
 - d. Where no shrub planting area is proposed, all Landscaped Areas shall utilize an approved ground cover specified in the Approved Plant List.
5. Plantings Within Easements or Right-of-Ways
 - a. When installing plantings within an Easement, the Applicant or property owner shall provide written confirmation from the Easement operator granting the proposed planting prior to approval.

- b. Any operator of an Easement or Right-of-Way may, at any time, remove or require Landscaping to be removed from the area at the sole expense of the property owner. If the removed plantings were required by these regulations, replacement shall be accommodated in accordance with **Section 4.03.D.1** above.
 - c. An owner of property Abutting a Right-of-Way is responsible for maintaining any Landscaping located within the Right-of-Way along the property frontage, and within any Easements located on the property.
6. Approved Plant and Required Diversity
- a. The Community Development Director shall be responsible for maintaining a list of approved plant species and materials (the Approved Plant List) in which all plantings required in this **Section 4.03** shall be selected.
 - (1) Applicants may request that a plant species be added or considered applicable to the requirements of this **Section 4.03**.
 - (2) Requests for plant species consideration shall be made to the Community Development Director, signed and sealed by a registered Landscape Architect, and shall provide sufficient data and information supporting the species' viability and function in meeting the intent of this **Section 4.03**.
 - b. When more than five (5) plantings of a single group identified in the list of approved plant species are required by this **Section 4.03**, a single species may not exceed more than twenty-five (25) percent of the required plantings of that group.
 - c. Plantings proposed in excess of those required by this **Section 4.03** may be of a species not identified on the list of approved plant species, and shall comply with the following:
 - (1) Landscaping shall not be an invasive species or detriment to surrounding property; and
 - (2) Landscaping shall comply with the minimum maintenance requirements established in **Section 4.03.D.1** above.
7. Rules of Measurement and Minimum Planting Dimensions
- a. Plant Spacing
 - (1) When referenced in this **Section 4.03**, plant spacing shall be measured from the center point of shrubs or trees.
 - (2) In no instance shall a tree be planted within three (3) feet of pavement or other impervious surfaces, including sidewalks, Driveways, and curbs.
 - b. Planting Heights
 - (1) Unless stated otherwise, when referenced in this **Section 4.03** plant height shall be measured at the time of planting from finished Grade to the top-most extension of the plant.
 - (2) Minimum planting heights shall be provided as follows:
 - (a) Shade Trees: 12 feet
 - (b) Ornamental Trees: 8 feet
 - (c) Shrubs: 24 inches
 - (3) When weather or other conditions restrict the capability of sourcing plantings compliant with height requirements, the Community Development Director may reduce the minimum planting heights as deemed appropriate.

- c. Tree Caliper
 - (1) Trees required by this **Section 4.03** shall be planted with the following minimum trunk Calipers, measured six (6) inches above Grade:
 - (a) Shade trees: 3 inches in Caliper
 - (b) Ornamental trees: 2 inches in Caliper
 - (2) Trees with multiple trunks starting six (6) inches above Grade or lower shall be measured as the summation of half of each individual trunk Caliper.
 - (3) Trees credited towards tree mitigation requirements shall be planted in accordance with **Section 4.04.D.2** below.
- 8. Existing Plants and Substitutions
 - a. Where an existing plant is located within the following radii of a plant required by this **Section 4.03**, the existing plant, if preserved, may be applied to the planting requirement:
 - (1) Trees: Within twenty-five (25) feet
 - (2) Shrubs: Within five (5) feet
 - b. When applied, existing plants shall meet the minimum planting requirements outlined in this **Section 4.03.D**, including condition, health, size, and species, and shall be protected during On-Site construction in accordance with **Section 4.04.E** below. Where an Existing Tree is protected and applied towards mitigation credit, the minimum preservation requirements of **Section 4.04.D.2** below shall apply.
 - c. When required by this **Section 4.03**, shade trees may be substituted with ornamental trees at a rate of 3:1.
 - (1) Ornamental trees must be of an approved variety on the Approved Plan List.
 - (2) Substituted ornamental trees shall be grouped no further than twelve (12) feet apart, with the center point of the grouping within three (3) feet of the required shade tree location.
- E. Buffering Requirements
 - 1. General Requirements and Standards
 - a. Buffering widths and plantings shall be provided along internal or external street Right-of-Ways, and along property lines as required by this **Section 4.03.E**.
 - b. Buffering plantings shall be in conjunction with any screening wall or Fence required in accordance with **Section 4.05** below. Where a wrought iron or decorative metal Fence is proposed, any required opaque plantings may count towards the buffer shrubbery requirements, if applicable.
 - c. Buffering widths and plantings shall be located internal to the developing Lot, exclusive of any required Right-of-Way dedication.

Figure 4.2. Thoroughfare Screen



- d. Buffering widths and plantings shall be consistent with the exception of any street, Alley, or Driveway intersection, in which case the buffer area and planting shall pause to accommodate any pavement or required sight triangle in accordance with **Section 3.04.G.4** above.
 - e. No structure or Building shall be located within a required buffer area. Signs, screening walls, and Fences constructed in accordance with these regulations shall be permitted within buffer areas unless otherwise specified.
2. Required Buffer Widths and Plantings
- a. Single-Family Residential Thoroughfare Development Buffers
Buffer widths and plantings shall be provided for all single-family residential Developments with Lots siding or backing onto external thoroughfares as follows:
 - (1) Local Street:
 - (a) Buffer width: None
 - (b) Buffer plantings: None
 - (2) Collector Street
 - (a) Buffer width: None
 - (b) Buffer plantings: None
 - (3) Arterial Street
 - (a) Buffer width: 25 feet
 - (b) Buffer plantings: One shade tree per 40 feet of length, and one shrub per three feet of length
 - (4) Highway (Interstate or State)
 - (a) Buffer width: 50 feet
 - (b) Buffer plantings: One shade tree per 30 feet of length, and one shrub per three feet of length
 - b. Nonresidential, Multi-Family, and Mixed-Use Development Buffers
 - (1) Incompatibility Buffer Width and Plantings
 - (a) Incompatibility buffers shall be provided between nonresidential, multi-family, and mixed-use Developments that abut single-family residential uses or zoning classifications.
 - (b) Incompatibility buffers shall be no less than twenty-five (25) feet in width along the entirety of the shared property line, and shall contain the following plantings:
 - (i) Trees: One shade tree per 30 feet of length
 - (ii) Shrubs: One shrub per three feet of length
 - (c) In addition to the planting requirements listed in **Section 4.03.E.2.b(1)(b)** above, incompatibility buffers shall provide screening wall or Fence mechanisms in accordance with **Section 4.05.F** below.

(2) Nonresidential, Multi-Family, and Mixed-Use Thoroughfare Buffer Widths

Buffer widths and plantings shall be provided for all nonresidential, multi-family, and mixed-use Developments with Lots siding or backing onto external thoroughfares as follows:

(a) Local Street

- (i) Buffer width: 15 feet
- (ii) Buffer plantings: One shade tree per 50 feet of length, and one shrub per three feet of length

(b) Collector Street

- (i) Buffer width: 20 feet
- (ii) Buffer plantings: One shade tree per 40 feet of length, and one shrub per three feet of length

(c) Arterial Street

- (i) Buffer width: 25 feet
- (ii) Buffer plantings: One shade tree per forty 40 feet of length, and one shrub per three feet of length

(d) Highway (Interstate or State)

- (i) Buffer width: 50 feet
- (ii) Buffer plantings: One shade tree per 30 feet of length, and one shrub per three feet of length

3. Additional Buffers

Additional buffering around environmentally sensitive areas and established waterways may be required for all Developments in accordance with **Section 4.10.E** below.

F. Single-Family Residential Landscaping Requirements

In addition to the buffering requirements outlined in **Section 4.03.E** above, single-family residential Developments, including new homes on individual Lots, shall comply with this **Section 4.03.F**.

- 1. Each Lot shall provide at least two (2) trees, one of which must be a shade tree or appropriate substitution.
- 2. Trees may be installed following the acceptance of a Plat, but shall be planted in accordance with this **Section 4.03** prior to the issuance of a Certificate of Occupancy.

G. Nonresidential, Multi-Family, and Mixed-Use Landscaping Requirements

In addition to the buffering requirements outlined in **Section 4.03.E** above, nonresidential, multi-family, and mixed-use Developments shall comply with this **Section 4.03.G**.

1. Interior Landscaping Requirements

a. Generally

- (1) Interior Landscaping is required for all off-street parking areas required by **Section 4.02** above.
- (2) For the purposes of this **Section 4.03.G.1**, parking area shall include all Parking Spaces, interior vehicle and pedestrian Access ways, and parking area islands.

- (3) Interior Landscaped Areas shall be no less than three (3) feet in width, and shall be a minimum area of one hundred fifty (150) square feet.
 - (4) Interior Landscaped Areas shall be protected from vehicular traffic by curbs, bollards, or similar structures.
 - b. Interior Landscaped Area
 - (1) No less than ten (10) percent of all parking areas shall be landscaped with pervious cover in accordance with **Section 4.03.D** above. Parking area islands may be applied to this requirement.
 - (2) Sixty (60) percent of required Interior Landscaped Areas shall be within a front or side yard.
 - c. Parking Island Planting Requirements
 - (1) When required by **Section 4.02.F.2** above, parking islands shall include one shade tree centered within the island.
 - (2) Parking islands shall be covered in a ground covering specified on the Approved Plan List.
 - (3) Shrubbery or ornamental Grasses shall cover a minimum of fifty (50) percent of parking area islands.
2. Overall Landscaping Area
- a. Exclusive of required buffer areas (**Section 4.03.E** above) and interior Landscaped Areas (**Section 4.03.G.1** above), nonresidential, multi-family, and mixed-use Developments shall landscape five (5) percent of the gross site area with pervious cover in accordance with **Section 4.03.D** above.
 - (1) Parkland dedication required in **Section 4.07** below shall be applicable to the minimum required overall Landscaping area.
 - (2) Overall Landscaping areas shall be no less than three (3) feet in width.
 - b. One shade tree shall be required for every 3,000 square feet of required overall Landscaping area.
 - (1) Buffering and parking area island trees shall not be applied to overall Landscaping area trees.
 - (2) Overall Landscaping area trees may be located throughout the site.

Figure 4.3. Parking Area Island Landscaping

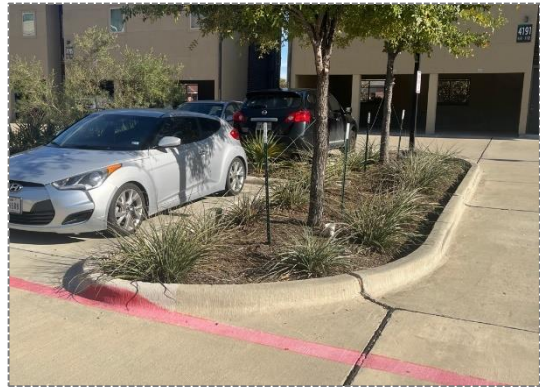
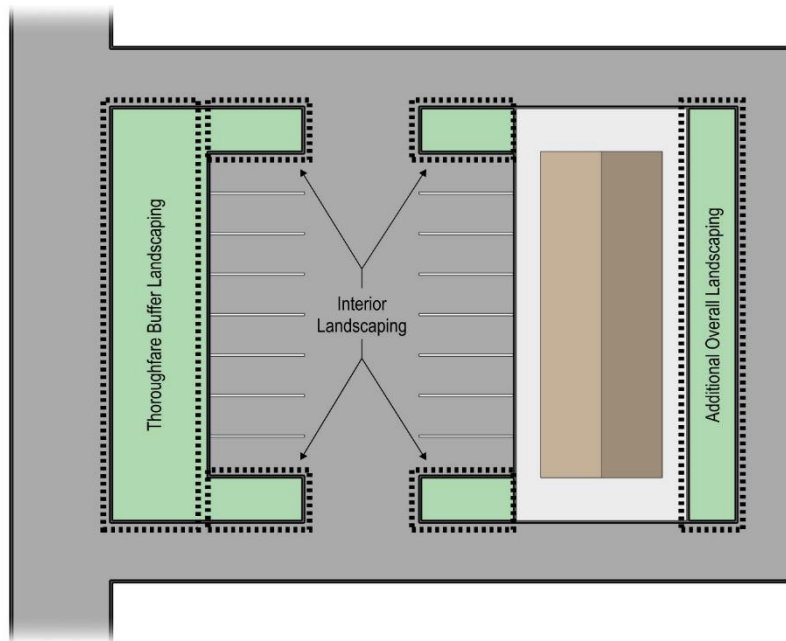


Figure 4.4. Required Landscaping Types



H. Low-Impact Design (LID) Alternatives

1. Purpose and Applicability

- a. The purpose of this **Section 4.03.H** is to provide additions or alternatives to the plant species, materials, minimum quantity, irrigation, and Landscaped Area dimensions requirements outlined in **Section 4.03** above.
 - (1) This **Section 4.03.H** is not intended to establish alternative compliance measures for the remaining requirements of this **Section 4.03**.
 - (2) All administrative and general requirements listed in **Section 4.03.A, B, C, and D** above shall be required unless explicitly stated in **Section 4.03.H.1.a** above.
- b. LID alternatives may be substituted to encourage water conservation, reduce energy costs, and promote stormwater infiltration prior to discharge.

2. LID Techniques

- a. The techniques listed in this **Section 4.03.H.2**, if implemented for credit, shall be applied to shared Improvements and assessed to the entire Project site, not individual Lots within a Development.
- b. All LID techniques shall be maintained in operable order by the property owner, Homeowners' or Property Owners' Association, as applicable, in perpetuity.
- c. The following techniques may be implemented and counted towards the LID bonuses outlined in **Section 4.03.H.3** below:
 - (1) Conservation

At least twenty-five (25) percent of the site is conserved in its natural state during and after construction.

 - (a) Landscaping protection measures and conservation Easements may be required by the Community Development Director.

(b) Conserved land within a conservation Easement may be counted towards the requirements of this **Section 4.03.H** and the parkland dedication requirements of **Section 4.07.G** below.

(2) Impervious Cover

Impervious cover On-Site does not exceed eighty (80) percent of the maximum Lot Coverage permitted per the applicable zoning district outlined in **Section 2.04** above.

(3) Irrigation

All Landscaped Areas are designed to use a drip irrigation system, utilize harvested rainwater, or a combination of the two techniques, exclusively.

(4) Permeable Construction

At least forty (40) percent of all paved areas, exclusive of Parking Spaces, curbs, and vehicular ways, utilize permeable paving techniques such as pavers or pervious concrete, as approved by the City Engineer.

(5) Pollinator Gardens

At least five (5) percent of all Landscaped Areas are planted with shrubbery and Grasses that attract and harbor pollinators, such as butterflies and bees, as identified by a registered landscape architect.

(6) Rainwater Collection

All structures On-Site are equipped with a rainwater storage tank(s) capable of capturing at least twenty (20) percent of the rain volume flow from the Roof anticipated from a one (1) inch rainfall event. Rainwater may be used for external landscape irrigation or internal Building reuse.

Figure 4.5. Permeable Construction



Figure 4.6. Pollinator Garden



Figure 4.7. Rainwater Collection



(7) Runoff Filtration

Primary stormwater discharges are equipped with permanent filtration methods, such as bioswales, bio-retention ponds, or constructed wetlands, that are of adequate size to filter all discharge from the selected location.

(8) Xeriscaping

(a) Single-Family Residential Development

At least forty (40) percent of Landscaped Area, including thoroughfare and incompatibility buffers, utilizes native or drought-tolerant species for ground cover, shrubbery, and trees, with less than five (5) percent of the area using turf Grass.

(b) Multi-Family and Nonresidential Development

All Landscaped Areas, excluding thoroughfare and incompatibility buffers, utilize native or drought-tolerant species for ground cover, shrubbery, and trees, with less than five (5) percent of the area using turf Grass.

Figure 4.8. Bioswale, Runoff Filtration



Figure 4.9. Xeriscaping



3. LID Bonuses

- a. Development bonuses outlined in **Table 4.4. Low-Impact Design Bonuses** are cumulative, meaning each additional LID technique selected shall grant the bonus of the total LID techniques utilized in addition to the preceding options.
- b. Utilizing the LID techniques outlined in **Section 4.03.H.2** above may grant the following bonuses:

Table 4.4. Low-Impact Design Bonuses

Number of LID techniques utilized from Section 4.03.H.2	Development Bonus(es)
Single-Family Residential Developments	
2	Reduction in the overall parkland dedication required in Section 4.07.D below by fifteen (15) percent.
3	Reduction in the front yard setback required in Section 2.04 above by fifty (50) percent, not to be smaller than ten (10) feet or the width of utility Easements.
4+	Reduction in the minimum residential Lot Area required in Section 2.04 above by ten (10) percent.
Nonresidential, Multi-Family, and Mixed-Use Developments	
1	Reduction in the shade trees required in Section 4.03.G.2.b above by fifty (50) percent.
2	Reduction in the overall parkland dedication required in Section 4.07.D below by twenty (20) percent.
3	Reduction in the total required tree mitigation inch calculation required in Section 4.04.D.1 below by twenty (20) percent.
4+	Reduction in the minimum Parking Space quantity required in the Table of Allowed Uses by twenty (20) percent.

Section 4.04. Tree Preservation

A. Purpose

The purpose of this **Section 4.04** is to:

1. To protect the City's character by preventing indiscriminate removal or destruction of trees.
2. To retain high-priority trees and limit unnecessary tree removal on redeveloped or undeveloped sites.
3. To establish tree protection measures during Development and reward tree protection efforts by flexible Development Standards.
4. To preserve significant trees that are unique, native, possess exceptional aesthetic value, or otherwise considered a valuable community resource.

B. Applicability

1. Compliance Required

Unless otherwise stated, this **Section 4.04** applies to:

- a. All new Development within the City and ETJ, or redevelopment where a site modification alters a tree protected under this section;
- b. All new applications for a Plat; and
- c. Trees located within an existing Right-of-Way.

2. Exempted Trees and Activities

The following trees and activities are exempt from the requirements of this **Section 4.04**:

- a. Any tree removed by the City or public utility within a Right-of-Way, dedicated Easement, or thoroughfare buffer required in **Section 4.03.E** above.
- b. A dead, diseased, or damaged tree which is deemed beyond the point of recovery, at risk of spreading disease, or at risk of causing injury to persons or property.
 - (1) Trees may only be classified as dead, diseased, or damaged following the submittal of written determination from a certified arborist to the Community Development Director.
 - (2) If confirmed as dead, diseased, or damaged, the property owner shall remove the tree in a timely manner.
- c. Trees that, following an act of nature, interfere with emergency response efforts, including but not limited to maintaining reliable electric, phone, or internet service and establishing routes for emergency vehicle response.
- d. Trees planted and growing on the premises for sale at a nursery.
- e. Any tree less than ten (10) Caliper inches at Diameter at Breast Height on an established single-family residential property.
- f. Any tree less than two (2) Caliper inches at Diameter at Breast Height.

C. Tree Removal Permit

1. Permit Required

- a. Unless exempt in accordance with **Section 4.04.B.2** above, the removal of any Protected Tree shall require approval of a Tree Removal Permit.
- b. An approved Tree Survey included with a Development Plan in accordance with **Section 1.04.A** above may suffice as a Tree Removal Permit application.

