

UNIFIED DEVELOPMENT ORDINANCE

VERSION 1.3

MAY 16, 2024



PREPARED BY: GOULD EVANS

PRESENTED BY: CITY OF LANSING, KS

**TABLE OF CONTENTS**

**ARTICLE 1. GENERAL PROVISIONS ..... PAGE 1-1**

SECTION 1.01 – OVERVIEW ..... 1-1

SECTION 1.02 – INTERPRETATION ..... 1-2

SECTION 1.03 – ESTABLISHMENT OF DISTRICTS ..... 1-8

SECTION 1.04 – ADMINISTRATION..... 1-8

SECTION 1.05 – ENFORCEMENT..... 1-11

SECTION 1.06 – NONCONFORMANCES ..... 1-12

**ARTICLE 2. APPLICATIONS & PROCEDURES ..... PAGE 2-1**

SECTION 2.01 – GENERAL – ALL APPLICATIONS ..... 2-1

SECTION 2.02 – PLATTING..... 2-5

SECTION 2.03 – ZONING MAP AMENDMENT..... 2-8

SECTION 2.04 – PLANNED DEVELOPMENT..... 2-9

SECTION 2.05 – ADMINISTRATIVE SITE PLAN ..... 2-11

SECTION 2.06 – SITE PLAN REVIEW ..... 2-12

SECTION 2.07 – CONDITIONAL USE PERMITS ..... 2-14

SECTION 2.08 – VARIANCES ..... 2-15

SECTION 2.09 – APPEAL OF ADMINISTRATIVE DECISIONS ..... 2-15

SECTION 2.10 – CODE AMENDMENTS..... 2-16

**ARTICLE 3. SUBDIVISION STANDARDS ..... PAGE 3-1**

SECTION 3.01 – STREET NETWORK & DESIGN..... 3-1

SECTION 3.02 – OPEN & CIVIC SPACE SYSTEMS ..... 3-12

SECTION 3.03 – BLOCKS & LOTS..... 3-18

SECTION 3.04 – REQUIRED IMPROVEMENTS ..... 3-20

SECTION 3.05 – COMMUNITY FACILITIES & FEES..... 3-23

**ARTICLE 4. ZONING DISTRICTS & USE STANDARDS ..... PAGE 4-1**

SECTION 4.01 – ZONING DISTRICTS & INTENT ..... 4-1

SECTION 4.02 – GENERAL DEVELOPMENT STANDARDS ..... 4-2

SECTION 4.03 – PERMITTED USES ..... 4-5

SECTION 4.04 – ACCESSORY USE STANDARDS..... 4-18

SECTION 4.05 – SPECIFIC USE STANDARDS ..... 4-21

SECTION 4.06 – TEMPORARY USE STANDARDS ..... 4-24

**ARTICLE 5. SPECIAL DISTRICTS & STANDARDS..... PAGE 5-1**

SECTION 5.01 – PLANNED ZONING DISTRICTS..... 5-1

SECTION 5.02 – MIXED-DENSITY NEIGHBORHOOD DISTRICT..... 5-2

SECTION 5.03 – WALKABLE COMMERCIAL STANDARDS ..... 5-9

SECTION 5.04 – MANUFACTURED & MOBILE HOME PLANNED DISTRICT..... 5-14

**ARTICLE 6. SITE & LANDSCAPE STANDARDS ..... PAGE 6-1**

SECTION 6.01 – INTENT & APPLICABILITY ..... 6-1

SECTION 6.02 – OPEN SPACE DESIGN..... 6-2

SECTION 6.03 – LANDSCAPE DESIGN..... 6-2

SECTION 6.04 – BUFFERS & SCREENING ..... 6-5

SECTION 6.05 – OUTDOOR LIGHTING ..... 6-8

---

|   |                           |
|---|---------------------------|
| <b>ARTICLE 7. ACCESS &amp; PARKING STANDARDS.....</b>               | <b>PAGE 7-1</b>           |
| SECTION 7.01 – INTENT & APPLICABILITY .....                         | 7-1                       |
| SECTION 7.02 – ACCESS & CIRCULATION .....                           | 7-1                       |
| SECTION 7.03 – REQUIRED PARKING.....                                | 7-4                       |
| SECTION 7.04 – PARKING LOT DESIGN.....                              | 7-8                       |
| SECTION 7.05 – LOADING.....   | 7-10                      |
| <b>ARTICLE 8. SIGN STANDARDS.....</b>                               | <b>PAGE 8-1</b>           |
| SECTION 8.01 – INTENT & APPLICABILITY .....                         | 8-1                       |
| SECTION 8.02 – EXEMPT SIGNS .....                                   | 8-1                       |
| SECTION 8.03 – SIGN TYPES.....                                      | 8-3                       |
| SECTION 8.04 – SIGN ALLOWANCES.....                                 | 8-5                       |
| SECTION 8.05 – STANDARDS APPLICABLE TO ALL SIGNS.....               | 8-6                       |
| SECTION 8.06 – STANDARDS APPLICABLE TO SPECIFIC SIGN TYPES .....    | 8-7                       |
| SECTION 8.07 – PLANNED DISTRICTS .....                              | 8-8                       |
| <b>ARTICLE 9. DEFINITIONS.....</b>                                  | <b>PAGE 9-1</b>           |
| <b>APPENDIX A – RESOURCES, GUIDES &amp; INDUSTRY STANDARDS.....</b> | <b>PAGE APPENDICIES-2</b> |
| <b>APPENDIX B – GREAT TREES FOR THE KANSAS CITY REGION.....</b>     | <b>PAGE APPENDICIES-3</b> |