- c. Applications for a Tree Removal Permit shall comply with the universal submittal requirements of **Section 1.03** above.
- 2. Permit Approval and Effect
 - a. Applications for a Tree Removal Permit shall be approved by the responsible entity outlined in **Section 1.02.F** above after determining that no reasonable alternative may be taken to preserve the subject tree(s).
 - b. Following approval, a Tree Removal Permit shall be valid for ninety (90) calendar days.
 - (1) The Community Development Director may provide an extension for up to thirty (30) days provided written request has been made by the permit holder prior to the permit expiration.
 - (2) If substituted with a Tree Survey, the ninety (90) calendar day validity period shall begin following approval of the Development Plan.

3. Permit Requirements

In addition to the universal application requirements specified in **Section 1.03.C.2** above, applications for a Tree Removal Permit or substituted Tree Survey shall include the following:

- a. Signature, seal, or other verification of preparedness from a certified arborist.
- b. A survey of the subject property identifying all Protected Trees in relation to anticipated impervious Improvements and property boundaries. Protected Trees shall be shown with icons of accurate scale to the On-Site tree canopy.
- c. A list of all trees classified in **Section 4.04.D.1** below in tabular format with the following information:
 - (1) Unique tree identification number corresponding to the survey;
 - (2) Common and botanical names for the tree;
 - (3) Caliper measured at DBH;
 - (4) Notation if tree is to be removed or preserved; and
 - (5) Preservation ratio and required mitigation credits per **Section 4.04.D.1** below.
- 4. Penalty for Removal Without Permit

In addition to the violations and fines described in **Section 1.01.I** above, the removal or damage of a tree without a permit filed and approved in accordance with this **Section 4.04.C** may be subject to a fine equivalent to the cost of replacement trees planted in accordance with **Section 4.04.D.2.b** below.

D. Tree Preservation and Mitigation Credits

1. Tree Preservation Ratios

Trees unexempted by **Section 4.04.B.2** above shall be classified as follows and shall be subject to the following preservation ratios.

- a. Small Tree
 - (1) DBH: two (2) inches to eight (8) inches
 - (2) Ratio: for every inch removed, one (1) inch of mitigation is required
- b. Medium Tree
 - (1) DBH: eight (8) inches to twenty (20) inches
 - (2) Ratio: for every inch removed, two (2) inches of mitigation are required

c. Large Tree

- (1) DBH: twenty (20) inches or greater
- (2) Ratio: for every inch removed, three (3) inches of mitigation are required

2. Mitigation Credits

The removal of any tree classified in **Section 4.04.D.1** above shall be mitigated at the appropriate preservation ratio by one of, or any combination of, the following mitigation credit methods.

a. On-Site Preservation

- (1) When calculating On-Site preservation Calipers, all measurements shall be taken at DBH.
- (2) For every Caliper of tree classified in **Section 4.04.D.1** above preserved On-Site, one (1) Caliper inch of required preservation may be claimed.
- (3) Preserved Calipers shall apply at a one-to-one (1:1) ratio, and shall not be multiplied by the preservation ratios described in **Section 4.04.D.1** above.
- (4) Existing Trees preserved On-Site shall be protected in accordance with **Section 4.04.E** below.

b. Tree Replacement

- (1) Replacement tree Calipers shall be measured in accordance with **Section 4.03.D.7.c** above.
- (2) Shade trees required under **Section 4.03** above, or shade trees planted in excess thereof, may be credited towards mitigation at a one-to-one (1:1) Caliper ratio.
- (3) Shade trees planted towards mitigation credit shall meet the general planting requirements outlined in **Section 4.03.D** above; however, trees shall be planted no less than four (4) inches in Caliper.
- (4) Replacement trees shall be of a shade variety on the Approved Plan List.
- (5) Following a recommendation from the Development Review Team, the Planning and Zoning Commission may approve the planting of replacement trees on Off-Site locations owned by the City, including Right-of-Way medians, public parks, or other facilities.

c. Fee in Lieu of Mitigation Credit

- (1) Following a recommendation from the Development Review Team, the Planning and Zoning Commission may accept the payment in lieu of tree mitigation credit in the following circumstances:
 - (a) If the proposed Development is heavily treed and the Existing Tree canopy would limit the growth of the replacement trees; or
 - (b) If the required replacement trees were to be installed, then the replacement trees would be planted under the canopy of an Existing Tree.
- (2) The fee shall total the cost of sufficient replacement trees planted in accordance with **Section 4.04.D.2.b** above, including transfer, installation, and planting costs.
- (3) Fee in lieu of mitigation credit shall be deposited to the City prior to the approval of a Plat to be recorded with the County.

E. Protection of Preserved Trees and Applied Mitigation Credits

1. When any tree classified in **Section 4.04.D.1** above is shown as preserved, or is otherwise applied to tree mitigation credit, the following activities or Improvements are prohibited within the tree's Critical Root Zone:
 - a. The storage or parking of vehicles, building materials, refuse, or excavated soils, or the dumping of poisonous or hazardous materials;
 - b. The increasing of stormwater runoff from levels previously established;
 - c. The use of the tree's trunk(s) as a winch support, anchorage, temporary power pole, sign post, or other similar function;
 - d. The cutting of roots by utility trenching, foundation digging, placement of curbs and trenches, or other miscellaneous excavation activities;
 - e. The disturbance of soil, Grade changes, or other changes in drainage that deprive the tree of water or nutrients, or expose the root system;
 - f. The addition of impervious paving or Improvements, including walls; and
 - g. The movement of vehicular or equipment traffic during and following construction.
2. To ensure compliance with the prohibitions listed in **Section 4.04.E.1** above, all preserved trees shall be protected by:
 - a. A Fence, frame, or box constructed around the Critical Root Zone; and
 - b. A layer of mulch or compost no less than three (3) inches in depth across the Critical Root Zone, unless other recommendations are made by an arborist.
3. Where a violation of the prohibitions listed in **Section 4.04.E.1** above is detected, the Community Development Director may require mitigation in accordance with **Section 4.04.D** above, and any revisions to an approved Tree Removal Permit or substituted Tree Survey to reflect such mitigation.

Section 4.05. Fences and Screening Walls

A. Purpose

The purposes of this **Section 4.05** is to:

1. Mitigate the effects of adjacent nuisances from both Abutting properties;
2. Protect public and private investment and Improvements; and
3. Provide for the safe construction and maintenance of walls and Fences constructed in the City.

B. Applicability

Unless otherwise stated, the requirements of this **Section 4.05** shall apply to:

1. All new Fences and screening walls;
2. Construction where fifty (50) percent or more of an existing Fence or screening wall segment requires replacement; or
3. Any time that a higher intensity use is required to screen adjacent to a lower intensity use.

C. Fence and Screening Wall Standards Applicable to All Districts

1. General Requirements

- a. Opaque Fences or walls are prohibited between the front of a Building and the Right-of-Way.
- b. Fences and screening walls between properties shall be placed on a property line except when within a Common Area or maintenance Easement, or screening a specific On-Site Improvement.
- c. No Fence or screening wall shall exceed eight (8) feet in height.
- d. All Fences and screening walls shall be maintained by the owner of the property in which the Fence or wall is located.
 - (1) Where possible, Fences and screening walls shall be placed on Common Area Lots, where maintenance responsibility falls on a Homeowners' or Property Owners' Association.
 - (2) Where a required screening wall traverses along several property lines a 5-foot-wide wall maintenance Easement shall be dedicated to the Homeowners' or Property Owners' Association along the full extent of the wall, granting Access for routine maintenance and repair.
- e. Fences and screening walls shall be maintained in a structurally sound and safe condition and shall resemble the Fence or wall at the time of installation as close as possible.
- f. Conditions requiring maintenance include, but are not limited to sagging, protruding, rotten, missing, and broken components of a Fence or screening wall.
- g. No Fence or screening wall shall be permitted to encroach on a sight triangle Easement required per **Section 3.04.G.4** above.

2. Dumpster or Compactor Screening

a. Generally

- (1) Where a waste storage area, such as a dumpster, refuse container, or compactor, is required for a Development, the area shall be designed, located, and screened to protect the health and welfare of property users and surrounding tenants or owners.
- (2) Waste storage areas shall be ancillary to a primary use and shall be located on an application for a Development Plan, including all screening components required.

b. Location

- (1) Waste storage areas shall not be located within any required front setback.
- (2) Waste storage areas shall be serviced off of dedicated mutual Access Easements within an internal Driveway.
- (3) Waste storage areas shall be located to the rear or side of a property, and shall not be located between the primary structure and a street Right-of-Way.

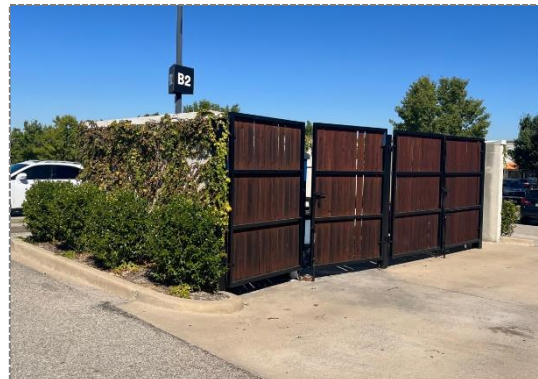
c. Screening Requirements

- (1) Waste storage areas shall be Enclosed on all sides with an opaque screening feature: three sides with a masonry screening wall, and metal or wooden gate on the remaining fourth side.
 - (a) All screening walls and gates shall extend above the waste storage equipment.
 - (b) The metal gate shall remain closed at all times unless servicing or utilizing the Enclosed equipment.
- (2) When located within a parking area, waste storage areas shall be landscaped along the masonry sides.
 - (a) The minimum width of Landscaped Areas surrounding waste storage areas shall be four feet.
 - (b) Where the waste storage area is located at the terminus of a parking group, the minimum parking island dimensions specified in **Section 4.02.F.2.c** above are required.
 - (c) A solid row of plantings shall be provided surrounding the waste storage area, and may include a combination of shrubbery, vines, and trees planted in accordance with **Section 4.03** above.

Figure 4.10. Waste Storage Screening



Masonry Screening Walls with Wooden Gate



Masonry Screening Walls with Plantings

D. Individual Single-Family Residential Lot Fence Standards

1. Fence Permit Required

Issuance of a Fence permit shall be required for the following:

- a. Any new Fence, excluding the replacement of existing, permitted fencing; or
- b. Relocation of an existing Fence.

2. Height and Location

- a. No residential Fence behind the required front setback shall exceed eight (8) feet in height.
- b. No residential Fence in front of the required front setback shall exceed four (4) feet.
- c. No Fence shall exceed four (4) feet in any required side yard that is Abutting a street Right-of-Way.

3. Materials

- a. Private residential fencing shall be constructed of masonry, wrought iron, treated wood, vinyl material, or a combination thereof.
- b. Fencing materials internal to the site, such as surrounding swimming pools, shall comply with the City's Building Code.

E. Single-Family Residential Development Fence and Screening Wall Standards

1. Thoroughfare Screening Wall

- a. A thoroughfare screening wall shall be required between Lots associated with a residential Development, private or public, when siding or backing onto an external thoroughfare of local or higher classification on the Transportation Master Plan.
 - (1) Where the extension of a thoroughfare of local or higher classification is required to serve a Development, or is depicted as Abutting the subject property in the future by the Transportation Master Plan, a thoroughfare screening wall shall be provided along the new or future extension.
 - (2) The Community Development Director may shorten, reduce, or otherwise alter the requirements for a thoroughfare screening wall when deemed impractical due to physical conditions of the land, or when continuity of pedestrian and vehicular ways between subdivisions is jeopardized.
- b. Thoroughfare screening walls shall be located on the same lot as thoroughfare buffer plantings required in **Section 4.03.E.2** above, if applicable.
 - (1) If in conjunction with streetscape plantings, thoroughfare screening walls shall be located so that all Landscaping is located between the wall and Right-of-Way.
 - (2) If no streetscape plantings are required or proposed, a thoroughfare screening wall shall be provided on the property line within a wall maintenance Easement in accordance with **Section 4.05.C.1.d(2)** above.

- c. Thoroughfare screening walls shall comply with the following specifications:

Table 4.5. Thoroughfare Screening Wall Specifications

External Thoroughfare Classification	Wall Specifications	
	Height	Material
Local Street	6—8 feet	Wrought iron/decorative steel or opaque masonry construction
Collector	6—8 feet	Wrought iron/decorative steel or opaque masonry construction
Arterial	8 feet	Opaque masonry construction
Highway (Interstate and State)	8 feet	Opaque masonry construction

- d. Construction Standards

- (1) Thoroughfare screening walls shall be designed to allow for the flow of stormwater under or through the wall to prevent Flooding on Abutting private property.
- (2) Thoroughfare screening walls shall have an articulated column spaced no further than every thirty-five (35) feet of wall length, and at the terminus or any change of direction.
 - (a) Column articulations shall protrude no more than eight (8) inches from the face of the wall or above the maximum wall height.
 - (b) Column articulations shall be of a different or complementary masonry material.
 - (c) Where wrought iron or decorative steel is a required or permitted wall material, articulated columns may be of a complementary masonry construction. Gaps between wrought iron or decorative steel rods shall not exceed six (6) inches.

2. Fencing within Parkland or Common Areas

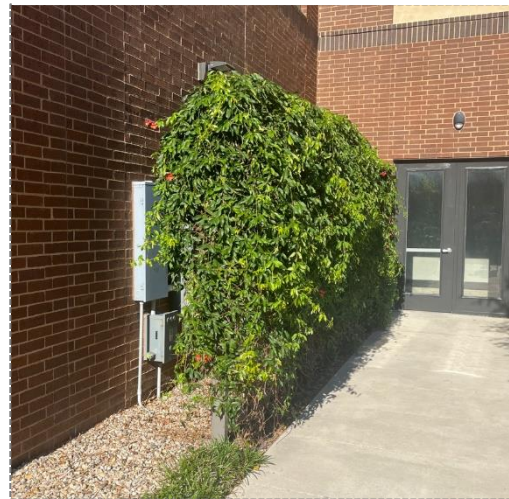
- a. Where fencing is proposed or required within any park, Open Space, or Common Area, wrought iron or decorative metal fencing shall be utilized.
- b. Fencing within park, Open Space, or Common Areas shall not exceed four (4) feet in height.

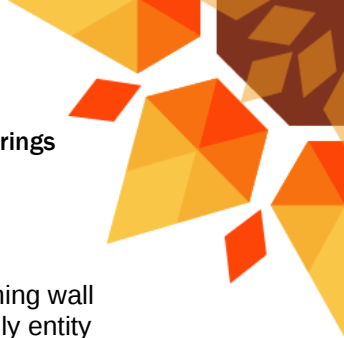
F. Nonresidential, Mixed-Use, and Multi-Family Fence and Screening Wall Standards

1. Mechanical Equipment Screening

- a. All nonresidential, mixed-use, and multi-family Developments shall screen all mechanical equipment from public view from either On-Site or Off-Site, using a vantage point six (6) feet in height from Grade.

- (1) Public view shall be considered the visibility of mechanical equipment from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park in accordance with **Section 4.07** below, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (2) Mechanical equipment includes, but is not limited to electrical Building operations, heating and air conditioning equipment, gas meters, and utility franchise equipment.
 - b. Roof-mounted mechanical equipment shall be screened from public view using materials that match the color and texture of the primary Façade material.
 - c. Ground-mounted mechanical equipment shall be screened using one of the following methods:
 - (1) A screening Fence that matches the color and texture of the primary Façade material; or
 - (2) A living screen composed of plantings capable of establishing an opaque effect no later than one year after planting.
 - (a) Living screens incapable of screening all portions of mechanical equipment from public view within one year of planting shall be subject to removal or Alterations to accommodate compliance.
 - (b) Living screen plantings shall be shown on a Development Plan to confirm species and quantity.
 - d. Screening methods shall not limit Access to mechanical equipment. Gates or openings may be provided to allow Access for routine use, maintenance, and other necessary equipment.
2. Screening Along Incompatible Uses
- a. General Requirements
 - (1) An incompatibility screening wall measuring eight (8) feet in height shall be required between the following instances:
 - (a) Nonresidential, mixed-use, or multi-family Developments Abutting a single-family use or zoned property; or
 - (b) Nonresidential Developments Abutting a multi-family used or zoned property.

Figure 4.11. Roof-Mounted Equipment Screen**Figure 4.12. Living Screen**

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- (2) The construction and on-going maintenance of an incompatibility screening wall shall be the responsibility of the nonresidential, mixed-use, or multi-family entity when Abutting single-family used or zoned property, or the nonresidential entity when Abutting multi-family used or zoned property, in perpetuity.
 - (3) Incompatibility screening walls shall be provided in addition to required buffering plantings in **Section 4.03.E.2.b(1)** above.
 - (4) Incompatibility screening walls shall be located along shared property lines so that all Landscaping be located between the wall and nonresidential, mixed-use, or multi-family Development.
- b. Materials and Construction Standards
- (1) Incompatibility screening walls shall be constructed of one of the following materials:
 - (a) Opaque masonry construction; or
 - (b) Wrought iron or decorative metal if accompanied with staggered shrubbery or trees that create an opaque living screen at time of planting.
 - (2) Construction Standards
 - (a) Incompatibility screening walls shall be designed to allow for the flow of stormwater under or through the wall to prevent Flooding on Abutting private property.
 - (b) Incompatibility screening walls shall have an articulated column spaced no further than every thirty-five (35) feet of wall length, and at the terminus or any change of direction.
 - (i) Column articulations shall protrude no more than eight (8) inches from the face of the wall or above the maximum wall height.
 - (ii) Column articulations shall be of a different or complementary masonry material.
 - (iii) Where wrought iron or decorative steel is proposed, articulated columns may be of a complementary masonry construction. Gaps between wrought iron or decorative steel rods shall not exceed six (6) inches.

Section 4.06. Signs

A. Purpose

The purposes of this **Section 4.06** is to:

1. Encourage the effective use of signs as a means of communications in the City;
2. Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic Development and growth;
3. Protect pedestrian and traffic safety; and
4. Minimize physical adverse effects of signs on nearby public and private property.

B. Applicability

1. Unless otherwise stated, this **Section 4.06** applies to any sign erected, placed, established, painted, created, expanded, or maintained in the City Limits and ETJ.
2. The regulations of this **Section 4.06** shall not apply to the following:
 - a. Signs erected by the City, other governmental entity, or franchised utility;
 - b. Banners legally Attached to City or other public utility poles;
 - c. Ancillary signs under six square feet, such as Building addresses and other operational signs;
 - d. Signs four square feet or smaller for display in a residential zoning district for less than one week;
 - e. Signs four square feet or smaller within ten (10) feet of a single-family home;
 - f. Signs placed inside the field Fence of an athletic field or stadium;
 - g. Flags of any nation, state, municipality, institution, or business mounted to a flagpole no greater than twenty-four (24) feet in height;
 - h. Legal notices required by law to be posted, including On-Site notices required by **Section 1.05.C** above;
 - i. Construction permit bulletins erected during site construction or Development;
 - j. Seasonal decorations;
 - k. Signs inside a Building located more than fifteen (15) inches from an external window; and
 - l. Signs legally permitted within the City, or County prior to annexation, prior to the adoption of these regulations unless and until:
 - (1) The use of the sign is discontinued for a period of six (6) months; or
 - (2) The structure of the sign is damaged or destroyed in excess of fifty (50) percent of its value.
3. Signage for Uses within a Planned Development District (PD)
 - a. PDs shall follow the regulations of this **Section 4.06** as applicable to the base district indicated in the application, or primary use as determined by the Community Development Director.
 - b. Alternative sign standards related to location, dimensions, materials, lighting, and other features may be reviewed and approved in conjunction with a PD application.

C. Sign Permit Required

1. Unless otherwise stated in **Section 4.06.I** below, a sign permit approved by the Community Development Director shall be required for all new or expanded signs.
 - a. All illuminated signs shall require the issuance of an electrical permit along with the sign permit and shall be inspected and approved by the Chief Building Official.
 - b. Sign permit fees shall be determined and enforced in accordance with the City Service Fee Schedule.
 - c. Sign permit applications shall be accompanied by plans and other pertinent information as deemed necessary by the Community Development Director to clearly depict the site location, height, weight, size, material, method of erection, and construction of said sign.
2. All signs shall be installed by licensed sign contractors in accordance with the locations and plans submitted with the sign permit application, unless deemed unnecessary by the Community Development Director.
3. Signs must be installed within ninety (90) days of permit issuance; otherwise, the permit shall expire and a new permit shall be required.

D. Prohibited Sign Types

1. Any sign type not expressly permitted or represented within this **Section 4.06** is prohibited.
2. The following sign types are expressly prohibited:
 - a. Billboards;
 - b. Signs with moving parts, Flashing and moving lights, beacons, or other moving elements meant to attract attention;
 - c. Snipe or bandit signs;
 - d. Portable signs or similar signs, not otherwise defined by these regulations, that are not permanently affixed to a Building, structure, or the ground (other than temporary ground or construction signs);
 - e. Abandoned signs for businesses that have relocated or closed in excess of 90 days;
 - f. Signs containing representations of traffic control devices located within one hundred (100) feet of the point of intersection of two (2) or more public streets;
 - g. Vehicular signs parked in a related location to the advertised business for more than two (2) weeks;
 - h. Pole signs; and
 - i. Roof signs.

Figure 4.13. Prohibited Sign Types



Billboard Sign



Snipe or Bandit Sign



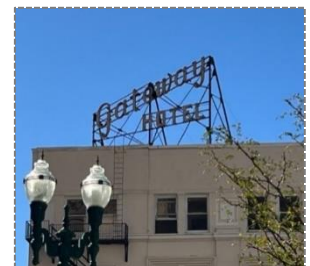
Portable Sign



Pole Sign



Vehicular Sign



Roof Sign

3. Any sign erected on, Attached to, or painted on Retaining Walls, Fences, rocks, or natural features is prohibited. This prohibition shall not include signs located at the entryway to a subdivision or signs located at athletic fields.
4. Any sign illegally placed, constructed, or maintained is prohibited.

E. Rules of Sign Measurement

1. Sign Setbacks and Spacing

- a. Setbacks shall be measured in linear feet from property lines to the leading edge of the sign, including any framing, trim, molding, or support structure.
- b. Sign spacing shall be measured in linear feet from the leading edge of one sign, including any framing, trim, molding, or support structure, to another.

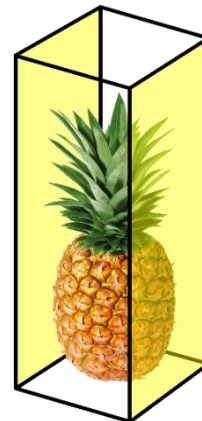
2. Sign Area

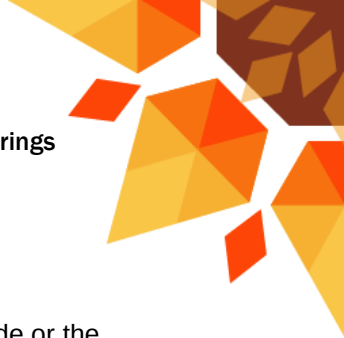
- a. Sign area shall be calculated in square feet, and by means of the smallest square, circle, rectangle, or combination thereof that will encompass the sign face and any framing, trim, or molding, but excluding the supporting structure as illustrated in **Figure 4.14. Sign Area Calculations.**
- b. All attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are Attached.
- c. The area of signs with more than one face is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured.
- d. For three-dimensional signs, the sign area is the sum of the two largest parallel faces of a rectangular prism encompassing the object, as illustrated in **Figure 4.15. Irregular Sign Area.**

Figure 4.14. Sign Area Calculations



Figure 4.15. Irregular Sign Area



- 
- 
3. Sign Height
 - a. For freestanding signs, sign height shall be measured in linear feet from Grade or the lowest limitation of the sign, to the top-most portion of the sign, including any framing, trim, molding, or support structure.
 - b. For Attached signs, sign heights shall be measured in linear feet from the lowest limitation of the sign area to the top-most limitation of the sign area.
 4. Sign Width
 - a. For freestanding signs, sign width shall be measured in linear feet between the leftmost and rightmost limitations of the sign, including any framing, trim, molding, or support structure.
 - b. For Attached signs, sign width shall be measured in linear feet from between the leftmost and rightmost limitations of the sign area.
 5. Façade Measurement
 - a. When referenced in this **Section 4.06**, Façade measurements shall be determined as follows:
 - (1) Façade area shall be measured in square feet as the combination of all Façade planes, including all recessions, protrusions, and angled wall articulations.
 - (2) Façade height shall be measured in linear feet from the lowest limitation of the Façade to the top-most limitation.
 - (3) Façade width shall be measured in linear feet between the leftmost and rightmost limitations of the Façade, including all structural elements such as columns.
 - b. Façade measurements for multi-tenant Buildings where units are on the same Lot shall be applied per tenant unit unless specified otherwise.
 - F. General Sign Placement
 1. No sign shall be permitted to encroach on a sight triangle Easement required per **Section 3.04.G.4** above.
 2. No sign shall obstruct any door, stairway, fire escape, or opening intended to provide ingress and egress for any Building or structure.
 3. Signs shall not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal, or device.
 4. Signs shall not be placed at any location that obstructs or interferes with the clear view of any traveler on any street.
 5. Unless a specific exception is provided for in this **Section 4.06**, no sign shall be placed or constructed within any public Right-of-Way or sidewalk, nor shall any portion of any sign extend onto or over a public Right-of-Way or sidewalk.
 6. Any sign extending over an area intended for pedestrian use shall not be less than eight (8) feet above the finished Grade below the sign, and shall be shown on a plan set signed and sealed by a Professional Engineer.
 7. Any sign extending over an area intended for vehicular Access shall not be less than fourteen (14) feet above the finished Grade below the sign.
 8. No permit for a sign that extends beyond private property onto a public street, public sidewalk, or public Alley will constitute a permanent Easement.
 - a. Every such permit shall be revocable by the Community Development Director.
 - b. The City shall not be liable for any damages to the owner because of such revocation.

9. No sign shall be placed or constructed on a property without written permission from the property owner.

G. Sign Features and Lighting

1. Electronic Message Boards

a. Description

A component capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

- b. Electronic message board components are permitted with the following sign types:

- (1) Menu Board Sign
- (2) Monument Sign, Commercial
- (3) Wall Sign

- c. No electronic message board component shall exceed 30% of the sign area.

- d. No electronic message board shall be erected without a light detector, photocell, or a scheduled dimming timer to dim the sign's brightness when ambient light conditions darken.

- e. Electronic message board components shall be turned off no later than 10:00 p.m. if located within one hundred (100) feet of properties with residential zoning or use.

- f. No scrolling, Flashing, rotating, or animated displays are allowed.

- g. Displays shall remain static for at least 30-second periods. Transitions must occur within a one-second period once started.

2. Sign Lighting

a. Sign Lighting per Sign Type

In addition to this **Section 4.06.G.2**, sign lighting shall be controlled by sign type per **Section 4.06.H** below.

b. Illumination Intensity and Design

- (1) All sign lighting shall be angled or directed downward (e.g., downlit).
- (2) Maximum illumination levels for internally illuminated signs shall not exceed 70 footcandles within a two-foot radius of the light source.
- (3) Each internally illuminated sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (4) Any conduit, junction box, or other electrical components shall be housed internal to the illuminated sign.
- (5) A sign's nighttime lighting shall count toward the maximum allowable lighting for the property (See **Section 4.09** below).

Figure 4.16. Electronic Message Board



Figure 4.17. External Down Lighting



c. Shading and Shielding

- (1) Internally illuminated signs must be constructed so that the top of the sign is constructed of metal or of suitable material that does not allow light penetration vertically, so as to ensure that light is not emitted directly towards the sky.
- (2) Externally illuminated signs shall have luminaires designed, fitted, and aimed to shield the lamp and its reflective surfaces from Off-Site view, and to place the light output onto and not beyond the limitations of the sign. For the purposes of this section, neon mounted to the face of a sign shall be considered an external lighting component.

H. Sign Types and Specific Design Standards

1. Awning or Canopy Sign

a. Description

A sign that is part of, or affixed on, an awning, canopy, or other fabric, plastic, or structural protective cover Attached to a Façade over a door or entrance, window, or outdoor service area.

b. Dimensional Standards and Quantity

- (1) Maximum Area: One square foot for each linear foot of the Façade width
- (2) Maximum Height: Two feet
- (3) Maximum Width: 75 percent of the awning or canopy face width
- (4) Maximum Quantity: One per Façade
- (5) Minimum Setback: None

c. Design Criteria

- (1) No awning or canopy sign shall project into or over a Right-of-Way more than four (4) feet. Any projection into or over Right-of-Way shall require the seal of a Professional Engineer.
- (2) If illuminated, awning or canopy signs shall be externally lit by wall-mounted fixtures.
- (3) Signs shall be limited to the vertical portion of the awning or canopy parallel to the Façade, or the angled plane of an awning or canopy if projecting from the Façade less than or equal to twenty (20) degrees.
- (4) Signs shall be limited to the vertical portion of the awning or canopy parallel to the Façade if the awning or canopy extends perpendicular from the wall.

Figure 4.18. Awning or Canopy Sign



Awning or Canopy Sign on Angled Plane



Awning or Canopy Sign on Plane Parallel to Façade

2. Blade Sign

a. Description

An Attached sign extending more than fifteen (15) inches from a Building Façade where the sign height exceeds the width, and that is viewable from either side.

b. Dimensional Standards and Quantity

- (1) Maximum Area: 10 percent of the Façade area
- (2) Maximum Height: 40 percent of the Façade height
- (3) Maximum Width: Six feet
- (4) Maximum Quantity: One per Façade
- (5) Minimum Setback: None

c. Design Criteria

- (1) No blade sign shall project into or over a Right-of-Way without the seal of a Professional Engineer.
- (2) Blade signs, including any mounting apparatus or structure, shall not extend more than eight (8) feet beyond the Building Façade, and shall not extend more than three feet above the maximum Building Height.
- (3) If illuminated, blade signs may be internally or externally lit.

Figure 4.19. Blade Sign



3. Projecting Sign

a. Description

An Attached sign extending more than fifteen (15) inches from a Building Façade where the sign width exceeds the height, and that is viewable from either side.

b. Dimensional Standards and Quantity

- (1) Maximum Area: 12 square feet
- (2) Maximum Height: 20 percent of the Façade height
- (3) Maximum Width: Six feet
- (4) Maximum Quantity: One per Façade
- (5) Minimum Setback: None

c. Design Criteria

- (1) No projecting sign shall project into or over the Right-of-Way without the seal of a Professional Engineer.
- (2) Projecting signs may be statically fixed to the Façade or hung downward from a decorative extension method.
- (3) Projecting signs, including any mounting apparatus or structure, shall not extend more than eight (8) feet beyond the Building Façade.
- (4) Projecting signs shall extend perpendicular to the Façade.
- (5) If illuminated, projecting signs shall be down-lit or shielded to prevent upward pollution.

Figure 4.20. Projecting Sign



Projecting Sign hung from decorative extension



Projecting Sign fixed to Façade

4. Hanging Sign

a. Description

A sign that hangs downward from a freestanding structure or housing, or an Attached structural element such as a balcony, awning, canopy, or other Building protrusion.

b. Dimensional Standards and Quantity

- (1) Maximum Area: Eight square feet
- (2) Maximum Height: Five feet
- (3) Maximum Width: Four feet
- (4) Maximum Quantity: One per Façade for Attached, or one per Lot for freestanding
- (5) Minimum Setback: None for Attached, or 15 feet for freestanding

c. Design Criteria

- (1) No Attached hanging sign shall project into or over the Right-of-Way without the seal of a Professional Engineer.
- (2) Hanging signs may be statically mounted, or hung downward using chains, cables, or other applications as approved by the Community Development Director.
- (3) Hanging signs, including any mounting apparatus or structure, shall not extend more than eight (8) feet beyond the Building Façade.
- (4) If illuminated, hanging signs shall be externally lit with ground- or wall-mounted fixtures.

Figure 4.21. Hanging Sign



Freestanding Hanging Sign



Attached Hanging Sign

5. Menu Board Sign

a. Description

A freestanding sign located adjacent to a drive-through of a restaurant leading up to or at the drive-up window.

b. Dimensional Standards and Quantity

- (1) Maximum Area: 36 square feet
- (2) Maximum Height: Eight feet, excluding a weather awning or canopy in accordance with **Section 4.06.H.5.c** below
- (3) Maximum Width: Eight feet
- (4) Maximum Quantity: Two per drive-through lane, or one per drive-in space
- (5) Minimum Setback: 15 feet for Abutting properties with nonresidential zoning or use, or 50 feet for Abutting properties with residential zoning or use

c. Design Criteria

- (1) A weather awning or canopy extending from a freestanding menu board sign shall not exceed four (4) feet above the height of the menu board sign.
- (2) Menu board signs shall not face an Abutting property that is residentially zoned or developed with residential uses.
- (3) The volume of the speaker shall not exceed ambient noise conditions as measured at the property line.
- (4) If illuminated, menu board signs may be internally or externally lit. Any illumination shall be discontinued at close of business.
- (5) The design, materials, and finish of the sign shall match those of the Building(s) on the same Lot.

Figure 4.22. Menu Board Sign



6. Monument Sign, Commercial

a. Description

A freestanding sign constructed of masonry, metal, or similar weather-resistant materials with a concrete footing or base that extends along the entire width of the sign.

b. Dimensional Standards and Quantity

- (1) Maximum Area: 32 square feet, plus eight (8) square feet per additional tenant panel up to 64 square feet
- (2) Maximum Height: 12 feet, plus two feet per additional tenant panel up to 20 feet.
- (3) Maximum Width: 10 feet
- (4) Maximum Quantity: One single-tenant monument sign per Driveway entry per frontage, or one multi-tenant monument sign per multi-tenant Building
- (5) Minimum Side Setback: 25 feet for Abutting properties with nonresidential zoning or use, or 50 feet for Abutting properties with residential zoning or use
- (6) Minimum Front Setback: 5 feet from all right-of-ways

c. Design Criteria

- (1) If a Lot has street frontage but does not take direct Access from the street it fronts, a single-tenant Building on the Lot is permitted one single-tenant monument sign per street frontage.
- (2) If a Lot has no street frontage, it is not permitted to have an individual monument sign. However, the Lot tenant(s) may utilize tenant panels on a multi-tenant monument sign located adjacent to the Driveway that provides Access to the Lot, provided the owner of the Lot on which the multi-tenant monument sign is located grants permission.
- (3) Commercial monument sign bases shall be landscaped with shrubbery along the two primary faces of the monument. Landscaped Areas shall be irrigated and planted in accordance with **Section 4.03** above.
- (4) If illuminated, commercial monument signs may be externally or internally lit.

Figure 4.23. Commercial Monument Sign



Multi-tenant Commercial Monument Sign



Single-tenant Commercial Monument Sign

7. Monument Sign, Neighborhood

a. Description

A freestanding sign constructed of masonry, metal, or similar weather-resistant materials with a concrete footing or base that extends along the entire width of the sign.

b. Dimensional Standards and Quantity

- (1) Maximum Area: 32 square feet
- (2) Maximum Height: 10 feet, exclusive of any decorative structure or element in accordance with **Section 4.06.H.7.c** below
- (3) Maximum Width: 20 feet
- (4) Maximum Quantity: One neighborhood monument sign is permitted on each side of a neighborhood entrance
- (5) Minimum Setback: 25 feet from the street Right-of-Way

c. Design Criteria

- (1) Neighborhood monument signs may be located within a landscaped island within the Right-of-Way if located at least twenty-five (25) feet from the point of intersection of the internal residential street and external arterial street Right-of-Way.
- (2) The height of decorative structures or elements integrated in a neighborhood monument sign shall not exceed the lesser of fifteen (15) feet or the distance in linear feet to the closest residential property line.
- (3) Decorative structures and elements shall be interpreted to include towers, sculptures, or other non-structural vertical element with a width less than twenty-five (25) percent of the overall monument sign width.
- (4) Neighborhood monument signs may be integrated with a thoroughfare screening wall. In such cases, the height of the monument sign, including all decorative structures or elements, shall not exceed the height of the screening wall or fencing.
- (5) Neighborhood monument sign bases shall be landscaped with shrubbery along the faces of the monument fronting a street. Landscaped Areas shall be irrigated and planted in accordance with **Section 4.03** above.
- (6) If illuminated, neighborhood monument signs shall be externally downlit.

Figure 4.24. Neighborhood Monument Sign



Neighborhood Monument with decorative element



Neighborhood Monument integrated with wall

8. Sidewalk Sign

a. Description

A freestanding, temporary sign with a collapsible frame or base, and an erasable or changeable surface. Sidewalk Signs are pedestrian-oriented and are not intended to be read from passing vehicles.

b. Dimensional Standards and Quantity

- (1) Maximum Area: Eight square feet
- (2) Maximum Height: Four feet
- (3) Maximum Width: Three feet
- (4) Maximum Quantity: One per public entrance to a Building or tenant unit
- (5) Minimum Spacing: 10 feet from the nearest public entrance to a Building or tenant unit
- (6) Maximum Duration: Sidewalk signs shall be removed from the site during non-operational hours for the associated Building or tenant unit

c. Design Criteria

- (1) Sidewalk signs shall not be illuminated.
- (2) Sidewalk sign frames shall be made of treated or painted wood or rustproof metal such as aluminum or stainless steel.
- (3) Sidewalk signs may be placed on a public sidewalk if it does not reduce the clear width of the sidewalk to less than three (3) feet.

Figure 4.25. Sidewalk Sign



Sidewalk Sign with collapsible frame base



Sidewalk Sign with erasable surface

9. Temporary Banner Sign

a. Description

A temporary sign made of lightweight fabric or similar material that is mounted to a Building, Fence, or other structure.

b. Dimensional Standards and Quantity

- (1) Maximum Area: 48 square feet
- (2) Maximum Height: Six feet
- (3) Maximum Width: Eight feet
- (4) Maximum Quantity: One per street frontage
- (5) Minimum Property Line Setback: None
- (6) Maximum Duration: Four 30-day periods per calendar year

c. Design Criteria

- (1) Temporary banner signs shall be anchored to the selected location on all corners to prevent Alteration or damage by winds or storms.
- (2) A tenant or property owner may display a temporary banner sign for up to thirty (30) days at the time a Certificate of Occupancy is issued. This 30-day period shall not count towards the four allowed per calendar year.
- (3) Temporary banner signs shall not be displayed by the same tenant or property owner at the same time as a **Temporary Construction Sign** or **Temporary Ground Sign**.
- (4) Temporary banner signs shall not be illuminated.