## ARTICLE 1. GENERAL PROVISIONS

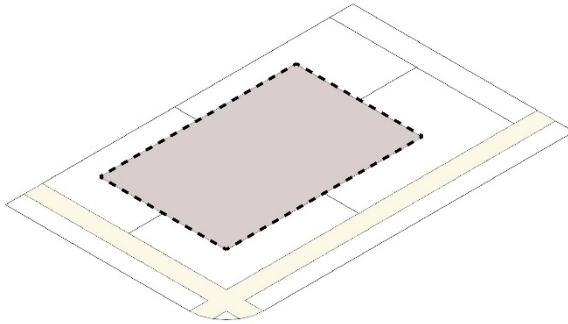
- 1.01 OVERVIEW
- 1.02 INTERPRETATION
- 1.03 ESTABLISHMENT OF DISTRICTS
- 1.04 ADMINISTRATION
- 1.05 ENFORCEMENT
- 1.06 NONCONFORMANCES

### 1.01 OVERVIEW

- A. **Title.** These regulations shall be known and may be cited and referred to as the Lansing Zoning and Development Code. References to “the Code”, “UDO”, or “these regulations” shall be considered a reference to the Lansing Zoning and Development Code. References to “zoning” or “subdivision” regulations or standards may be interpreted as references to specific parts of the LDC.
- B. **Purpose.** The Lansing Zoning and Development Code serves the following purposes:
1. To promote the health, safety, and welfare of the City and its residents;
  2. To implement the City of Lansing’s Comprehensive Plan;
  3. Promote planning and urban design that emphasizes distinct places and unique elements of community character documented throughout Lansing;
  4. Divide the city into zones and districts that promote the character, compatibility, scale and transitions of land use patterns;
  5. To conserve and protect property values throughout the City; and
  6. Regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale and range of building types within districts, and to promote the appropriate relationship of development to the public realm and to adjacent property.
- C. **Authority and Jurisdiction.** These regulations are created through the authority granted by Chapter 12, Article 7 of the Kansas Statutes. The provisions of these regulations shall apply to all structures and land within the incorporated area of Lansing, Kansas, as depicted on the official zoning map, and may apply to any other areas designated by the City through procedures and criteria authorized by Chapter 12, Article 7 of the Kansas Statutes.
- D. **Severability.** If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, the judgment shall not affect any other provisions of these regulations. If any court of competent jurisdiction shall adjudge the application of a provision of these regulations to be invalid when applied to a particular property or project, the judgment shall not affect the application of the provision to other property or projects with different circumstances.
- E. **Effective Date.** April 9<sup>th</sup>, 2019

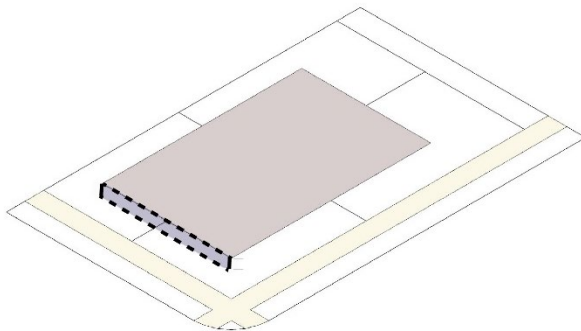
## 1.02 INTERPRETATION

- A. **Rules of Construction.** The following rules regarding interpretation of this code apply:
1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
  2. The present tense includes the future tense and the future tense includes the present tense.
  3. The singular includes the plural and the plural includes the singular.
  4. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
  5. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of these lists including other similar and non-mentioned examples.
  6. "Shall" or "must" is mandatory; "should" or "may" is permissive but recommended as a way to best meet the standard or intent of the standard.
  7. A reference to an administrative official shall refer to that official or his or her official designee, and all references to specific city officials may also include any other designee of the City Administrator.
  8. Any reference to other official local, state or federal government rules or regulations shall include the current versions of those regulations, provided they remain binding or are consistent with the purposes, intent, and objectives included in these regulations.
  9. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  10. The word "City" means the City of Lansing, Kansas.
  11. The abbreviation N/A means not applicable.
  12. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern. In making a determination of which standard is more restrictive the official may consider which is more specific, which is more consistent with the Comprehensive Plan, which is more consistent with the purposes, intent and objectives of these regulations, and which best promotes the public health, safety and welfare.
- B. **Measurements.** The following rules shall apply to the interpretation of measurements and dimensional standards:
1. *General Calculations.* When calculations result in fractions it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement, and rounded down to the nearest whole number if the standard is expressed as maximum allowance.
  2. *Buildings:* The following shall be used in interpreting dimensional standards for buildings:



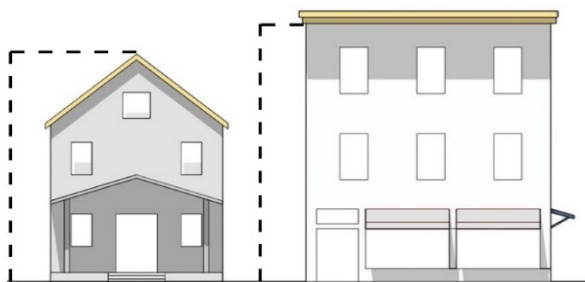
**Figure 1-1 Building Coverage**

*Amount of the lot allowed to be covered by structures can alter buildable area in addition to just setbacks.*



**Figure 1-2 Building Height & Grade**

*Building height is measured from the average grade at the front building line to the top of roof. Grades from front to rear do not affect permitted building height.*



**Figure 1-3 Top of Roof**

*Parapets on flat roof buildings are not considered when measuring height and are subject to limited exceptions in this Code.*

a. **Building Coverage.** The percentage of the total area of the lot covered by buildings or roofed areas of principal and accessory buildings, measured along the wall at ground level, excluding the first 4 feet of any unenclosed roof overhangs. Building coverage may control the scale, mass or orientation of the building more than is established within the setback lines. It does not include any unroofed projections, surface parking, or uncovered patios, stoops or plazas.

b. **Building Frontage.** Building frontage is the portion of the building that establishes the relationship to the public realm or street upon which the lot fronts. When expressed as a minimum percentage, it shall be interpreted as the percent of the lot frontage at which a building line must be established, including any specified alternatives to the building line that establish a similar relationship to the public realm or street.

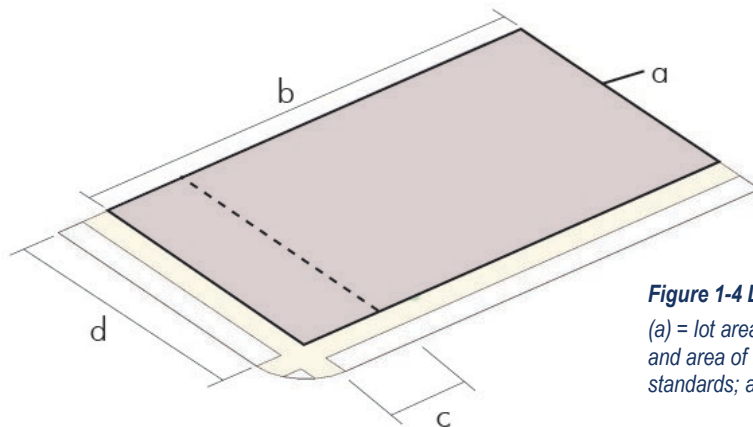
c. **Building Height.** Building height is measured from the average grade to highest point of a roof. Average grade is determined by calculating the average of the highest and lowest elevation of pre-development grade along the front building line parallel to the street. Where significant development is proposed in association with a grading plan, post development grades may be used subject to that plan. Building heights expressed in both dimension and stories shall use the additional story limits to impact the scale, form, and mass of the building within the permitted overall height.

d. **Building Setbacks.** Setbacks are the minimum required distance between any lot line and the building. When front building setbacks are expressed as a range (i.e. 10' to 25'), it shall be interpreted as a "build to" range, within which distance the front building line of the principal structure shall be established.

e. **Story.** A story is the part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of a floor and the ceiling next above. Story heights shall be:

1. 8 to 12 feet, generally;