Figure 4.26. Temporary Banner Sign



10. Temporary Construction Sign

Description

A freestanding, temporary sign intended for short-term display on a developing site. Examples of temporary construction signs include, but are not limited to project rendering bulletins, builder or contractor information bulletins, and real estate information.

a. Dimensional Standards and Quantity

- (1) Maximum Area:
 - (a) Single Residential Unit Development: 6 square feet
 - (b) Other Development Type: 32 square feet
- (2) Maximum Height: 10 feet
- (3) Maximum Width: Four feet
- (4) Maximum Quantity: One per street frontage
- (5) Minimum Setback: 15 feet
- (6) Maximum Duration: Until issuance of a Certificate of Occupancy

b. Design Criteria

- (1) Temporary construction signs shall be constructed of appropriate material to remain in good condition throughout the duration period, and shall be anchored or fastened to the ground at a minimum of two points.
- (2) The property or sign owner shall replace any sign that becomes damaged or faded.
- (3) Temporary construction signs shall not be illuminated.

Figure 4.27. Temporary Construction Sign





11. Temporary Ground Sign
Reserved.



12. Wall Sign

a. Description

A sign not elsewhere described that is painted on, or permanently Attached or affixed to the surface of a Building Façade or similar structure, and that extends not more than fifteen (15) inches from the Façade or structure.

b. Dimensional Standards and Quantity

- (1) Maximum Combined Area: One square foot for each linear foot of the Façade width
- (2) Maximum Height: 20 percent of the Façade height
- (3) Maximum Width: 65 percent of the Façade width
- (4) Maximum Quantity: None
- (5) Minimum Setback: None

c. Design Criteria

- (1) Wall signs shall be located only on a Façade Abutting a street Right-of-Way or facing an On-Site parking area.
- (2) No wall sign may extend above the Roof line.
- (3) Wall signs shall be painted on, or Attached to the plane of the Façade, and shall not be placed on any gable, dormer, portico, arcade, or similar element without approval from the Community Development Director.
- (4) Wall signs placed on angled Façades shall utilize the profile-view dimensions of the angled Façade and smallest adjoining Façade combined when determining the dimensional standards outlined in **Section 4.06.H.12.b above**.
- (5) Wall signs on multi-tenant Buildings shall be placed above the primary entrance to the unit.
- (6) If illuminated, wall signs may be internally or externally lit.
- (7) Other instances of painted applications, such as murals, not mentioned above shall be controlled by the City's Public Art Policy, as amended.

Figure 4.28. Wall Sign



Wall Sign, single-tenant Building



Wall Signs, multi-tenant Building

13. Wayfinding Sign

a. Description

A freestanding sign placed near site Access points, intersections, or Driveways within nonresidential Developments directing traffic to multiple Buildings, destinations, or On-Site tenants.

b. Dimensional Standards and Quantity

- (1) Maximum Area: Six square feet per panel
- (2) Maximum Height: Six feet
- (3) Maximum Width: Four feet
- (4) Maximum Quantity: One per internal Driveway intersection
- (5) Minimum Setback: 25 feet from a street Right-of-Way, and 5 feet from an internal Access drive

c. Design Criteria

- (1) Each panel within a wayfinding sign shall not exceed one (1) line of text
- (2) Wayfinding signs shall have a masonry base at least one (1) foot in depth extending the full width of the panels.
- (3) Wayfinding signs shall be protected from vehicular traffic by curbs, bollards, or wheel stops.
- (4) If illuminated, wayfinding signs shall be externally lit.

Figure 4.29. Wayfinding Sign



14. Window Sign

a. Description

Any sign painted or adhered to the inside or outside of a window, or displayed within fifteen (15) inches of an external window inside a Building.

b. Dimensional Standards and Quantity

- (1) Maximum Combined Area: 30 percent of the window area along the first floor of the Façade, excluding muntins, mullions, frames, or shutters
- (2) Maximum Height: None
- (3) Maximum Width: None
- (4) Maximum Quantity: None
- (5) Minimum Setback: None

c. Design Criteria

Permanent window signs shall contribute to the maximum signage per zoning district outlined in **Section 4.06.I** below. Window signs shall be deemed permanent if installed in excess of three (3) months in duration.

- (1) Window signs do not include merchandise or models of products or services incorporated in a window display.
- (2) Window signs do not include any ancillary signs, such as Building identification information, posted legal notices, open or closed signs, or hours of operation.
- (3) Window signs shall not be illuminated.

Figure 4.30. Window Sign



I. Sign Types Permitted by Zoning District

In addition to the specific sign type requirements listed in **Section 4.06.H** above, signs shall be controlled by **Table 4.6. Signs and Area Permitted by District**.

Table 4.6. Signs and Area Permitted by District

○ = Sign Type Allowed, Permit not Required				● = Sign Type Allowed, Permit Required				
Sign Type	Zoning Districts							
	CC	LC	GC	HC	LI	HI	MC	All Other Districts
Permanent Attached Signs	Max. Combined Area: 1 linear foot of Façade width = 1.5 sq. ft.						Max. Combined Area: 1 linear foot of Façade width = 1 sq. ft.	
Awning or Canopy Sign	●	●	●	●				
Blade Sign	●	●	●	●	●	●	●	
Projecting Sign	●	●	●	●	●	●	●	
Hanging Sign	●	●	●	●			●	
Wall Sign	●	●	●	●	●	●	●	
Window Sign	○	○	○	○	○	○	○	
Permanent Freestanding Signs	Max. Combined Area: 0-100' of lot frontage = 100 sq. ft. 101'-300' of lot frontage = 150 sq. ft. 301' + of lot frontage = 200 sq. ft.						Max. Combined Area: 0-100' of lot frontage = 50 sq. ft. 101'-300' of lot frontage = 75 sq. ft. 301' + of lot frontage = 100 sq. ft.	
Hanging Sign	●	●	●	●			●	
Menu Board Sign	●	●	●	●			●	
Monument Sign, Commercial	●	●	●	●	●	●	●	
Monument Sign, Neighborhood								●
Wayfinding Sign	●	●	●	●	●	●	●	●
Temporary Signs	See individual sign types for dimensional requirements							
Sidewalk Sign	○	○	○	○	○	○	○	
Temporary Banner Sign	●	●	●	●	●	●	●	●
Temporary Construction Sign	●	●	●	●	●	●	●	●

Section 4.07. Parks, Trails, and Open Space

A. Purpose

The purposes of this **Section 4.07** is to:

1. Ensure new Development allocates appropriate resources or space for usable parkland and Open Space;
2. Lessen the burden on existing public park and trail systems owned and maintained by the City; and
3. Provide for the sufficient design of parkland and Common Areas to ensure spaces are accessible and high-quality for existing and future residents.

B. Applicability

1. Unless otherwise stated, this **Section 4.07** applies to the following Developments within the City Limits and ETJ:
 - a. Any new subdivision of property for residential uses where the subdivision establishes four (4) or more Lots of record.
 - b. Any new multi-family residential Development.
 - c. Any new mixed-use Development.
2. This **Section 4.07** does not apply to the following Developments:
 - a. The subdivision or Development of property zoned in the Loring Service Area Districts.
 - b. The Development of property platted prior to the adoption of these regulations that has already satisfied parkland dedication requirements.
3. All areas dedicated or reserved for parkland, trails, or Common Areas shall conform with the recommendations of the Comprehensive Plan and the Educational Facilities Planning Study of Unified School District No. 204, if applicable.
4. All land dedicated or reserved shall be assigned an "X" on the recorded Plat and shall not be used or developed as any of the following:
 - a. Residential property;
 - b. Storage, including scrap material, Junk Vehicles or equipment, above-ground or below-ground environmental contaminants, or holding tanks;
 - c. Encumbrances of any kind, including deed restrictions, liens, or Easements unless Occupied by a utility or Infrastructure serving the entire Development; or
 - d. Other undesirable objects or features that may accrue to the liability of the City based upon an inspection the City conducts at its discretion prior to accepting the land for dedication.

C. Process

1. All areas proposed to be dedicated for parkland, trails, or Common Areas shall be indicated on the initial application for a Project in order to determine compliance.
2. The method of compliance (e.g., dedication or payment in lieu) shall be placed on the face of all applications associated with the Project, including all Plats.

3. The City reserves the right to deny the dedication of parkland and all associated Improvements based on the Capacity of staff and resources to own and maintain said dedication.
 - a. The Development Review Team shall notify the Applicant of the City's determination prior to approval of the initial application for a Project.
 - b. If dedication is denied, the Applicant shall pay in lieu of dedication in accordance with **Section 4.07.I** below.
- D. Dedication Calculation
 1. Parkland dedication for single-family residential Developments shall be made at a rate of one acre of land for every 100 Dwelling Units, or fraction thereof, within a Development calculated based on one of the following:
 - a. The number of units shown on the initial application if the Project is a single-Phase, does not require a Preliminary Plat, or is already platted but has not already satisfied parkland dedication requirements;
 - b. The number of units projected at ultimate build-out of a multi-Phase Development at the time of Preliminary Plat; or
 - c. If the number of units is unknown at the time of initial application, the highest number of units allowable under the zoning.
 2. Parkland dedication for multi-family or mixed-use Developments shall be made at a rate of one-third (1/3) acre of land for every one gross acre within a Development.
 3. For the purposes of this **Section 4.07.D**, manufactured homes shall be considered as a Dwelling Unit.
- E. Parkland Standards
 1. General Standards
 - a. All dedicated property that meets the standards of this **Section 4.07.E** shall count towards the total land required per **Section 4.07.D** above.
 - b. Land dedicated or reserved for parkland must, at a minimum, comply with the following design and locational standards:
 - (1) The land shall be a minimum of five (5) acres in size.
 - (a) Land that abuts both sides of a local street or Access Easement in a contiguous fashion may be considered together if joined by a marked, accessible pedestrian crossing.
 - (b) When the required amount of parkland dedication per **Section 4.07.D** above yields less than five (5) acres, payment in lieu of dedication shall be required in accordance with **Section 4.07.I** below.
 - (2) The land dedicated shall be served, at a minimum, by a water and electric utility service
 - (3) The land must provide frontage on a public street.
 - (4) The land shall be centrally located to the units of the Development or Phase of Development it is associated with.All units shall be within 1,500 feet of land dedicated under this **Section 4.07.E**, measured along accessible pedestrian paths such as trails and sidewalks.

- (5) The land must not be located on a cul-de-sac or other dead-end street or Right-of-Way.
- (6) The land shall provide for improved pedestrian and bicycle Access either through or within the property in a continuous or looped fashion.

F. Public Trail Standards

Land for public trails shall be dedicated or reserved only if in conformance with the Parks and Recreation Master Plan.

1. General Standards

- a. All dedicated property that meets the standards of this **Section 4.07.F** shall count towards the total land required per **Section 4.07.D** above.
- b. Land for public trails shall be dedicated within a parkland Lot; however, property beyond five (5) feet from the limitations of the public trail shall be required to conform to **Section 4.07.E** above to count towards the total land required per **Section 4.07.D** above.
- c. All public trails used towards parkland dedication shall:
 - (1) Be designed as shared-use paths to accommodate multiple lanes or modes of transportation, such as walking and biking;
 - (2) Have a minimum of ten (10) feet in width;
 - (3) Have a designated public entrance located within 1,500 feet of all units, measured along accessible pedestrian paths such as other trails or sidewalks;
 - (4) Be constructed to City specifications; and
 - (5) Conform to the requirements of the ADA.

2. Public Trail Routes

- a. Public trails used towards the minimum parkland requirement shall traverse Floodplains, reserved wooded areas, detention or retention ponds, or other natural features as deemed reasonable by the Community Development Director.
- b. Dedicated or reserved trails shall extend to the limitations of the subdivision or Phase boundary, allowing for future extension.
- c. Dedicated or reserved trails shall connect to a public Right-of-Way or parkland that meets the requirements of **Section 4.07.E** above.
 - (1) Dedicated or reserved trails shall extend to the limitations of the subdivision or Phase boundary allowing for future extension.
 - (2) No dead-end trail dedication shall exceed fifty (50) feet in length.

G. Floodplains, Drainage Areas, and other Natural Features

- 1. When located within a parkland dedication, the following natural areas or features may count towards the area requirement only when located within a dedicated conservation Easement:
 - a. Floodplains;
 - b. Areas with topography change in excess of 5%; or
 - c. Heavily wooded areas as determined by the Community Development Director.
- 2. Stormwater Improvements or other unnatural Improvements associated with a Development, such as flumes, channels, and ponds, shall not be considered natural or appropriate for conservation Easements.

3. Conservation Easements shall only be located on dedicated parkland Lots, and shall be maintained by the property owner, Homeowners' or Property Owners' Association in their natural state in perpetuity.
4. Gross land area dedicated within a conservation Easement shall be applicable to the minimum parkland area at a rate of one-hundred fifty (150) percent.

H. Parkland Improvement Requirements

The parkland Improvement requirements are intended to provide facilities, amenities, and other Improvements to park sites in accordance with the Parks and Recreation Master Plan.

1. Generally

- a. In addition to the parkland dedication requirements, the Applicant or property owner of any Development listed in **Section 4.07.B** above shall provide for the construction or installation of adequate parkland Improvements.
- b. The process for approval and dedication of parkland Improvements shall be the same as the parkland dedication requirements outlined in **Section 4.07.C** above.

2. Improvement Requirements

- a. Parkland Improvements shall be considered a public Improvement and shall be subject to the inspection and fiduciary guarantee process outlined in **Section 3.02.D** above.
- b. Parkland Improvements include, but are not limited to the following:
 - (1) Paving;
 - (2) Utilities;
 - (3) Accessible routes;
 - (4) Landscaping;
 - (5) Irrigation;
 - (6) Play structures;
 - (7) Picnic tables and other seating;
 - (8) Signage;
 - (9) Trash cans; and
 - (10) Pedestrian lighting.

I. Fee in Lieu of Parkland Dedication or Improvements

1. In lieu of the required land dedication or Improvements, the Applicant or property owner may pay into the Park Dedication Fund if determined appropriate by the City.
2. Fees in lieu of parkland dedication or Improvements shall be determined prior to approval of a subdivision, and shall be collected at the time of issuance of a building permit.
 - a. Payment shall be made to the Building Code Department following verification of the approved amount on the subdivision application.
 - b. The amount of payment to be paid in lieu of dedication of park land shall be determined by the City Services Fee Schedule.
 - c. All fees deposited into the Park Dedication Fund shall be used solely and exclusively for the acquisition of land for parks and the construction of associated Improvements.

Section 4.08. Architectural and Site Design

A. Purpose

1. The purpose of this **Section 4.08** is to:
 - a. Create high quality environments to live, work, shop, and play;
 - b. Establish quality Development as documented within the Comprehensive Plan; and
 - c. Provide for minimum design standards related to Building articulation, style, and materials throughout the City.
2. It is not the intent of this **Section 4.08** to limit unique or innovative Building or architectural design.
 - a. An Applicant or owner may present an alternative architectural or site design standard than is explicitly listed and described in this **Section 4.08** for consideration by the Community Development Director.
 - b. The Community Development Director shall determine if the alternative feature or standard meets the purpose of this section as specified in **Section 4.08.A.1** above.
 - c. The decision of the Community Development Director may be appealed to the Planning and Zoning Commission.

In determination of the appeal, the Planning and Zoning Commission shall consider:

 - (1) The surrounding character and design of the built environment;
 - (2) The impact the uncomplimentary design elements have on the Building's form and function; and
 - (3) If the uncomplimentary design elements will have any adverse impacts on the health, safety, and welfare of the public.

B. General Applicability

1. Unless otherwise stated, this **Section 4.08** shall apply when:
 - a. New Buildings are erected within the City, regardless of use, Lot Area, or Building size;
 - b. Fifty (50) percent or more of an existing Façade is replaced or altered in material or configuration; and
 - c. Façades are increased by twenty (20) percent or more of the Façade's area.
2. Regardless of land use type or use, Development within the **CC, Central Commercial District** is subject to the architectural and site design standards listed in **Section 4.08.C** and **F** below.
3. The regulations of this **Section 4.08** shall not apply to residential land uses other than Dwelling, Multi-Family as specified in the **Table of Allowed Uses**.

C. General Architectural and Site Design Standards

This **Section 4.08.C** shall apply to all applicable instances identified in **Section 4.08.B** above regardless of use type.

1. Architectural Plan Required
 - a. The purpose of an architectural plan is to confirm compliance with this **Section 4.08**.
 - b. An architectural plan, signed and sealed by a registered architect, shall be included with all Development Plan applications required in **Section 1.04.A** above.
 - c. Architectural plan applications shall conform to the universal application requirements listed in **Section 1.03.C.2** above.

2. Compatibility

- a. Buildings shall be designed in a way that is complementary to adjacent residential Development and non-residential Development as determined by the Community Development Director.
- b. In instances where multiple structures or Buildings are located within a Development, complementary Building design shall be carried throughout the site.
- c. For the purposes of determining complementary under this **Section 4.08.C.2**, the following elements should be taken into consideration:
 - (1) Material selection;
 - (2) Building color;
 - (3) Façade articulation;
 - (4) Scale;
 - (5) Roofing style; and
 - (6) Other architectural elements.

D. Standards for Civic, Institutional, and Special Land Uses and Commercial Land Uses

1. This **Section 4.08.D** shall apply to all instances specified in **Section 4.08.B** above related to the following land use types:
 - a. Civic, Institutional, and Special Land Uses;
 - b. Commercial Land Uses; and
 - c. Accessory Land Uses associated with the land use types listed in **Section 4.08.D.1.a** and **b above**.
2. Building Orientation
Primary Buildings shall be oriented so that the primary entrance(s) is facing the Abutting street Right-of-Way, internal Access Easement, or other primary means of Access to the Lot as specified in **Section 3.04.B.4**.
3. Common Areas
 - a. Common Areas are intended to provide visual uniqueness and public enjoyment within private Developments.
 - b. Common Areas shall be provided at a ratio of fifteen (15) square feet per ten (10) required Parking Spaces, or portion thereof, when the minimum number of stalls specified within the Table of Allowed Uses is fifty (50) or more.
 - (1) Where multiple units are located within a Development, required Common Areas shall be combined to maximize the area's functionality.
 - (2) Common Areas shall be generally square or rectangular in shape, with no general vertical or horizontal dimension less than seven and one-half (7.5) feet.
 - (3) Common Area calculations shall not include any required landscape buffer, interior Landscaped Area, or sidewalk.
 - (4) Common Areas may contribute to the overall Landscaping area requirements specified in **Section 4.03.G.2** above, if required.

- c. Common Areas shall be provided in addition to the required parkland dedication pursuant to **Section 4.07** above.
 - (1) Unlike parkland dedication, Common Areas shall not be dedicated to the City, and will remain the responsibility of the property owner to maintain in perpetuity.
 - (2) Payment in lieu of parkland dedication shall not exempt a Development from the Common Area requirements of this **Section 4.08.D.3**.
- d. Common Areas shall be located Abutting to or centralized between the Primary Building(s) within a Development, and shall be connected to the pedestrian circulation network specified in **Section 4.02.G.2** above, if required.
- e. Common Areas shall include at least one (1) of the following elements:

- (1) Outdoor Seating

- (a) Outdoor seating may consist of benches, chairs, or other designated seating furniture as determined by the Community Development Director.
 - (b) Outdoor seating shall be provided at a ratio of one (1) seat per ten (10) square feet of required Common Area.

Figure 4.31. Outdoor Seating



- (2) Decorative Hardscaping

- (a) Decorative hardscape shall include groundcover material or application that is visibly different than the remaining pavement used On-Site, including but not limited to stone pavers and stamped concrete patterns.
 - (b) Decorative hardscaping applications shall be applied to the entire required Common Area.
 - (c) Decorative hardscaping shall be accompanied by above-ground Landscaping planters provided at a ratio of one (1) square foot of planter per ten (10) square feet of required Common Area.
 - (d) Planters shall be irrigated and filled with decorative plants and shall meet the maintenance requirements outlined in **Section 4.03.D.2** above.

Figure 4.32. Decorative Hardscaping



- (3) Water Feature
 - (a) Water features may be raised or recessed and shall include a running or moving water component.
 - (b) Water features shall occupy no less than fifteen (15) percent of the required Common Area.
- (4) Detached Art
 - (a) Detached art shall occupy no less than ten (10) percent of the required Common Area.
 - (b) Detached art shall be freestanding and shall not be connected, either structurally or aesthetically, to another freestanding structure.
 - (c) Detached art shall be subject to the City's Public Art Policy, as amended.

Figure 4.33. Water Feature**Figure 4.34. Detached Art**

4. Building Articulation and Materials

a. General Material Requirements

- (1) A minimum of forty (40) percent of any singular Façade area, including any parapet or vertical extension, shall be finished with brick, stone, or similar masonry finish as determined by the Community Development Director.
 - (a) The masonry finish shall occupy the lower four (4) feet of Façades that face parking areas, streets, or Abutting sidewalks.
 - (b) The remaining Façade area may be comprised of stucco, integrally-colored, textured, or glazed concrete masonry units, high-quality prestressed concrete systems, or glass.
- (2) Roofing materials shall be of composition shingles, clay tiles, or concrete tiles unless surrounded by a parapet extending no less than two and one half (2.5) feet from the Roof line.
- (3) Prohibited materials and applications include:
 - (a) Vinyl siding;
 - (b) Smooth-faced, concrete block;
 - (c) Painted or stained concrete block;
 - (d) Tilt-up concrete panels;
 - (e) Exterior insulation finishing systems (EIFS);
 - (f) Standard single- or double-tee concrete systems;
 - (g) Rough-sawn or board and batten wood; or
 - (h) Field-painted or pre-finished standard corrugated metal siding.

b. General Articulation Requirements

- (1) The intent of Building articulation is to provide architectural interest, variety, and pedestrian-scale Development.
- (2) Building Façades visible from public view shall incorporate the following elements:
 - (a) Incorporate vertical architectural features, including but not limited to columns, ribs, pilasters, piers, or bays, that cause a vertical recession or protrusion extending the full height of the Building of at least one (1) foot deep and one (1) foot wide every thirty (30) linear feet of the Façade length.
 - (b) Windows that occupy a minimum of sixty (60) percent of a singular Façade area of the ground floor, and fifteen (15) percent of the Façade area of additional floors
 - (c) Windows shall be recessed and shall include visually prominent sills or other forms of framing as determined by the Community Development Director.
 - (d) Designated primary entrances using architectural features, including but not limited to arcades, arbors, awnings, or trellises, that signify the primary entrance as determined by the Community Development Director.
 - (e) Window canopies or awnings on at least one half (0.5) of the windows on a singular Façade. Canopies or awnings shall utilize a matte finish and shall be compatible with the overall color scheme of the Façade from which it projects.
- (3) For the purposes of applying **Section 4.08.D.4.b(2) above**, public view shall be considered the visibility of a Façade from a vantage point of six (6) feet in height from Grade taken from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.

Figure 4.35. Vertical Feature

c. Articulation of Buildings at Significant Street Intersections

In addition to the general articulation requirements outlined in **Section 4.08.D.4** above, Buildings located at the intersection of a collector thoroughfare and a thoroughfare of equal or higher classification shall create a focal point using one (1) of the following articulation elements:

(1) Vertical architectural feature

- (a) Vertical architectural features shall be structurally integrated within the Primary Building.
- (b) Vertical features shall extend a minimum of twenty (20) percent of the Façade height above the Roof line, and shall be at least ten (10) percent of the Façade width in depth.
- (c) Vertical features shall be installed at the corner of the Building oriented closest to the significant intersection.

Figure 4.36. Vertical Feature



(2) Enhanced Common Areas

- (a) Enhanced Common Areas shall include two (2) elements specified in **Section 4.08.D.3.e** above.
- (b) Enhanced Common Areas shall be provided at a ratio of twenty-five (25) square feet per ten (10) required Parking Spaces, or portion thereof, when the minimum number of stalls specified within the **Table of Allowed Uses** is fifty (50) or more.

(3) Enhanced thoroughfare buffering

- (a) In addition to the thoroughfare plantings required in **Section 4.03.E.2** above, enhanced buffering shall include a landscaped Berm using a one-to-four (1:4) foot slope.
- (b) Berms shall be a minimum of four (4) feet in height, and shall extend a minimum of sixty (60) percent of the buffer's length along the intersecting thoroughfares.

E. Standards for Dwelling, Multi-Family Uses

- 1. This **Section 4.08.E** shall apply to all instances specified in **Section 4.08.B** above related to the following land uses:
 - a. Dwelling, Multi-Family; and
 - b. Accessory Land Uses associated with Dwelling, Multi-Family uses.
- 2. Building Orientation
 - a. Primary Buildings shall be oriented so that the primary entrance(s) is facing the Abutting street Right-of-Way, internal Access Easement, or other primary means of Access to the Lot as specified in **Section 3.04.B.4**.
 - b. No Parking Spaces shall be located between a residential Building and a street Right-of-Way for dwelling, multi-family uses in excess of four (4) Dwelling Units.

3. Community Amenities

- a. Community amenities are intended to provide residents with Access to quality residential services, and to establish a sense of communal belonging within multi-family Developments.
- b. Exterior Community Amenity Areas
 - (1) Exterior community amenity area calculations shall not include any required landscape buffer, interior Landscaped Area, or sidewalk.
 - (2) Exterior community amenity areas may contribute to the overall Landscaping area requirements specified in **Section 4.03.G.2** above, if required.
 - (3) Exterior community amenity areas shall be provided in addition to the required parkland dedication pursuant to **Section 4.07** above.
 - (a) Unlike parkland dedication, exterior and community amenity areas shall not be dedicated to the City, and will remain the responsibility of the property owner to maintain in perpetuity.
 - (b) Payment in lieu of parkland dedication shall not exempt a Development from the community amenity area requirements of this **Section 4.08.E.3**.
- c. Interior Community Amenity Areas
 - (1) Interior community amenities shall be completely Enclosed within a Building or structure.
 - (2) Interior community amenities shall remain the responsibility of the property owner to maintain in perpetuity.
- d. Community amenities shall generally be located centrally between or within the primary residential Building(s) within a Development, and shall be connected to the pedestrian circulation network specified in **Section 4.02.G.2** above, if required.
- e. Required Community Amenities

The following community amenities are required within Dwelling, Multi-Family Developments in excess of ten (10) Dwelling Units:

- (1) Community Gathering Areas
 - (a) Community gathering areas may be either exterior or interior to a structure, and shall be sized to accommodate ten (10) percent of the occupancy of the Development at any given time.
 - (b) Community gathering areas shall be free of vehicular circulation and open and visible to residents.
 - (c) Residential Buildings adjacent to a gathering area shall front onto the space, and include architectural variety such as unit entrances and windows rather than rear Façades.
 - (d) Community gathering areas shall provide residents Access with suitable public amenities as determined by the Community Development Director, including but not limited to ample seating, covered shelter, and outdoor kitchen appliances.
- (2) Mailroom
 - (a) Mailrooms may be either exterior or interior, but shall be structurally integrated within a primary residential structure.
 - (b) Mailrooms shall be easily accessible by all residents within a Development, and shall be covered to shelter residents while retrieving mail or Parcels.

- (c) Mailrooms shall be accompanied by a reserved Parking Space for delivery drivers and couriers.
- (3) Leasing Office
 - (a) An interior leasing office shall be required within a primary residential Building or standalone structure, and shall be sized to accommodate the anticipated employees at any given time.
 - (b) Leasing offices shall be accompanied by one (1) additional Parking Space per three hundred (300) square feet of Floor Area to prevent inadequate parking conditions when staff is On-Site.
- f. Bonus Community Amenities
 - (1) A minimum of two (2) of the following bonus community amenities may be provided within Dwelling, Multi-Family Developments, regardless of the number of units, to increase the maximum primary Building Height by one (1) story, but not to exceed three (3) stories:
 - (a) Community Pool
 - (i) A community pool may include accompanying amenities, including but not limited to gazebos, pergolas, outdoor seating, and necessary safety fencing.
 - (ii) Community pools shall be sized appropriately to accommodate a minimum of twelve (12) individuals at any given time.
 - (b) Community Gym
 - (i) A community gym shall be located within a primary residential Building, and shall be accessible to all residents within a Development.
 - (ii) Community gyms shall be sized and stocked with equipment appropriately to serve a minimum of ten (10) individuals at any given time.
 - (c) Improved mailroom
 - (i) Mailrooms required under **Section 4.08.E.3.e(2)** above may be improved to count toward a bonus community amenity.
 - (ii) Improved mailrooms shall be located within a primary residential Building, and shall be Access controlled for all residents and delivery couriers.
 - (iii) Improved mailrooms shall include Parcel and mail security mechanisms sized appropriately to service all residents within a Development.
 - (d) Pet-friendly Improvements
 - (i) Pet-friendly Improvements shall include Fenced pet areas and waste disposal locations, and may also include pet washing stations and exercise furniture.
 - (ii) Pet-friendly Improvements shall be sized appropriately to accommodate no less than five (5) animals at any given time.
 - (e) Other Community Improvement
 - (i) An Applicant or property owner may present the Community Development Director with a bonus community amenity not explicitly listed in this **Section 4.08.E.3.f** for consideration as a bonus amenity.
 - (ii) The decision and appeals process shall be made in accordance with **Section 4.08.A.2** above.

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- (2) Due to their unique and circumstantial Development criteria, applications for bonus community amenities shall be accompanied by adequate documentation and studies to assist the Community Development Director in determining the proper size and design of the amenity.
4. Building Articulation and Materials
- a. General Material Requirements
 - (1) A minimum of forty (40) percent of any singular Façade area, including any parapet or vertical extension, shall be finished with brick, stone, or similar masonry finish as determined by the Community Development Director. The remaining Façade area may be comprised of stucco, integrally-colored, textured, or glazed concrete masonry units, high-quality prestressed concrete systems, or glass.
 - (2) Roofing materials shall be of composition shingles, clay tiles, concrete tiles, or 26 gauge metal unless surrounded by a parapet extending no less than two and one half (2.5) feet from the Roof line.
 - (3) Prohibited materials and applications include:
 - (a) Vinyl siding;
 - (b) Smooth-faced, concrete block;
 - (c) Painted or stained concrete block;
 - (d) Tilt-up concrete panels;
 - (e) Exterior insulation finishing systems (EIFS);
 - (f) Standard single- or double-tee concrete systems;
 - (g) Split shakes;
 - (h) Rough-sawn or board and batten wood; or
 - (i) Field-painted or pre-finished standard corrugated metal siding.
 - b. Unit Articulation
 - (1) Developments with ten (10) units or less shall be designed to give the appearance of a large single-family dwelling.
 - (a) When such a design is deemed impractical by the Community Development Director, Buildings should be designed with an appearance of individuality between Dwelling Units including varied rooflines, varied colors, and varied Façade depths to create variety and individuality.
 - (b) Repetition or flipping of substantially similar Façade design between units is prohibited.
 - (2) Developments in excess of ten (10) units shall articulate each Façade with the following:
 - (a) A minimum twenty-five (25) square foot exterior balcony or patio for each Dwelling Unit, covered by an awning, canopy, or Building overhang;
 - (b) A vertical recession or protrusion extending the full height of the Building of at least four (4) feet deep and eight (8) feet wide every thirty (30) linear feet of the Façade length.
 - (3) Units on the ground floor shall be provided with a rear entrance from outside to the porch using a rear door and stoop, if necessary, to accommodate the Grade.

- c. Garage and Carport Requirements
 - (1) One (1) covered Parking Space, using a garage or carport, shall be provided per three (3) units within the Development. Covered spaces shall count toward the minimum Parking Space requirements outlined in the **Table of Allowed Uses**.
 - (2) Covered parking structures may be Attached to primary residential Buildings or detached, and shall comply with the following:
 - (a) Parking structures, including garage doors and carports, shall not be visible from public view. Public view shall be considered the visibility of a garage door from a vantage point of six (6) feet in height from Grade taken from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access easement, or other area intended for public gathering or use.
 - (b) Attached structures shall not comprise more than seventy (75) percent of the overall length of the Façade, and every two (2) garage doors shall be offset by at least four (4) feet from the plane of an adjacent garage door(s).
 - (c) Detached structures shall incorporate compatible materials, scale, colors, architectural details, and Roof slopes as the primary residential Buildings.
- F. Standards for Uses within the **CC, Central Commercial District**
 - 1. Purpose and Intent
 - a. The intent of this **Section 4.08.F** is to maintain the visual appearance and quality of Downtown Bonner Springs and foster a pedestrian experience as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.
 - b. This **Section 4.08.F** shall apply to all instances specified in **Section 4.08.B** above related to Development, including any Accessory Land Uses, within the **CC, Central Commercial District**.
 - 2. Building Orientation
 - a. Buildings shall be oriented toward the street, with the front Façade located within the Build-to Zone specified in **Section 2.04.D.1**.
 - b. Where a Building is established on an Abutting property, the front Façade shall act as a continuation of the Abutting Façades unless otherwise determined by the Community Development Director.
 - 3. Building Articulation and Materials
 - a. General Material Requirements

Buildings shall incorporate Building materials and accents that are deemed compatible with the materials used throughout the surrounding Block, as determined by the Community Development Director.

 - (1) For Alterations or expansions, the materials shall be consistent with the existing Building materials.
 - (2) Alterations and expansions shall not cover, destroy, or otherwise minimize existing architectural elements.

b. General Articulation Requirements

- (1) The ground floor shall be visually separated from any upper floors using at least one (1) of the following elements:
 - (a) A horizontal band of molding along the length of the ground floor plate height;
 - (b) Cornices or transoms running the full length of the Façade; or
 - (c) An awning or canopy above all entrances and windows on the ground floor.
- (2) Light fixtures Attached to the exterior of Buildings shall be compatible with the style, materials, colors, and details of the Building and the character of the district as determined by the Community Development Director.
- (3) All Buildings shall have a primary entry feature within Façades along a street, pedestrian Alley, or Open Space.
 - (a) Multi-tenant and mixed-use Buildings shall have an entrance at a minimum of every fifty (50) feet.
 - (b) Entry features shall be clearly defined using at least one (1) of the following:
 - (i) Awnings, porticos, or overhangs.
 - (ii) Architectural details such as tile work and moldings, lintels, pediments, pilasters, or columns.
 - (iii) Planters that incorporate Landscaping or places for public seating.
 - (iv) Recessed entries no less than four (4) feet in depth
- (4) All Façades facing a street Right-of-Way or public space shall meet the following transparency requirements:
 - (a) Ground floors shall have a minimum of eighty (80) percent transparency measured between Grade and the first floor plate height.
 - (b) Upper floors shall have a minimum of thirty-five (35) percent transparency measured between the plate heights of each story.

Figure 4.37. Awning Separation**Figure 4.38. Recessed Entry**

- (5) Façades longer than one hundred (100) feet in width shall use one (1) or a combination of the following elements to articulate the Façade:
 - (a) A vertical recession or protrusion extending the full height of the Building of at least one (1) foot deep and one (1) foot wide every twenty (20) linear feet of the Façade length.
 - (b) Structural bays, projections, balconies, or cantilevered floors to break up larger wall planes as determined appropriate by the Community Development Director.
 - c. Building Massing and Height
 - (1) The ground floor shall be level with Grade unless otherwise determined by the Community Development Director. If permitted above Grade, a stoop shall be required for all entrances.
 - (2) Plate Height
 - (a) The ground floor plate height shall be between ten (10) feet and twenty (20) feet in height.
 - (b) Upper floor plate heights shall be between eight (8) feet and twelve (12) feet in height.
- G. Standards for Industrial Land Uses
 - 1. Applicability
 - a. This **Section 4.08.G** shall apply to all instances specified in **Section 4.08.B** above related to the following land use types:
 - (1) Industrial Land Uses; and
 - (2) Accessory Land Uses associated with Industrial Land Uses.
 - b. Buildings within an established industrial district, as determined by the Community Development Director, are only subject to the requirements outlined in **Section 4.08.G.4** below.
 - 2. Building Orientation

Primary Buildings shall be oriented so that the primary entrance(s) is facing the Abutting street Right-of-Way, internal Access easement, or other primary means of Access to the Lot as specified in **Section 3.04.B.4**.
 - 3. Building Articulation and Materials
 - a. General Material Requirements
 - (1) A minimum of eighty (80) percent of any singular Façade area, including any parapet or vertical extension, shall be finished with one (1) or more of the following materials:
 - (i) Brick, stone, or similar masonry finish as determined by the Community Development Director.
 - (ii) Masonry block, pre-tinted, rough-hewn, or ground face.
 - (iii) Textured architectural pre-cast concrete panels that imitate brick, stone, or tile.
 - (b) The remaining Façade area may be comprised of integrally-colored stucco, glass, or wood applications.
 - (2) Roofing materials shall be of composition shingles, clay tiles, or concrete tiles unless surrounded by a parapet extending no less than two and one half (2.5) feet from the Roof line.

- b. General Articulation Requirements
 - (1) The intent of Building articulation is to provide architectural interest and variety to prevent the effect of substantial walls with no relation to pedestrian scale.
 - (2) Building Façades in excess of fifty (50) feet in width and visible from public view shall incorporate the following elements:
 - (a) Incorporate vertical architectural features, including but not limited to columns, ribs, pilasters, piers, or bays, that cause a vertical recession or protrusion extending the full height of the Building of at least one (1) foot deep and ten (10) percent of the overall Façade length every thirty (30) linear feet of the Façade length.
 - (b) Windows that occupy a minimum of twenty (20) percent of a singular Façade area of the ground floor, and five (5) percent of the Façade area of additional floors
 - (c) Windows shall be recessed and shall include visually prominent sills or other forms of framing as determined by the Community Development Director.
 - (d) Designated primary entrances using architectural features, including but not limited to arcades, arbors, awnings, or trellises, that signify the primary entrance as determined by the Community Development Director.
 - (e) A variation in Building or parapet height of at least four (4) feet
 - (3) Buildings less than three (3) stories in height must include a vertical architectural feature in accordance with **Section 4.08.D.4.c(1)** above.
- 4. Established Industrial Districts
 - a. Pre-finished metal wall panels may be used in industrial areas where the current predominant Building material is metal.
 - b. Metal panels shall not be used on Façades facing a public street.
 - c. Side Façades extending from the public street-facing Façade shall utilize materials specified in **Section 4.08.G.3.a(1)** above for at least twenty-five (25) percent of the depth of the side Façades extending from the front Façade.
 - d. All metal walls shall be provided with a twenty (20) year finish and shall be of at least a twenty-six (26) gauge metal. Corrugated metal panels are prohibited.
 - e. When metal panels are used, no exposed or semi-exposed connectors shall be permitted.

Section 4.09. Outdoor Lighting

A. Purpose, Applicability, and General Requirements

1. Purpose

The purpose of this **Section 4.09** is to:

- a. Establish standards for the use of outdoor lighting facilities that serve private Developments;
- b. Provide adequate lighting for private Development customers, pedestrians, and drivers;
- c. Provide for the efficient use of energy; and
- d. Mitigate the effects of light pollution on the night sky.