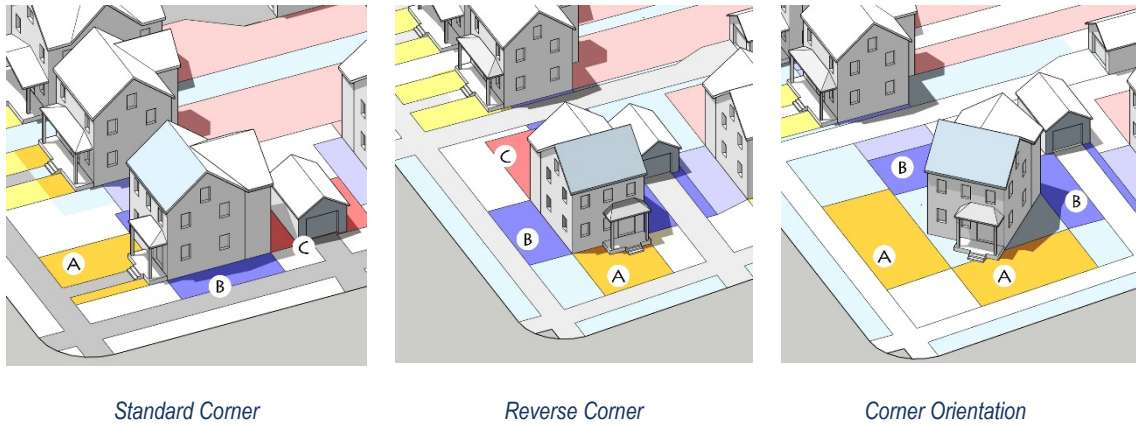
2. The first story for residential buildings should be 9 to 14 feet;
  3. The first story in non-residential buildings should be 12 to 20 feet;
  4. Any story that has less than 4 feet of its height exposed above finished grade on the front elevation, or which has more than 50% of its perimeter wall area measured from the finished floor elevation surrounded by finished grade shall not count as a story for the purpose of measuring building height.
- f. Story, Half: The space under a sloping roof that has a line of intersection of the roof and wall face not more than 2 feet above the floor level and in which the possible floor area with head room of 5 feet or less is at least 40% of the total floor area of the story directly beneath.
3. **Lots:** The following shall be used in interpreting dimensional standards for lots:
- a. Lot Area. The minimum required area of a horizontal plane bounded by the vertical planes through front, rear and side lot lines, or when expressed as a range it shall be interpreted as a minimum and a maximum.
  - b. Lot depth. The horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.
  - c. Lot frontage. The portion of the lot that establishes the relationship between the building and other site elements and the public realm or street upon which the lot fronts. When expressed as a linear dimension, the horizontal distance between side lot lines, measured at the front lot line. Where the front lot line abuts a curved right-of-way, the lot frontage requirement may be applied at the front building line for purposes of regulating the dimensions of lots. When expressed as a percentage, the maximum percentage of that frontage width applied to the entire depth of the frontage area.
  - d. Lot width. The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front building line.



**Figure 1-4 Lot Dimensions**

(a) = lot area; (b) = lot depth; (c) lot frontage or front setback, and area of the lot that may be subject to enhance design standards; and (d) – lot width

- e. Corner lots. When applying building, lot and frontage standards to corner lots, lots can be arranged in one of three patterns based on the context of the block and abutting lots:



**Figure 1-5 Corner Lots**

(A) = Front setbacks; (B) = Side setbacks (street side or interior); (C) = Rear setbacks

1. Standard Corner: The building orients to the front of all other buildings fronting on the same street, and an expanded street-side setback may apply. Side and rear setbacks apply to the remaining sides.
2. Reverse Corner: The building orients to the end-grain of the block, and the front setback and frontage design applies to that side, and the street-side setback can be the greater of (a) the stated street-side setback for that building type or (b) 10 feet in front of the forward most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.
3. Corner orientation: The building orients to the intersection or both streets, and includes two frontage designs along the street, and two side lot orientations with abutting lots, but no rear yard.



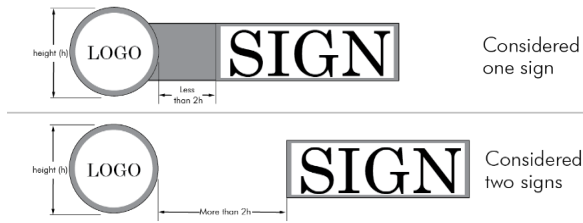
**Figure 1-6 General Area Calculations**

Typical method for measuring typical sign shapes; irregular signs are measured within the smallest area of up to two geometric shape that contains the entire sign.

4. Signs. The following shall be used in interpreting dimensional standards for signs:

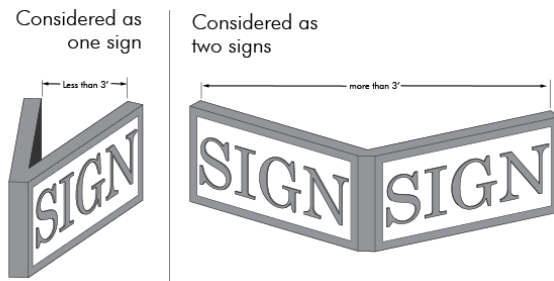
- a. General Area Calculation. Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.





**Figure 1-7 Gaps Between Signs**

Larger gaps may be subtracted from sign area calculations but is considered two separate signs.



**Figure 1-8 Double-face Signs**

When opposing faces are within three feet, a double-faced sign is considered one sign and the area of one-face is the size; when separated by more than three feet, each profile is considered a sign and counts to the total sign area.

- b. Detached Signs. The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the border of the frame.
  - c. Wall, window or other building-mounted signs. Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display. Gaps in writing, emblems or other display which are greater than two times the height of the sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the sign area but shall be interpreted as two signs. The area of the wall or window area for the purposes of determining an allowed percentage shall be the total surface of the wall or window visible in an elevation view.
  - d. Decorative Elements. Embellishments such as pole covers, framing, decorative roofing and support structures shall not be included in the area of the measurement if they contain no writing, emblem or other display.
  - e. Double-faced Signs. Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.
  - f. Height. Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure.
  - g. Clearance. Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.
- C. **Computation of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:
1. All time periods shall be expressed in days, unless expressed in years. Any time period expressed in years shall include a full calendar year from the act that commences the time period.
  2. The day of the act that commences a time period shall not be counted.

3. The last day of the time period shall be included, unless it is a Saturday, Sunday or legal City holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal City holidays count in the time period.
  4. Whenever any time period is expressed for a formal submittal to the City, the time period shall end at 5:00 P.M. on the last day of that time period.
- D. **Private Agreements.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provision of these regulations shall govern.
- E. **Unlawful Uses.** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.
- F. **Intent Statements, Graphics and Commentary.** Intent statements, graphics and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the text. In the event of any a conflict or ambiguity between the intent statements, graphics or commentary and a specific standard, the specific standard shall control.
- G. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Boundaries indicated as approximately following city limits, railroad lines, platted lot lines, shore lines, or centerlines of streets or streams shall be construed to follow said borders.
  2. Where the district boundaries are indicated as approximately following property lines, the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
  3. Where the district boundaries split any platted lots, the lot shall be interpreted in the district designated to the majority of the lot.
  4. Where the district boundaries split any unplatted property, any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
  5. All territory which may hereafter be annexed to the City of Lansing shall be classed as being in the same district and have the same boundaries as it had previous to annexation.
  6. All streets, alleys, public ways, waterways and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys, public ways, waterways or railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline;
  7. Whenever any public way is vacated, the adjoining zoning district shall be automatically extended to its centerline if ownership is split along the centerline.
  8. 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 provision would increase the area of the less restrictive portion of the lot by more than 25%.

- H. **Interpretation of Plans.** Where these regulations refer to the Comprehensive Plan or any maps associated with these plans, they shall be interpreted as follows:
1. The maps are a general framework and guide for decision-making, and do not pre-determine any specific use of land or buildings, or any application of a specific zoning category.
  2. Any zoning decision consistent with the land use component of the plan, including any land use, development or zoning map, shall be presumed reasonable. Other zoning decisions may also be reasonable if justified upon applications of the specific goals and policies of the plan to a particular context, or if based on analysis of that context assumptions in the plan have changed or are different from anticipated.
- I. **Resources, Guides and Industry Standards.** Resources, guides and industry standards that are recognized as reputable authority in the planning, development and urban design professions, may be used to supplement interpretation of this Code. They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the Comprehensive Plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A and at least one copy shall be kept on file with the Community and Economic Development Department. Use of these guides shall be consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify, contradict or in any way conflict with any specific standard in these regulations.

### 1.03 ESTABLISHMENT OF DISTRICTS

- A. **List of Districts.** The zoning districts established in Section 4.01 are established to implement the purposes of these regulations.
- B. **Zoning Map Incorporation.** The boundaries of the districts listed in Section 4.01 are shown on the zoning district map of the City of Lansing, Kansas, which is filed in the office of the City Clerk. The map, with all notations, references and official ordinances amending the map is incorporated into these regulations.
- C. **Annexed Land.** All land which may be annexed to the City shall be classified the corresponding district most similar to the zoning classification in effect under the prior jurisdiction, until otherwise changed in accordance with these regulations.

### 1.04 ADMINISTRATION

- A. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.
1. *Director of Community & Economic Development.* The Director of Community and Economic Development (“Director”) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies in order to coordinate any plans, policies and programs that impact the Comprehensive Plan. The Director shall make all final interpretation decisions and any final administrative decisions referred to the Director under the procedures and standards of these regulations. The Director of Community & Economic Development shall:
    - a. Approve and issue all building and occupancy certificates.