2. Applicability

- a. Unless otherwise stated, this **Section 4.09** applies to any new or existing lighting device within the City Limits exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed, or any other lighting whether Attached to structures, poles, the earth, or any other location.
- b. The regulations of this **Section 4.09** shall not apply to the following:
 - (1) Franchised public utility companies when working on public utility purposes in utility Easements;
 - (2) Seasonal lighting on developed residential property that does not project any footcandles beyond the property line;
 - (3) Repairs to existing luminaires not exceeding twenty-five percent (25%) of total installed luminaires;
 - (4) Temporary lighting for construction sites;
 - (5) Underwater lighting in swimming pools and water features;
 - (6) Temporary lighting for film, theatrical, television, performance areas and construction sites;
 - (7) Open gas flames;
 - (8) Lighting that is required by federal or state regulations;
 - (9) Lighting for flagpoles displaying the flags of the United States of America or the State of Kansas;
 - (10) Lighting for public monuments and statuary;
 - (11) Internally illuminated street signs and street signal lights;
 - (12) Emergency outdoor lighting; or
 - (13) Lighting within a public Right-of-Way or Easement for the principal purpose of illuminating streets or roads.

3. Lighting Plan

a. Lighting Plan Required

- (1) In accordance with **Section 1.04.A** above, a lighting plan shall be required with an application for a Development Plan or other Development Application where external lighting is proposed that is not exempt in **Section 4.09.A.2.b** above.

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- (2) If no outdoor lighting is proposed, a note shall be placed on the face of the Development Plan or other Development Application indicating that no outdoor lighting is proposed.
 - (3) A lighting plan may not be required for the Development of a standalone single-family residential Lot if determined unnecessary by the Community Development Director.
 - b. Lighting Plan Components
 - (1) In addition to the requirements set forth in **Section 1.03.C.2** above, a lighting plan shall contain the following information, at a minimum:
 - (a) For nonresidential and multi-family Development, a photometric analysis that shows the footcandle levels at Grade on a grid in relation to the property lines;
 - (b) The type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, and their respective location on the site and specific measurements in feet for the areas to be illuminated;
 - (c) The fixture manufacturer's specification sheets or catalog cuts;
 - (d) Photometric data, such as furnished by the manufacturer, or similar data showing the angle of cut-off or light emissions per fixture; and
 - (e) A fixture table including, at a minimum:
 - (i) Fixture type (e.g., wall mounted, pole mounted);
 - (ii) Manufacturer;
 - (iii) Catalog or part number;
 - (iv) Fixture quantity;
 - (v) Lamp type;
 - (vi) Standard fixture footcandle detail based on selected mounting height;
 - (vii) Mounting height of the fixture above finished Grade; and
 - (viii) Any fixture description or comments.
 - (2) The Community Development Director may request additional information regarding lighting details to confirm conformance with this **Section 4.09**, including an analysis of any sign lighting components permitted in accordance with **Section 4.06.G** above.
 - 4. Special Lighting Consideration
 - a. Generally
 - (1) When described by this **Section 4.09.A.4**, certain lighting fixtures and standards shall require the approval of a Special Lighting Permit.
 - (2) Applications for a Special Lighting Permit shall accompany a Lighting Plan and shall be considered in accordance with **Section 4.09.A.3** above.
 - (3) When considering a Special Lighting Permit, Applicants shall demonstrate that the proposed lighting installation:
 - (a) Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures;
 - (b) Employs lighting controls to reduce lighting at a Project-specific curfew time to be established in the permit; and
 - (c) Does not create unwarranted glare, sky glow, or light trespass on nearby properties.

b. High Intensity Lighting

The following lighting systems are prohibited from being installed or used without approval of a Special Lighting Permit:

- (1) Temporary lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens;
- (2) Aerial lasers;
- (3) Searchlights; or
- (4) Other very intense lighting, defined as having a light source exceeding 200,000 lumens.

c. Complex Lighting Situations

Lighting not complying with the technical requirements of this **Section 4.09**, but consistent with its intent, may be installed for complex sites or special uses following approval of a Special Lighting Permit. Such instances include, but are not limited to the following:

- (1) Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums;
- (2) Construction lighting;
- (3) Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.;
- (4) Parking structures;
- (5) Urban parks;
- (6) Decorative and architectural lighting of bridges, public monuments, and public Buildings;
- (7) Theme and amusement parks;
- (8) Historic Buildings; or
- (9) Projected images and movies, including drive-in theaters.

B. Lighting Standards Applicable to All Uses

1. Light Fixture Maintenance and Quality

- a. All lighting fixtures, including all poles, mounting apparatuses, and housings, shall be maintained in working, serviceable conditions at all times.
- b. All lighting fixtures shall be treated or painted in a manner consistent with the primary structure so as to prevent corrosion or weathering.

2. Lighting Design

- a. All lighting fixtures shall be directed downward (i.e., downlit) or fully shielded to prevent upward glare.
- b. Lighting fixtures shall not directly emit light onto adjacent properties or Right-of-Ways and shall implement shielding to limit the cutoff angle of produced light within the subject property.

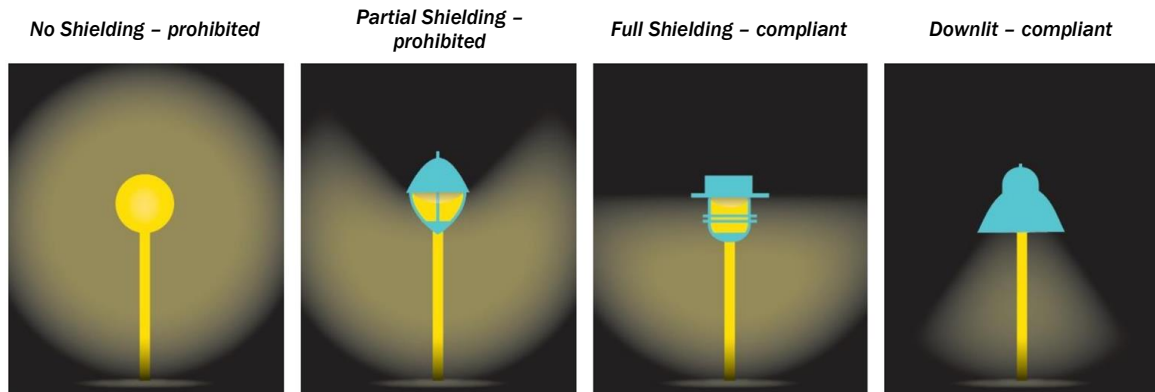


Figure 4.39. Lighting Fixture Angles

3. Lighting Location

- a. Light fixtures shall be placed internal to the subject site, and may be located within the required Building setback.
- b. No lighting fixture shall be located within a required sight triangle outlined in **Section 3.04.G.4** above.
- c. Light fixtures may be located within or suspended above a pedestrian or vehicular way subject to the following:
 - (1) No light fixture may reduce the clear paved width of an internal sidewalk or pedestrian way below five feet in width;
 - (2) No light fixture may reduce the clear paved width of an internal Driveway or traffic way below the required width specified in **Section 4.02** above; and
 - (3) No light fixture may reduce the vertical clearance of a pedestrian or vehicular way below eight or 14 feet, respectively.
- d. Light fixtures may be placed in utility Easements with the approval of the Easement operator. If permitted within a utility Easement, a note shall be placed on the face of the Lighting Plan stating: "Property owner(s) assume all liability and replacement responsibilities for any damage to light poles placed in utility Easements."

4. Light Timing

- a. All areas required to be illuminated by this **Section 4.09** shall be adequately illuminated between the hours of 6:00 p.m. and 6:00 a.m.
- b. In all instances, lighting shall be reduced between the hours of 6:00 p.m. and 6:00 a.m. as much as possible without jeopardizing the safety of pedestrians, vehicular traffic, or property, and without reducing illumination below the required levels per this **Section 4.09**.

5. Maximum Off-Site Footcandles
 - a. It shall be the responsibility of the developing Parcel owner or Developer to protect adjacent properties, either developed or undeveloped, from generated light pollution.
 - b. Illumination at property lines shall be reduced in intensity when Abutting lesser intensive uses or public Right-of-Ways.
 - c. In no case shall a nonresidential, multi-family, or mixed-use Development or Applicant exceed the following footcandles beyond a property line:
 - (1) Abutting a nonresidential, multi-family, or mixed-use Development or zone: Three (3)
 - (2) Abutting a residential use or zone other than multi-family: One-half (0.5)
 - (3) Abutting a public Right-of-Way: Three (3)
- C. Residential Lighting Standards (Excluding Multi-Family)
 1. Lots developed or developing with single-family residential uses shall individually conform to the general lighting requirements of **Section 4.09.B** above.
 2. No lighting fixture shall be installed or mounted higher than the maximum Building Height per the applicable zoning district as outlined in **Section 2.04** above.
- D. Nonresidential, Multi-Family, and Mixed-Use Lighting Standards
 1. General Requirements
 - a. Illumination shall be sufficient to ensure the visibility and safety of pedestrian and vehicular movement within the site.
 - b. Freestanding parking, loading, and vehicle maneuvering area lighting fixtures shall be located within required landscape islands, or protected from moving and parking vehicles by bollards, curbs, wheel stops, or a combination thereof.
 - c. Minimum lighting levels may be accomplished using a combination of freestanding or wall-mounted fixtures.
 2. Maximum Internal Footcandles
 - a. Light shall be distributed evenly across all parking, loading, and vehicle maneuvering areas and shall average between 8 and 12 footcandles.
 - b. In no instance shall illumination exceed 25 footcandles anywhere On-Site.
 3. Maximum Fixture Height
 - a. Fixture or mounting heights shall be measured from Grade to the topmost portion of mounting or housing apparatuses.
 - b. The maximum fixture or mounting height in all nonresidential, multi-family, and mixed-use Developments shall be determined as follows:
 - (1) Fixtures less than 50 feet from residentially zoned or used property, or the Front Lot Line: 16 feet
 - (2) Fixtures between 50 and 250 feet from residentially zoned or used property, or the Front Lot Line: 20 feet
 - (3) Fixtures more than 250 feet from residentially zoned or used property, or the Front Lot Line: 35 feet
 - c. Canopy lighting shall be recessed and shall not extend below the canopy surface.

E. Pedestrian, Parkland, Trail, and Common Area Lighting Standards

1. General Requirements

- a. Illumination shall be sufficient to ensure the visibility and safety of pedestrian or other user movement within the site.
- b. Minimum lighting levels may be accomplished using a combination of freestanding or wall-mounted fixtures.
- c. Lighting shall not obstruct pedestrian movement and shall be of appropriate scale to anticipated pedestrian and user activity.

2. Maximum Footcandles

- a. Light shall be distributed evenly across all areas intended for pedestrian movement, including trails, paths, and Common Area Improvements such as playground equipment.
 - (1) Pedestrian areas internal to parking, loading, and vehicle maneuvering areas shall be subject to **Section 4.09.D** above.
 - (2) Where the requirements of this **Section 4.09.E** conflict with the offsite illumination restrictions of **Section 4.09.B.5** above, the stricter provisions shall apply.
 - b. Light levels across all areas intended for pedestrian movement shall average between 4 and 8 footcandles.
 - c. In no instance shall illumination for the purposes of this **Section 4.09.E** exceed 15 footcandles.
3. Maximum Fixture Height
 - a. Fixture or mounting heights shall be measured from Grade to the top-most portion of mounting or housing apparatuses.
 - b. The maximum fixture or mounting height in all areas intended for pedestrian movement shall be 16 feet.

Figure 4.40. Pedestrian-Scale Lighting

Section 4.10. Stormwater and Floodplain Controls

A. Purpose and Applicability

1. The purpose of this **Section 4.10** is to:
 - a. Promote the safe and responsible Development of stormwater infrastructure throughout the City;
 - b. Establish stormwater runoff protections for properties adjacent to Development; and
 - c. Promote low-impact Development Standards related to stormwater runoff and Floodplain impacts.
2. In addition to the requirements of this **Section 4.10**, all stormwater and Floodplain controls must conform to the standards, criteria, and requirements of **Section 5600** of the City Standard Specifications and Design Criteria Manual.
3. Exemptions, deviations, or Alterations to the requirements of this **Section 4.10** shall be decided by the City Engineer.

B. General Provisions

1. Management of Stormwater Runoff

Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of stormwater runoff drainage onto, through, and originating within the Development or subdivision limitations.

2. Maintenance Responsibility

- a. The property owner shall be responsible for maintaining stormwater Infrastructure in an operable state, including detention and retention ponds and other associated Improvements. For any facility serving multiple Developments or Lots, a management company, Homeowners' or Property Owners' Association, or similar entity capable of funding operation and maintenance shall maintain such facilities.
- b. It is a violation for a stormwater Improvement to be inoperable for its intended purpose due to lack of maintenance.

3. Stormwater Discharge

Stormwater discharged from any developed site must:

- a. Have no adverse impact downstream;
- b. Be released in a manner that does not alter existing drainage patterns onto neighboring properties; and
- c. Not endanger human life, or public or private property.

4. Drainage Plan and Specification Required

- a. Preliminary drainage plans reflecting all necessary plans, profiles, and specifications for stormwater Improvements shall be prepared and submitted with the initial application for the following Developments:
 - (1) New nonresidential or multi-family construction or subdivisions;
 - (2) New single-family residential construction or subdivisions;
 - (3) Any Development or construction if impervious surface is increased unless exempted by the City Engineer; or
 - (4) Any Development or construction requiring Preliminary Plat.

- b. Final drainage plans shall be included with a Construction Plan application made in accordance with **Section 1.04.D** above, and shall include, at a minimum, sufficient information to confirm compliance with this **Section 4.10** as determined by the City Engineer.
 - c. The Subdivider shall incur the cost of all drainage Improvements connected with a Development or subdivision, the acceptance of current upstream flows necessary to drain the site safely and adequately, and any necessary Off-Site channels or storm sewers, including the acquisition of any required Easements.
 - (1) Drainage improvements shall be designed to meet the minimum levels of service outlined in **Section 5600** of the City Standard Specifications and Design Criteria Manual.
 - (2) Any necessary Off-Site channel or storm sewers which are required to be within Easements must have a separate instrument Easement filed with the County, which shall be submitted to the City prior to approval of Construction Plans in accordance with **Section 1.04.D** above.
- C. Lot-to-Lot Drainage Standards
- 1. Single-Family Residential Lot-to-Lot Conditions
 - a. Surface runoff from residential Lots shall cross no more than one (1) additional Lot before being directed toward the street or a dedicated drainage system.
 - b. If surface runoff flow reaches a second Lot, an Easement shall be required to convey the water from the original Lot to the street or to a dedicated City drainage system.
 - c. Where lot-to-lot drainage occurs, the City Engineer may require a drainage Easement between the Lots.
 - 2. Nonresidential and Multi-Family Lot-to-Lot Conditions
 - a. Surface runoff from nonresidential and multi-family Lots shall cross no more than one (1) additional nonresidential or multi-family Lot before being directed toward the street or a dedicated drainage system.
 - (1) If surface runoff flow reaches a second Lot, an Easement shall be required to convey the water from the original Lot to the street or to a dedicated City drainage system.
 - (2) Surface runoff shall not reach a fourth Lot, including the Lot of origin.
 - (3) In no instance shall stormwater runoff from a nonresidential or multi-family use or Development convey onto a single-family used or zoned property.
 - b. Concentrations of stormwater shall be collected into an Enclosed system, either private or public, prior to reaching the curb line of a roadway.
- D. Design Standards
- 1. Site Design Integration
 - a. Ponds, both natural and artificial, and existing Floodplains On-Site shall be integrated into the overall design of a Project, regardless of whether the amenity will be applied to parkland dedication requirements per **Section 4.07** above, using a pedestrian way.
 - b. Pedestrian ways shall front along a minimum of fifty (50) percent of the pond or Floodplain shoreline and shall be no less than five (5) feet in width.
 - (1) Pedestrian ways shall either loop or connect two points On-Site intended for pedestrian use. Looped pedestrian ways shall connect to one point On-Site intended for pedestrian use.

- (2) Pedestrian connections shall be lit in accordance with **Section 4.09** above.
- 2. Drainage Improvement Materials
 - a. Swales
 - (1) Swales on single-family residential Lots shall be fully sodded unless approved otherwise by the City Engineer or the City Standard Specifications and Design Criteria Manual.
 - (2) Swales on nonresidential and multi-family Lots shall be constructed of natural materials such as sod, plants, hardwood mulch, and rock that are suitable to accept, dissipate, and filter runoff.
 - b. Enclosed Systems
 - (1) Enclosed systems shall be designed in accordance with the City Standard Specifications and Design Criteria Manual or as approved by the City Engineer.
 - (2) Any Easement required by the City Standard Specifications and Design Criteria Manual shall be clearly indicated and dedicated on all applicable applications.
- E. Environmentally Sensitive Area (ESA) and Flood Hazard Buffers
 - 1. Purpose and Supporting Regulations
 - a. The City recognizes the need to establish separation from sensitive environments and flood hazard areas within the City Limits for the purposes of water quality protection and natural preservation.
 - b. In addition to the requirements of this **Section 4.10.E**, any Development within or around a waterway shall comply with Section 5600 of the Kansas City Metropolitan Chapter of the American Public Works Association's (KCAPWA) **Standard Specifications & Design Criteria**, as amended.
 - c. Any Development on property identified as numbered or unnumbered A, AE, AO, or AH Zones on the Flood Insurance Rate Map (FIRM), as amended, shall be subject to the City's adopted **Floodplain Management Regulations**, as amended.
 - 2. Exemptions
 - a. Exemptions to the requirements of this **Section 4.10.E** may be granted by the Planning and Zoning Commission following a recommendation by the City Engineer.
 - b. Existing Improvements within the required buffer established in **Section 4.10.E.3** below may be maintained and replaced in their approved status; however, an increase in area or new Improvement listed in **Section 4.10.E.4** below shall require an exemption in accordance with **Section 4.10.E.2.a** above.
 - 3. ESA or Flood Hazard Buffer Required
 - a. A buffer no less than one hundred (100) feet in width shall be established from the outermost limitations of the following features:
 - (1) Regulatory Floodways within areas having a one percent annual chance of Flooding as identified on the latest Federal Emergency Management Agency (FEMA) FIRMs; and
 - (2) Environmentally sensitive areas identified by City.
 - b. ESA or flood hazard buffers shall be identified on all applicable plan sets and Plat applications within an Easement.

4. Prohibited Improvements

The following Improvements are prohibited within an ESA or flood hazard buffer Easement:

- a. The installation of any impervious material, including pavement for parking or vehicular ways, structures, walls, or similar Improvements.
- b. Alterations to the existing topography or flora, unless in conjunction with an approved trail in accordance with **Section 4.07.F** above.
- c. The storage or parking of any construction-related vehicles, equipment, or materials, either during or after the completion of a Project.

Chapter 5. Definitions

Section 5.01. General Definitions

This **Section 5.01** defines general terms used throughout these regulations:

1. **Abutting**
Adjacent, adjoining, and contiguous to.
2. **Access**
A means of approaching and entering a Parcel or structure, or the ability to traverse a Parcel or structure.
3. **Alley**
A secondary means of Access to Abutting Parcels constructed within a dedicated Right-of-Way which is used primarily for vehicular service Access to the back or sides of Parcels otherwise Abutting on a street.
4. **Alteration**
A physical change in, or to, a Building or site.
5. **Applicant**
The person responsible for the submission of an application as, or on behalf of, the property owner
6. **Attached**
A method of construction in which one object, structure, or other feature is dependent on another in order to remain structurally sound, operational, and suitable for human and natural interaction.
7. **Automatic Irrigation**
A permanent automated irrigation system designed to start and stop the transport and distribution of water through a supply channel.
8. **Berm**
An earthen mound designed to provide visual interest, screening, or buffer.
9. **Block**
A Parcel of land or a group of Parcels bounded by thoroughfare Right-of-Ways.
10. **Board of Zoning Appeals**
The Board of Zoning Appeals of the City of Bonner Springs, Kansas.
11. **Building Code**
The officially adopted Building Code of the City of Bonner Springs, Kansas, as amended.
12. **Building Height**
The vertical distance between the average finished Grade along the base of a Building to the highest point of the Roof, excluding architectural elements that do not add Floor Area to a Building or structure, including but not limited to parapet walls, chimneys, vents, and Roof equipment.
13. **Building**
A structure created to shelter any form of human activity, including both public and private uses.