- b. Receive, file, and forward to the Board of Zoning Appeals the records in all appeals and variances, and to the Planning Commission all applications for special and conditional uses.
  2. *Director of Public Works.* The Director of Public Works is responsible for administration of the engineering design, construction, operation and maintenance of all public improvements and private infrastructure specified under these regulations. The Director of Public Works shall advise the Community & Economic Development Director on any technical specifications and engineering designs that impact implementation of the Comprehensive Plan, and may make any final administrative decisions referred to the Director of Public Works under the procedures and standards of these regulations.
  3. *Building Inspector.* The Building Inspector shall be responsible for the enforcement of these regulations. The Building Inspector shall enforce these regulations and in addition shall:
    - a. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of these regulations.
    - b. Maintain permanent and current records of the zoning regulations including all zoning maps, amendments, special uses, conditional uses, variances, exceptions, appeals and applications.
    - c. Maintain for distribution to the public a supply of copies of the zoning map, the compiled text of the zoning regulations, and the rules of the Board of Zoning Appeals.
  4. *City Clerk.* The City Clerk shall maintain permanent and current records of all ordinances passed relating to these regulations. It shall be the duty of the City Clerk to transmit Planning Commission recommendations regarding acceptance of dedications of easements to the Governing Body for its action and to transmit final plats to Register of Deeds for filing.
  5. *Administrative Clerk of the Community and Economic Development Department.* The Administrative Clerk for the Community and Economic Development Department is responsible for maintaining permanent and current records of these regulations. The Administrative Clerk shall also accept applications, filing fees, and preliminary and final plats. Preliminary and final plats shall be transmitted to the Planning Commission by the Administrative Clerk.
- B. Planning Commission.** The Planning Commission is the appointed body of the city responsible for all long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the Comprehensive Plan. In addition to other general planning authority by statute, local ordinance, or bylaws, the Planning Commission shall have the specific review responsibilities and final administrative decisions referred to the Planning Commission under the procedures and standards of these regulations.
1. *Membership.* The Planning Commission shall consist of seven members appointed by the Mayor with the advice and consent of the Governing Body. Two members may reside outside of, but within three miles of, the corporate limits of the City, and the remaining members shall be residents of the City. All members of the Lansing Planning Commission, in the sole discretion of the Governing Body, may be residents of the City. Initially, the City shall name in the manner provided above, members to serve for terms of one year, two years, and three years, divided equally or as equally as possible, for the

terms established. Thereafter, all appointments shall be for terms of three 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. Every member of the Planning Commission shall hold no salaried or elected office with the City government. Members shall serve without compensation, but may be reimbursed for expenses incurred in the performance of assigned duties. It is specifically provided that on the effective date of this ordinance, such Planning Commission as was legally in existence immediately prior to such date shall be constituted as the Planning Commission hereby created, and the terms of the then members of said Planning Commission shall expire on the same dates as were established at the time of the most recent appointment of each of such members or until their successors are duly appointed and qualified.

2. *Meetings.* The Planning Commission shall convene for regular meetings to be held not less frequently than once a month. Said Planning Commission shall elect one member as chairperson and one member as vice chairperson. The terms of the office of the chairperson or vice chairperson shall be for one year or until the successor has been elected and qualified. Special meetings of the Planning Commission may be called by the chairperson or, in his or her absence, by the vice chairperson. A quorum of the Lansing Planning Commission shall consist of a majority of the members.
  3. *Responsibilities.* The Planning Commission shall be responsible for the preparation, adoption, and maintenance of long-range comprehensive plans to guide the future development of the Lansing land area. Such general plans shall include a land use element and a circulation element, and may include a parks and recreation element, a public facilities element, or other elements as deemed appropriate. The Planning Commission shall cause zoning and subdivision regulations to be prepared; and it shall submit to the governing body its recommendation relating to the zoning of lands and the control of subdivisions. Such studies and recommendations shall consider the existing zoning and subdivision regulations; the anticipated physical, economic, and population trends; the distribution and density of population and proposed building intensities, as well as classes of uses to be authorized. Recommended development plans for public facilities, urban renewal, environmental sanitation, and area beautification may also be considered. The Planning Commission shall see that the comprehensive plans are altered as necessary to serve as a continuous guide to future long-range planning, and that statements are prepared annually to show the recent and past growth, development trends and anticipated growth for the succeeding year, and the bearing of such trends upon the comprehensive plan.
- C. **Governing Body.** The Governing Body is the elected body of the city responsible for all legislative decisions that affect implementation of the Comprehensive Plan. In addition to other general authority authorized by law, the Governing Body shall have the appeal authority and final decision authority referred to the Governing Body under the procedures and standards of these regulations. The Governing Body shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City.