14. *Build-to Zone*

A range that extends the full length of a Front Lot Line in which the Primary Building's front Façade must be located within.

15. *Caliper*

Diameter of a predominant tree trunk measured in inches.

16. *Capacity*

The maximum level of designed use of any structure, facility, utility, or part thereof.

17. *City*

The City of Bonner Springs, Kansas.

18. *City Council*

The City Council of the City of Bonner Springs, Kansas.

19. *City Engineer*

The officially recognized City Engineer of the City of Bonner Springs, Kansas, including anyone designated by the City Engineer to carry out or aid in the execution of one or more of the City Engineer's duties or powers under these regulations.

20. *City Limits*

The incorporated boundaries of the City of Bonner Springs, Kansas.

21. *City Manager*

The officially recognized City Manager of the City of Bonner Springs, Kansas.

22. *City Standard Specifications and Design Criteria Manual*

The officially adopted Standard Specifications and Design Criteria Manual of the City of Bonner Springs, Kansas, as amended.

23. *Common Area*

Any Lot or portion thereof within a Development designated for the common use of the Development's residents or visitors.

24. *Community Development Department*

The Community Development Department of the City of Bonner Springs, Kansas.

25. *Community Development Director*

The officially recognized director of the Community Development Department of the City of Bonner Springs, Kansas.

26. *Comprehensive Plan*

The officially adopted Comprehensive Plan of the City of Bonner Springs, Kansas, as amended.

27. *Construction Plan*

*See **Section 1.04.D.1.a.***

28. *Corner Lot*

See Lot, Corner.

29. **County**
Wyandotte, Leavenworth, or Johnson counties, as applicable based on the location of the Parcel.
30. **Decibel**
A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure of 20 micro-pascals.
31. **Developer**
A person or entity who proposes to undertake or undertakes the Development or Improvement of land and other activities covered by these regulations.
32. **Development**
Any manmade change to improved or unimproved Parcels.
33. **Development Application**
An application for any type of plan, permit, Plat, or Construction Plan authorized or addressed by this these regulations, as amended.
34. **Development Plan**
*See **Section 1.04.A.1.a.***
35. **Development Review Team**
*The officially recognized Development Review Team (DRT) of the City of Bonner Springs, Kansas, as established in **Section 1.02.B.1.***
36. **Development Rights**
The rights of a property owner or owners to develop Improvements in accordance with these regulations, as amended.
37. **Development Standards**
The requirements and regulations regarding land Development established by these regulations.
38. **Diameter at Breast Height**
The diameter of a tree measured four and one half (4.5) feet above Grade.
39. **Double-Frontage Lot**
See Lot, Double-Frontage.
40. **Driveway**
Any way, place, or area constructed within the public Right-of-Way connecting the street Improvements with private property for the purpose of providing Access to private property.
41. **Dwelling Unit**
A structure or portion thereof intended for occupation by one Household.
42. **Easement**
An area where a property owner authorizes another to use any designated part of the owner's property for a specified purpose or use, and evidenced by an instrument or Plat filed with the County.
43. **Enclosed**
A manner of construction in which a structure is encased and completely separated from external environments through the use of walls, ceilings, and operational windows that may be closed and sealed.

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44. *Existing Tree*
Any tree that is present on a Parcel prior to Development.
45. *Façade*
A wall or face of a structure.
46. *Fence*
An Improvement, solid or otherwise, which serves a barrier and is used as a boundary or means of protection, confinement, or concealment.
47. *Filing Plat*
A Plat, excluding a Preliminary Plat, that is filed with the County.
48. *Fire Code*
The officially adopted Fire Code of the City of Bonner Springs, Kansas, as amended.
49. *Fire Department*
The Fire Department of the City of Bonner Springs, Kansas.
50. *Flag Lot*
See Lot, Flag.
51. *Floor Area*
The square foot area of a building, including accessory building, measured from outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms but excluding unroofed balconies and patios.
52. *Flashing*
A pattern of changing light illumination where the light source alternates suddenly between fully illuminated and fully non-illuminated more often than one on-off cycle per second.
53. *Flood Insurance Rate Map*
The most recent Flood Insurance Rate Map (FIRM) for the City issued by the Federal Emergency Management Agency (FEMA).
54. *Flooding*
The general and temporary condition of partial or complete inundation of water on normally dry land area.
55. *Floodplain*
Any land area susceptible to being inundated by water from any source as identified on the latest Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA).
56. *Floodway*
The channel of a watercourse and the adjacent land areas, as identified on the latest Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA), that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
57. *Front Lot Line*
See Lot Line, Front.
58. *Grade*
The level of the finished surface of the ground.

59. Grass

A plant that forms a continuous cover over the ground's surface no greater than six (6) inches in height above Grade.

60. Homeowners' or Property Owners' Association

A formal nonprofit organization operating under recorded land agreements through which each property owner in a specific area is automatically a member, and each property owner is automatically subject to a charge for a proportionate share of the expense for the organization's activities, including but not limited to the maintenance of Common Areas.

61. Household

Any number of individuals living together as a single unit in which not more than four (4) individuals are unrelated by blood, marriage, or adoption.

62. Improvement

Alterations, including any structure, facility, or service together with its associated public site, Right-of-Way or Easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, made to a piece of property.

63. Infrastructure

All streets, Alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

64. Irregular Lot

See Lot, Irregular.

65. Junk Vehicle

An unregistered motor vehicle that is unfit for reconditioning for use on public thoroughfares, or is used for parts that have been discarded or are no longer used for the purpose for which they were manufactured.

66. Landscaped Area

An area devoted to and which may consist of plant materials, water forms, planters, brick, stone, aggregate, and other materials customarily utilized for Landscaping purposes.

67. Landscaping

The changing, rearranging, or adding to the original plant materials or scenery of land, including the reshaping of the land by moving earth, preservation of original plant materials or addition of new plant materials, or any combination of these treatments.

68. Lot

A Parcel recorded with the County by means of Plat, indicating that the Parcel is suitable for Development under the applicable regulations.

69. Lot Area

The area of a Parcel following any dedication of Right-of-Way.

70. Lot Coverage

The percent of gross land within a Parcel that is covered by impervious material (e.g., materials that do not allow water to permeate), but excluding pools or ponds, uncovered decking, and Roof overhangs equal to or less than two feet from the exterior walls of a structure.

71. Lot Depth

The average length between the Front Lot Line and Rear Lot Line.

72. **Lot Line**
The property lines bounding the limitations of a Parcel.
73. **Lot Line, Front**
The Lot Line that abuts a Right-of-Way or other approved means of Access to a Parcel, and which primary structures are conventionally oriented toward.
74. **Lot Line, Rear**
The Lot Line generally opposite of the Front Lot Line, and that may abut an Alley or other means of secondary Access to a Parcel.
75. **Lot Line, Side**
The Lot Line generally connecting the front and Rear Lot Lines of a Parcel.
76. **Lot Width**
The average length between the Side Lot Lines measured along the front setback line.
77. **Lot, Corner**
A Parcel that fronts and sides on two intersecting Right-of-Ways.
78. **Lot, Double-Frontage**
A Parcel in which the front and Rear Lot Line abut a Right-of-Way, or in which two or more Side Lot Lines abut a Right-of-Way.
79. **Lot, Flag**
A Parcel in which Access to a Right-of-Way or other approved means of Access is achieved by an extension of the Parcel (the "pole") thinner than the Parcel's eventual width (the "flag").
80. **Lot, Irregular**
A Parcel shaped in a way that does not generally conform to a square, rectangle, traditional geometry, or combination thereof as determined by the Community Development Director.
81. **Master Fee Schedule**
The officially adopted Master Fee Schedule of the City of Bonner Springs, as amended.
82. **Municipal Utilities**
Utilities, including but not limited to water and wastewater systems, waste collection, electricity, or other necessary Infrastructure necessary to preserve the life and safety of the public that is owned and operated by the City.
83. **Nonconforming**
A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance, text amendment, or rezoning, an existing Lot, structure, Development, or use of an existing Lot or structure does not conform to one or more of the regulations currently applicable to the district in which the Lot, structure, Development, or use is located.
84. **Nonconforming Lot**
*See **Section 2.07.C.***
85. **Nonconforming Structure**
*See **Section 2.07.D.***

86. *Nonconforming Use*
See **Section 2.07.E.**
87. *Occupied*
The use or intended use of land or Buildings by proprietors or tenants.
88. *Official Zoning Districts*
*Sections of the City of Bonner Springs, Kansas, as depicted on the Official Zoning Map established in **Section 2.04.A.***
89. *Off-Site*
Outside the limits of the area encompassed by a subject Parcel, or the limits of a Development.
90. *On-Site*
Within the limits of the area encompassed by a subject Parcel, or the limits of a Development.
91. *Open Space*
Any public or private land or area intended for preservation, recreation, amenities, buffering, or Landscaping.
92. *Orientation*
The direction in which a structure's primary Façade is facing.
93. *Oversizing*
The designing of Infrastructure to handle an excess of the maximum needed to serve a Development.
94. *Parcel*
A contiguous quantity of land in the possession of, owned by, or recorded as the property of the same owner or owners, and which includes the terms "Tract" and "Lot".
95. *Parking Space*
Stalls, including but not limited to those within a garage, reserved exclusively for the parking of a vehicle.
96. *Pitched Roof*
See *Roof, Pitched.*
97. *Phase*
A designated portion of a Development that is intended to be constructed prior to other designated portions of the Project.
98. *Planning Commission*
The Planning Commission of the City of Bonner Springs, Kansas.
99. *Plat*
A document made to a measurable scale upon which a description and definition of real property is made, and indicates the way in which the requirements of these regulations are to be met.
100. *Primary Building*
The Building(s) on a Parcel that are Occupied by the primary use.
101. *Professional Engineer*
A person licensed as a Professional Engineer in the State of Kansas.

102. Project

A submission, or series of submissions, intended to develop or redevelop land within the City.

103. Protected Tree

An Existing Tree in excess of two inches in Diameter at Breast Height that is designated to remain On-Site during and after Development.

104. Rear Lot Line

See Lot Line, Rear.

105. Recreational Vehicle

Any type of vehicle used primarily for recreational pleasure, which is either self-propelled, mounted on, or pulled by another vehicle.

106. Rehabilitation

The act or process of returning a property to a state of utility through repair or Alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

107. Restoration

The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of earlier work.

108. Retaining Wall

A standalone structural wall supporting soil loads and live or dead surcharge loads to the soil, including but not limited to additional soil, structures, parking areas, and vehicles.

109. Right-of-Way

A Parcel, Easement, or portion thereof dedicated to the City for Access and utility, and which typically contains a street, Alley, sidewalk, other means of Access, and associated underground or overhead utilities.

110. Roof

The structural covering of a Building, including but not limited to projections beyond the limitations or supports of the Building.

111. Roof, Pitched

A Roof construction method in which a slope of at least one-foot rise for each four feet of horizontal distance is provided.

112. Screening

A method of visually shielding a Parcel, structure, use, or other Improvement from another.

113. Scrivener's Errors

Clerical errors that do not impact the technical or operational soundness of an application, including but not limited to misspellings, incorrect names or contact information, or other typographical errors.

114. Setback

A line signifying the limitations of erecting structures between the line and the associated Parcel limitation.

115. Setback, Front

A setback that runs parallel with the Front Lot Line the full extent of the Lot Width, and that is no closer to the Front Lot Line than the setback indicated by the appropriate zoning district. All street frontages shall be subject to the front setbacks indicated by the appropriate zoning district.

116. Setback, Interior Side

A setback that runs parallel with the Side Lot Line for the full extent of the Lot Depth that is shared with another property's Side Lot Line, but does not include the Abutting Front Lot Line.

117. Setback, Rear

A setback that runs parallel with the Rear Lot Line for the full extent of the Lot Width, and that is no closer to the Front Lot Line than the setback indicated by the appropriate zoning district.

118. Shared Parking

The use of the same off-street Parking Spaces to satisfy the off-street parking requirements for two or more uses or properties.

119. Shrubs

A self-supporting, woody plant smaller than a tree with multiple stems extending from or near the plant's base.

120. Side Lot Line

See Lot Line, Side.

121. Sidewalk

A public footpath constructed within a dedicated Right-of-Way, pedestrian way, or Access Easement for public use.

122. Sight Triangles

The triangular area formed by a diagonal line connecting two points located on intersecting street or Alley Right-of-Way lines and Driveways. (See Section 3.04.G.4.)

123. Sign

Any structure or displays erected for the purpose of advertising or attracting attention to any business, activity, or message.

124. Sign Contractors

A person, firm, association, or corporation that provides services to install, erect, repair, maintain, rebuild, or reconstruct Signs.

125. Sign, Abandoned

Any Sign that was erected and is now unrelated to the present use of the Parcel, or any Sign associated with a use on a Parcel that becomes vacant and unoccupied for a period of three months or more.

126. Sign, Awning or Canopy

See Section 4.06.H.1.

127. Sign, Billboard

A freestanding Sign or Sign structure upon which the Sign copy is placed on a poster or panel and mounted on a pole or metal structure, typically with a monopole structure constructed with tubular steel support, tubular steel framing, and a single display panel with a concrete foundation.

128. Sign, Blade

See Section 4.06.H.2.

129. Sign, Commercial Monument

See Section 4.06.H.6.

130. *Sign, Hanging*

See Section 4.06.H.4.

131. *Sign, Illuminated*

A Sign which is internally or externally illuminated by electric lights, luminous/neon tubes, or other means that are specifically placed to draw attention to, or provide nighttime viewing of, the subject matter on the Sign face.

132. *Sign, Menu Board*

See Section 4.06.H.5.

133. *Sign, Neighborhood Monument*

See Section 4.06.H.7.

134. *Sign, Pole*

A permanent detached Sign in which the Sign face is mounted on one or more poles and the base of the Sign face is situated more than 12 inches above the ground, but excluding a flag.

135. *Sign, Projecting*

See Section 4.06.H.3.

136. *Sign, Roof*

A Sign affixed to or erected from the upward-facing portion of a Roof structure.

137. *Sign, Sidewalk*

See Section 4.06.H.8.

138. *Sign, Snipe or Bandit*

A Sign Attached to trees, stakes, utility poles, Fences, or other like objects not intended to be used as structural support members.

139. *Sign, Temporary*

Any Sign constructed without frames intended to be displayed for a limited period of time only.

140. *Sign, Temporary Banner*

See Section 4.06.H.9.

141. *Sign, Temporary Construction*

See Section 4.06.H.10.

142. *Sign, Wall*

See Section 4.06.H.12.

143. *Sign, Wayfinding*

See Section 4.06.H.13.

144. *Sign, Window*

See Section 4.06.H.14.

145. *Storm Sewer*

Pipes, sewers, or other conveyances specifically designed to accept discharges of storm water, surface water, ground water, artesian well water, Roof runoff, subsurface drainage, yard drainage, lawn spray waters, pond water, and other similar water runoff.

146. *Storm Water*

Any flow occurring during or following any form of precipitation.

147. *Story*

The height measured between Building plates between successive floors of a Building.

148. *Street*

A thoroughfare, excluding an Alley, which has been constructed within a dedicated Right-of-Way for public or private use.

149. *Street, Arterial*

An arterial thoroughfare, either existing or planned, as depicted on the City's most recent Transportation Plan Map.

150. *Street, Collector*

A collector thoroughfare, either existing or planned, as depicted on the City's most recent Transportation Plan Map.

151. *Street, Cul-de-sac*

A type of dead-end street having one vehicular Access to another street, and terminated on the opposite end by a vehicular turnaround.

152. *Street, Dead-end*

A street, other than a cul-de-sac, with only one outlet.

153. *Street, Interior*

Streets that are generally located within a Development boundary.

154. *Structure*

Anything above three (3) feet in height constructed or erected that is secured to the ground or something else secured to the ground, or is placed on the ground and intended for human activity, including but not limited to Buildings and Signs, but excluding Fences, Retaining Walls, Sidewalks, and curbs.

155. *Subdivider*

Any person or authorized agent thereof that divides or proposes to divide land to constitute a Subdivision.

156. *Subdivision*

The division of a tract of land into two or more Lots for the purpose, whether immediate or future, of sale or building Development or transfer of ownership except for transfer to heirs of an estate, and shall include re-Subdivision.

157. *Submittal Date*

The day or date on which an application is submitted.

158. *Surveyor*

A person licensed as a surveyor in the State of Kansas.

159. Tangent Line

The line formed by continuing the trajectory of a straight line that meets a curve end or start point.

160. Tenant

A person who owns or is entitled to occupy a Dwelling Unit, Parcel, or other Structure.

161. These Regulations

The Unified Development Code of the City of Bonner Springs.

162. Topography

The physical terrain elevation and slope of a Parcel.

163. Tract

A Parcel recorded with the County by means of metes and bounds, conveyance, or other instrument, excluding a Plat.

164. Transportation Plan Map

The officially adopted Transportation Plan Map of the City of Bonner Springs, as amended.

165. Tree, Ornamental

A self-supporting plant that grows to a minimum mature height of at least twelve (12) feet, with at least one well-defined trunk or a group of trunks and a flowering canopy.

166. Tree, Shade

A self-supporting plant that grows to a minimum mature height of at least twenty (20) feet, with at least one well-defined trunk and a canopy that, at maturity, screens the sun's rays.

167. Unit

A room within a multiple-unit Building or a group of adjacent rooms within a multiple-unit Building that are under the control and use of the same person or entity.

168. Vested Rights

The right of a property owner requiring the City to review and decide on a Development Application under standards in effect prior to the effective date of these regulations, as amended.

169. Wastewater

The liquid and water-carried waste from a Parcel.

170. Whole or Wholly

A manner in which all parts of a use, Structure, or other object is located within another.

171. Yard, Front

The area between the Front Lot Line and the Primary Building, extending between the Side Lot Lines.

172. Yard, Rear

The area between the Rear Lot Line and the Primary Building, extending between the Side Lot Lines.

173. Zoning Map

The official certified map upon which the boundaries of the various Official Zoning Districts are drawn.

174. Zoning Map Amendment

A change or modification to the boundaries of any zoning district within the City's Official Zoning Map.

175. *Zoning Map Amendment*

A change or modification to the boundaries of any zoning district within the City's Official Zoning Map.

Section 5.02. Land Use Definitions

This **Section 5.02** defines the land uses set forth in the Table of Allowed Uses outlined in **Section 2.05** above and related terms:

176. *Accessory Dwelling Unit (ADU)*

A Dwelling Unit located within a Building or structure incidental to an On-Site primary Dwelling Unit or Building, which provides independent living facilities from the primary dwelling including a kitchen, bathroom, and bedroom.

177. *Accessory Structure*

A Building or Structure incidental to, or customarily found in connection with, the primary use of a property.

178. *Adult Entertainment*

An establishment that offers services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. See Chapter VIII, Article 4 of the City's Code of Ordinances.