**D. Board of Zoning Appeals (“BZA” or “Board”).**

1. *Membership.* The Board shall consist of five members to be appointed by the Mayor with the approval of the Governing Body. All the members of the Board shall be residents of the City of Lansing. None of the members shall hold any other public office of the City, except that one member shall be a member of the Lansing Planning Commission. One member of the Planning Commission shall be appointed to the Board in the same manner as other members of the Board. In the event such member's term on the Planning Commission shall expire prior to the expiration of the term on the Board, and in the event such member is not reappointed on the Planning Commission, his or her position on the Board shall become vacant simultaneously with the expiration of his or her appointment to the Planning Commission. A member of such Board, once qualified, can thereafter be removed during the term of office, only for cause and after public hearing. In the event of the death, resignation or removal of any such member before the expiration of the term, a successor shall be appointed by the Mayor and confirmed by the Governing Body to serve the unexpired term.
2. *Term.* The members shall be appointed for a term of 3 years. It is specifically provided, however, that on the effective date of this ordinance and such Board as was legally in existence immediately prior to such date shall be constituted as the Board of Zoning Appeals hereby created, and the terms of the then members of said Board shall expire on the same dates as were established at the time of the most recent appointment of each of such members or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of 3 years.
3. *Officers.* The Board shall, at the first meeting held in each calendar year, elect a chairman, a vice-chairman and secretary. The secretary may be an officer or employee of the City. The chairman, or in his or her absence, the vice-chairman, shall preside at all meetings, and shall decide all points of order or procedure.
4. *Powers and Duties.* The Board shall administer the following matters under the procedures and standards of these regulations:
  - a. Appeals of administrative decisions;
  - b. Variances; and
  - c. Any other exceptions or relief specifically referred to under the procedures and standards of these regulations.

**1.05 ENFORCEMENT**

- A. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations.
- B. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including revoke or withhold any permits, prevent the sale or lease of property, correct or abate the nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions.



- C. **Penalty.** Any person violating any of the provisions of this Code shall be guilty of a misdemeanor, each day constituting a separate offense. Each offense shall be punished by a fine established by the Governing Body by resolution. The City of Lansing, Kansas shall further have the right to maintain suits or actions in any court of competent jurisdiction for the purposes of enforcing these regulations and to abate any potential nuisance. In addition to all other remedies provided by law, injunctions, mandamus or other appropriate actions may be instituted to prevent violations including revocation of any permit authorized under this code.

## 1.06 NONCONFORMANCES

- A. **Intent.** It is the general policy of the City to allow uses, buildings and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations to continue. However, it is also the policy of the City to bring such uses, buildings and lots into conformance with current regulations as is reasonably practical. The intent of this section is to balance the interests of property owners in past investments, discourage investment that expands or reinforces non-conforming situations, and promote investment consistent with the Comprehensive Plan and these regulations.
- B. **Nonconforming Lot of Record.** Any lots platted legally prior to the adoption or amendment of this Code, but which could not be platted under the current requirements of this Code may continue to exist provided it complies with all other applicable standards. Any difficulties meeting these standards caused by the nonconformance of the lot may be used as criteria in granting any discretionary relief to these standards. The Building Inspector may issue a building permit for any nonconforming lot of record when:
1. The lot is shown by recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations;
  2. The lot has remained in ownership separate and individual from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations; and
  3. The lot can meet all yard regulations for the district in which it is located.
- C. **Nonconforming Structure.** An existing structure or dwelling unit which does not comply with the height or yard requirements which are applicable to new structures or dwelling units in the zoning district in which it is located may continue to exist subject to the following:
1. *Enlargement, Repair, Alteration:* Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation expansions may occur provided that they comply with all other requirements of this Code, are not detrimental to the purposes, intent and objectives of the standards, and do not negatively impact development in conformance with this Code on adjacent property.
  2. *Damage or Destruction:* If destroyed by fire, natural disaster, accident or public enemy by less than 50% of its appraised value, the structure may be restored to its original condition if the restoration is started within 180 days (6 months).
  3. *Moving:* No nonconforming structure or dwelling unit shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure or dwelling unit shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

- D. **Nonconforming Use.** Uses that were legally initiated prior to the adoption or amendment of this Code, but which could not be continued under the current terms of this Code may continue to exist subject to the following:
1. The use may not be expanded beyond any specific area of the site or lot, but may be expanded within any existing building.
  2. Any activity that triggers specific site design standards shall require full compliance of the site design standards in order for the non-conforming use to be allowed to expand.
  3. A use that is discontinued for 180 days (6 months) or more shall lose its non-conforming status, and all future use of the site or building shall comply with these regulations.
  4. Any change of use shall be to a conforming use.
  5. *Nonconforming Accessory Uses:* No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
  6. *Nonconforming Residential Uses:* No nonconforming residential structure or dwelling unit may be remodeled, extended, expanded and enlarged to accommodate a greater number of dwelling or lodging units.
- E. **Nonconforming Site Condition.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space or other non-building site characteristic) in existence prior to these regulations but which are not compliant with the standards of these regulations may continue to exist subject to the following:
1. Any change of use or expansion of use shall require compliance with the new standards up to the proportion that is required by the change.
  2. Any site development activity on a portion of a site shall require compliance with the new standards up to that proportion that is subject to the development activity.
  3. Where any investment is greater than 50% of the appraised value of the site, or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.
- F. **Nonconforming Signage.** Existing signs which were lawful at the time, but made nonconforming by adoption or amendment to this Code, shall be legal provided they are maintained in good condition. Nothing in this Code shall prohibit the ordinary maintenance repair of a nonconforming sign or replacement of a broken part of a nonconforming sign. Replacement of copy, content or message may be considered ordinary maintenance.
1. A legal non-conforming sign shall not be:
    - a. Changed to another type or shape of non-conforming sign;
    - b. Physically changed to expand or extend the size of the sign or to replace significant materials of the sign or sign structure;
    - c. Continued after more than 180 days (6 months) of abandonment or vacancy of the property;
    - d. Re-established after any removal of the sign that is not part of ordinary maintenance; or
    - e. Continued if a substantial part of the property or building is redeveloped, including more than 25% of the property or building by area or by value.
  2. Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired except in conformance with this code.