179. *Agricultural Practice*

The cultivation or grazing of land for commercial purposes, including the growing of crops, pasturage, nursery, and the raising of poultry or other animals, which may include the necessary structures for carrying out such operations, including homesteads, barns, stables, and other incidental uses and structures. Personal gardens, greenhouses, and similar practices are not considered Agricultural Practices for the purposes of these regulations.

180. *Airport or Helistop*

An establishment engaged in the landing and take-off of aircraft, including but not limited to all associated Buildings, approaches, and maintenance facilities.

181. *Alcohol Beverage Production, Brewery*

An establishment where malt beverage, such as beer, ale, or cider, is produced and packaged for distribution, Wholesale, or Retail, either On-Site or Off-Site, with a Capacity of not more than 60,000 barrels per calendar year, which may include all necessary facilities, Buildings, and offices essential to the operation of such production.

182. *Alcohol Beverage Production, Distillery*

An establishment where spirit, such as liquor from any source, is produced and packaged for distribution, Wholesale, or Retail, either On-Site or Off-Site, with a Capacity of not more than 50,000 gallons per calendar year, which may include all necessary facilities, Buildings, and offices essential to the operation of such production.

183. *Alcohol Beverage Production, Winery*

An establishment where domestic table or fortified wine, derived from grape, honey, rice, or other means, is produced and packaged for distribution, wholesale, or retail, either On-Site or Off-Site, with a Capacity of not more than 100,000 gallons per calendar year, which may include all necessary facilities, Buildings, and offices essential to the operation of such production and cultivation.

184. Alternative Financial Service

An establishment engaged in check cashing, money transfer, payday advance or loaning, or title loaning, or any establishment that provides capital at a high rate of interest with a short repayment period most accurately measured in days or weeks to leveraged consumers having no other source of capital.

185. Assisted Living or Nursing Facility

An establishment where people of at least sixty-two (62) years of age or people suffering an illness or ailment are provided with lodging and meals.

186. Bank or Financial Institution

An establishment engaged in the deposit, custody, loan, exchange or issue of money, the extension of credit, or facilitating the transmission of funds, and which is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union, but excluding Alternative Financial Service.

187. Bar or Tavern

An establishment that serves alcoholic beverages by the drink and food for On-Site or Off-Site consumption by the purchasing individual, and that derives more than half of its gross revenue from the On-Site sale of alcoholic beverages.

188. Bed & Breakfast

An establishment, generally in a Dwelling, Single-Family Detached, primarily engaged in providing overnight or otherwise temporary lodging with one or more meals provided for compensation, and which is owned and operated by a family or individual living On-Site.

189. Boarding or Lodging House

An establishment where lodging, with or without meals, is provided for compensation for not more than twenty-four (24) unrelated persons, and where there are not more than twelve (12) bedrooms used for lodging accommodations.

190. Cemetery

A tract used for interment of human or animal remains, either cremated or whole, including but not limited to burial parks, mausoleums, crypts, columbarium, or any combination thereof, but excluding facilities used for the cremating or embalming of human or animal remains.

191. Club, Private

An establishment serving a social, educational, or recreational purpose in which membership is required for participation, and which is not primarily operated for profit, nor to render a service that is customarily carried on as a business.

192. Commercial Amusement, Indoor

An establishment wholly Enclosed in a Building engaged in recreational pastimes not otherwise specified, including but not limited to arcade games, billiards, bowling alleys, and supporting retail or restaurant services.

193. Commercial Amusement, Outdoor

An establishment engaged in recreational pastimes not otherwise specified wherein any portion of the offered activities takes place outside of a Building, including but not limited to miniature golf courses, racetracks, archery, swimming pools, and supporting Retail or Restaurant services.

194. Community Garden

A facility for the cultivation of produce or ornamental plants by more than one person or family, and which is typically constructed within a common space accessible by the public.

195. *Community Gathering, Private*

A temporary, private gathering of more than 25 individuals hosted by a private property owner or agency on an irregular or annual cycle, including but not limited to private events and neighborhood gatherings.

196. *Community Gathering, Public*

A temporary, public gathering of more than 20 individuals, excluding City staff and event workers, hosted by the City on an irregular or annual cycle, including but not limited to pop-up events, banquets, and community-wide celebrations.

197. *Construction Equipment Storage*

The storing of necessary tools and machinery used during a construction Project, including but not limited to skid steers, backhoes, forklifts, tractors, and trucks.

198. *Construction Field Office*

A temporary structure used as an office in conjunction with an active construction Project.

199. *Crematorium*

An establishment engaged in the cremation of human or animal remains prior to interment.

200. *Day Care Center*

An establishment where care, supervision, custody, or control is provided for more than ten (10) unrelated children under sixteen (16) years of age for less than twenty-four (24) hours, but excluding School, Kindergarten through Intermediate or School, High.

201. *Day Care Residence*

A Dwelling Unit where care, supervision, custody, or control is provided for a maximum of ten (10) unrelated children, including those of the permanent resident, under sixteen (16) years of age.

202. *Drive-Through*

An accessory use, typically associated with Restaurants, Bank or Financial Institutions, pharmacies, and other uses, to accommodate drive-up patrons who remain in their vehicle.

203. *Dwelling, Manufactured Home*

i. Manufactured Homes are regulated by HUD Code.

ii. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976. A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section.

204. *Dwelling, Mobile Home*

A mobile home is any manufactured home that was constructed prior to June 15, 1976

205. *Dwelling, Modular Home*

A Dwelling Unit permanently connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems, constructed of prefabricated units or modules transported to or assembled on the site of its permanent foundation.

206. *Dwelling, Multi-Family*

A Building with three (3) or more Attached Dwelling Units, regardless of ownership, located on one (1) Lot of record designed for occupancy by independent families in an amount not to exceed the amount of Dwelling Units.

207. Dwelling, Single-Family Attached

A Dwelling Unit located on one (1) Lot of record designed for occupancy by one (1) independent family where at least one (1) exterior wall of the unit is shared by an Abutting Dwelling Unit on a separate Lot of record.

208. Dwelling, Single-Family Detached

A free-standing Building located on one (1) Lot of record designed for occupancy by one (1) independent family.

209. Dwelling, Single-Family Duplex

A Building with two (2) Attached Dwelling Units located on one (1) Lot of record designed for occupancy by two (2) independent families.

210. Electrified Fencing

A Fence designed to actively conduct electricity.

211. Energy Production, Commercial

An establishment engaged in the sequestration of energy sources, including but not limited to solar or wind energy, and electricity, for the primary purposes of commercial distribution to users or utility providers.

212. Energy Resource Extraction

An establishment engaged in the extraction, using drilling, pumping, mining, or similar means, of raw materials from the Earth for distribution or refinement, including but not limited to oil and natural gas extraction, and mining.

213. Event Venue

A Building or structure either wholly Enclosed or partially exposed outdoors for the viewing of athletic events or performances, and which typically include appropriate seating structures, concessionary services, and any sheltered assembly spaces.

214. Farmer's Market

A temporary or permanent venue where individual vendors offer for sale to the public cultivated products, craft items, food and beverage, or similar items, but not second-hand goods, typically dispensed from booths or designated sales points On-Site.

215. Food Truck Park

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons, and which typically include electrical outlets, seating or dining areas, restroom facilities, and trash receptacles.

216. Fuel Pumps

An accessory use engaged in the storing or dispensing of flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles, and which shall only be permissible in conjunction with retail establishments as an accessory use.

217. Garage Sale

The sale or advertisement of more than five (5) personal items to the public conducted from a Dwelling Unit or residential property, including but not limited to sales conducted from a yard, porch, backyard, Driveway, or patio

218. General Appliance Repair

An establishment engaged in the repair, either On-Site or Off-Site, of portable devices or instruments used for domestic functions, including but not limited to clothes washers and dryers, kitchen appliances, and lawn equipment.

219. Golf Course

A tract of land equipped with at least nine holes for playing a game of golf or a derivation of golf, such as frisbee golf, and which may be improved with tees, greens, fairways, hazards, and accessory uses, including but not limited to clubhouses and shelters.

220. Group Home

An establishment licensed by the State of Kansas that provides room and board, personal care, habilitation services, or supervision for no more than ten (10) unrelated individuals, eight (8) or fewer of which suffering from an illness or ailment, by no more than two (2) unrelated staff residents residing at the establishment.

221. Gym or Fitness Center

An establishment where individuals are provided equipment, facilities, or tutoring for the purpose of physical exercise, and which may include sports courts, swimming pools, and other fitness related facilities if located wholly within an Enclosed Building.

222. Hazardous Material Storage or Handling

An establishment engaged in the use, refinement, or otherwise handling of materials which cannot be handled by routine waste management techniques due to the their substantial present or potential hazard to human health or other living organisms caused by the material's chemical, biological, or physical properties.

223. Heavy Machinery Storage and Sale

An establishment engaged in the storage, sale, or rental of large equipment items, such as construction or agricultural equipment, heavy load trucks, and other industrial machinery, and which may include the minor repairs of such equipment wholly contained within a Building.

224. Home Occupation

An occupation conducted exclusively within a Dwelling, or an approved On-Site accessory Building, by the permanent resident thereof where the occupation is secondary to the primary use as a Dwelling Unit.

225. Hotel

An establishment that provides temporary lodging accommodation to the public for compensation, which may include multiple Buildings, pools, fitness or recreation equipment, and food or drink accommodations, in which rooms are accessibly only via an interior passage or hallway, but excluding the rental or lease of an individual Dwelling Unit for temporary lodging accommodation.

226. Kennel, Indoor

An establishment where domestic pets are temporarily boarded, bred, or trained completely within the bounds of a structure for compensation by an individual other than the pet's owner, but excluding the breeding of livestock for agricultural use or the occasional raising and sale of a litter of domestic pets.

227. Kennel, Outdoor

An establishment where domestic pets are temporarily boarded, bred, or trained both wholly within and exposed to the outdoors for compensation by an individual other than the pet's owner, but excluding the breeding of livestock for agricultural use or the occasional raising and sale of a litter of domestic pets.

228. Library

An establishment used for the exhibition, or an institution in charge of, a collection of literary sources and related materials.

229. *Manufactured Home Park*

A Lot equipped for the grouping of two (2) or more Manufactured Home Spaces, including all necessary Access and utility Infrastructure, which is intended for use by one (1) or more Manufactured Homes, but excluding the storage, inspection, or sale of Manufactured Homes on a temporary basis.

230. *Manufacturing or Industrial Practices, Heavy*

The manufacturing, compounding, storage, or processing of raw materials into usable products, including the necessary distribution and storage processes of such product, wherein portions of the process are either wholly within or partially external to a Building, including the noise, odor, smoke, heat, glare, and vibration resulting from the activity.

231. *Manufacturing or Industrial Practices, Light*

The manufacturing, sale, or storage of predominately preprepared materials or products, including the processing, developing, and assembly of such products, provided all processes are contained entirely within a Building, including the noise, odor, smoke, heat, glare, and vibration resulting from the activity.

232. *Massage Therapy*

An establishment offering any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. See Chapter V, Article 10 of the City's Code of Ordinances.

233. *Medical Clinic*

An establishment engaged in the emergency medical care and treatment of ill or injured persons on an outpatient basis exclusive of traditional medical facilities found in Medical Hospital, including but not limited to standalone emergency rooms and walk-in urgent care centers.

234. *Medical Hospital*

An establishment that provides medical or surgical care of ill or injured persons on an over-night or daily basis, which may include all necessary facilities, Buildings, and offices essential to the operation of such medical or surgical care.

235. *Motel*

An establishment that provides temporary lodging accommodation to the public for compensation, which may include multiple Buildings, pools, fitness or recreation equipment, and food or drink accommodations, in which rooms are accessible via an exterior passage, hallway, plaza, or other exterior Access, but excluding the rental or lease of an individual Dwelling Unit for temporary lodging accommodation.

236. *Movie Theater*

An establishment wholly within an Enclosed Building engaged in the showing of motion pictures, and which may include supporting restaurant and retail uses.

237. *Museum*

An establishment used for the exhibition, or an institution in charge of, a collection of culturally significant artifacts, historical or scientific objects, or similar items.

238. *Office, Professional*

An establishment used for the provision of executive services, including but not limited to real estate, insurance, property management, investment, legal, personnel, travel, and secretarial services, or primary medical services, including but not limited to primary care doctors, dentists, or similar practitioners of medical services.

239. Outdoor Storage or Display

The continuous keeping or storage of any unfinished or finished goods, materials, or equipment that is related to the principal use's business operation located outside of a Building for more than twenty-four (24) hours.

240. Parkland

A public improvement of land dedicated or acquired by the City, and which is available for recreational, educational, cultural, or aesthetic use.

241. Personal Energy Production

An accessory use engaged in the sequestration of renewable energy sources, including but not limited to solar or wind energy, for the primary purpose of powering On-Site Improvements.

242. Personal Service

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature in which walk-in patrons receive services On-Site, including but not limited to laundry and dry-cleaning establishments, tailoring shops, shoe repair or cobblers, and accessory retail sales of products related to the provided services.

243. Plant Nursery

A tract used for the growing and cultivation of trees and other plants for distribution off-premises, and which may include necessary Structures related to such cultivation and Retail of associated equipment.

244. Police or Fire Station

An establishment operated by a public entity for the dispatch of emergency response individuals, including but not limited to supporting offices, storage of equipment, and necessary security measures.

245. Prison or Correctional Facility

A public or private facility for the detention, confinement, treatment, or Rehabilitation of persons arrested or convicted for the violation of civil or criminal law.

246. Public Use or Building

A Building or use held, controlled, or otherwise operated by the City or other public entity for Access and use by the public.

247. Rehabilitation Home

An establishment providing temporary lodging accommodations and treatment of mental illnesses or ailments such as alcoholism or substance addiction.

248. Religious Institution or Practice

An establishment for the practice of recognized religions, and which may include appropriate offices, classrooms, accessory structures, an On-Site housing for institution leaders.

249. Restaurant

An establishment where food and beverages are prepared, served, and consumed either On-Site or Off-Site by the purchasing individual.

250. Restaurant, Drive- In

A Restaurant establishment where food and beverages are served to individuals remaining within their motor vehicles, and which may include additional Improvements such as individual order boxes, awnings, canopies, and employee workstations, but excluding interior dining areas or walk-up windows.

251. Retail

A use engaged in the sale of product, such as goods, commodities, or merchandise, to the public, and which may include the storage and display of such items for sale.

252. Retail, Local

A Retail establishment, not otherwise explicitly defined, engaged in the sale of new products, and which the Floor Area of such establishment does not exceed 10,000 square feet.

253. Retail, Neighborhood

A Retail establishment, not otherwise explicitly defined, engaged in the sale of new products, and which the Floor Area of such establishment is between 10,000 square feet and 30,000 square feet.

254. Retail, Pawn or Resale

A Retail establishment, not otherwise explicitly defined, engaged in the sale or trade of used products.

255. Retail, Regional

A Retail establishment, not otherwise explicitly defined, engaged in the sale of new products, and which the Floor Area of such establishment is 30,000 square feet or greater.

256. Salvage Operation or Junk Yard

An establishment engaged in the storing, selling, dismantling, shredding, compressing, or salvaging of materials, equipment, or motor vehicles for the purposes of selling, recycling, or discarding said items, and which may include Improvements such as Fences, machinery for recycling or moving said items, and offices for the operation of such establishment.

257. School, College or University

A public or private institution providing post-secondary education and degree issuance for studies involving the arts, humanities, sciences, or other advance fields of study, but excluding technical skills or trades.

258. School, High

A public or private institution providing education to students in grades 9 through 12.

259. School, Kindergarten through Intermediate

A public or private institution providing education to students in kindergarten through grade 8

260. School, Trade

A public or private institution providing courses of study wholly within an Enclosed Building leading to credentialing in a recognized profession, including but not limited to information technology, dental assistance, medical assistance, and mechanical services,

261. Seasonal Sales

A temporary Retail establishment relating to or varying in occurrence according to the season, including but not limited to farmer's markets, exclusive sales of Christmas trees, pumpkins, firewood, or other seasonal items, or semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows.

262. Self-storage, Indoor

An establishment located wholly within an Enclosed Building providing individual units for rent or lease solely for the storage of personal items of the lessee.

263. Self-storage, Outdoor

An establishment providing individual units for rent or lease solely for the storage of personal items of the lessee, wherein Access to the units is achieved via outdoor Driveways internal to the site.

264. Shooting Range

An establishment wholly Enclosed within a Building engaged in the planned discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for training or recreational purposes.

265. Sports Court or Field

An accessory area designed for recreational purposes, including but not limited to basketball courts, tennis courts, volleyball courts or pits, or other field sports, and which may include necessary fencing and lighting features.

266. Stable, Commercial

An establishment offering the boarding, breeding, training, or raising of horses for a fee, including but not limited to the rental of horses for riding or other equestrian activities.

267. Stable, Private

An agricultural structure used for the boarding, breeding, training, or raising of horses for the private use of the property owner or permanent resident, but in no event for rent or use by the public as a commercial establishment.

268. Studio, Artisan

An establishment used for the preparation, display, repair, and sale of individually crafted artwork, including but not limited to jewelry, sculpture, pottery, upholstery, leathercraft, hand-woven articles, small woodworking products, and related items.

269. Studio, Performance

An establishment engaged in training individuals in the arts for performative or health reasons, including but not limited to dance, singing, art, and martial arts.

270. Telecommunications Facility

A facility, compound, or similar enclosure encompassing a Telecommunications Tower and necessary on-ground Improvements, including but not limited to equipment shelters, screening, tower Infrastructure, and antennae.

271. Utility Distribution

A facility or network used to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including but not limited to electrical transmission lines, gas transmission lines, and metering stations.

272. Vehicle Repair, Major

An establishment engaged in the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including, but not limited to body work, framework, welding, overall painting, and tire replacement and disposal.

273. Vehicle Repair, Minor

An establishment engaged in minor repairs of engines, motor vehicles, or trailers that does not require the removal of the engine head or pan, engine, transmission, or differential of a vehicle, including, but not limited to minor repair or maintenance, oil changing, minor interior upholstery work, glass repair and tinting, and any sales of parts to be installed On-Site through these services.

274. Vehicle Sales and Rental

An establishment engaged in the sale or rental of new or used vehicles, including but not limited to the service of such vehicles as an accessory use.

275. Vehicle Tow or Storage Lot

An outdoor facility or Lot used for the storage of towed or temporarily stored vehicles.

276. Vehicle Washing Station, Full-Service

An establishment engaged in the washing, waxing or cleaning of vehicles by attendants or machinery where the vehicle's operator either remains in the vehicle or utilizes a designated waiting area, and which may include self-service machinery such as vacuums.

277. Vehicle Washing Station, Self-Service

An establishment engaged in the washing, waxing or cleaning of vehicles by the vehicle's operator using provided machinery, including but not limited to vacuums, power-washers, and associated canopies or accessory structures.

278. Veterinarian

An establishment engaged in the examination and medical treatment of animals and domestic pets.

279. Warehouse and Distribution

An establishment engaged in the storage of goods, wares, merchandise, substances, or articles and associated administrative facilities, and which is equipped with the appropriate Infrastructure to support the distribution of items stored within such as loading bays.

280. Water or Wastewater Treatment Facility

A facility engaged in altering the physical, chemical, or bacteriological quality of water, including associated facilities such as pumping stations and lift stations.

281. Wholesale

An establishment engaged in the sale of new products in bulk or large quantities to other retailer operators or establishments.