- G. **Burden of Proof.** The burden shall be on the applicant to establish entitlement to continuation of nonconforming situations or completion of nonconforming projects.

## ARTICLE 2. APPLICATIONS & PROCEDURES

- 2.01 GENERAL – ALL APPLICATIONS
- 2.02 PLATTING
- 2.03 ZONING MAP AMENDMENT
- 2.04 PLANNED DEVELOPMENT
- 2.05 ADMINISTRATIVE SITE PLAN
- 2.06 SITE PLAN REVIEW
- 2.07 CONDITIONAL USE PERMITS
- 2.08 VARIANCES
- 2.09 APPEAL OF ADMINISTRATIVE DECISIONS
- 2.10 CODE AMENDMENTS

**Table 2-1: Procedures Summary**

|                                      | Eligible Applicants |    |    | Pre-application Meeting | Notice |           |        | Review Body |      |    |      |
|--------------------------------------|---------------------|----|----|-------------------------|--------|-----------|--------|-------------|------|----|------|
|                                      | Owner               | PC | GB |                         | Posted | Published | Mailed | Staff       | PC   | GB | BZA  |
| Text Amendment                       |                     | ■  | ■  |                         |        | ☑         |        | R           | R/PH | D  |      |
| Subdivision – Administrative Plat    | ■                   |    |    | ☑                       |        |           |        | D           | A    |    |      |
| Subdivision – Preliminary Plat       | ■                   |    |    | ☑                       |        | ☑         |        | R           | D    | A  |      |
| Subdivision – Final Plat             | ■                   |    |    | ☑                       |        |           |        | R           | D    | A* |      |
| Zoning Map Amendment                 | ■                   | ■  | ■  | ☑                       | ☑      | ☑         | ☑      | R           | R/PH | D  |      |
| Planned Development–Preliminary Plan | ■                   | ■  | ■  | ☑                       | ☑      | ☑         | ☑      | R           | R/PH | D  |      |
| Planned Development - Final Plan     | ■                   |    |    |                         |        |           |        | R           | D    | A  |      |
| Conditional Use Permit               | ■                   |    |    | ☑                       | ☑      | ☑         | ☑      | R           | R/PH | D  |      |
| Site Plan                            | ■                   |    |    | ☑                       | ☑      |           |        | R           | D    | A  |      |
| Administrative Site Plan             | ■                   |    |    | ☑                       |        |           |        | D           | A    |    |      |
| Variance                             | ■                   |    |    | ☑                       | ☑      | ☑         | ☑      | R           |      |    | D/PH |
| Appeal of Administrative Decision    | ■                   | ■  | ■  |                         | ☑      | ☑         | ☑      |             |      |    | D/PH |

☑ = required

■ = authorized

PC = Planning Commission

GB = Governing Body

BZA = Board of Zoning Appeals

R = Review and recommending authority

D = Decision-making authority

PH = Public hearing required (distinguished from a public meeting generally open to the public)

A = Appeal of Decision.

A\* = Appeal / Acceptance of public property

## 2.01 GENERAL – ALL APPLICATIONS

### A. Applications and Fees.

1. *Forms.* Applications required under this Code shall be submitted to the Community and Economic Development Department. The Director is authorized to modify the application forms and submittal requirements as deemed necessary in the Director's discretion.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the Governing Body. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the Staff, Planning Commission, or Governing Body.
3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this code, which include the following:
  - a. *Owner.* The record owner of property impacted by the application, or that owner's authorized agent. In the case of an application requiring a public hearing, and for the purposes of the right to appeal or protest, all those receiving mailed notice shall be considered owners impacted by the application.
  - b. *Planning Commission.* The Planning Commission, acting on its own initiative according to its bylaws and rules of procedure.
  - c. *Governing Body.* The Governing Body acting on its own initiative according to its bylaws and rules of procedure.

### B. Application Processing Cycles. The Director shall establish a more specific processing cycle for each type of application, which includes:

1. Dates of regular meetings of review bodies and decision makers that comply with all legal requirements for notice and public meeting deadlines;
2. Deadlines for receipt of a complete application for consideration at a particular meeting;
3. The scheduling of staff reviews, agency reviews, and staff reports on complete applications; and
4. The steps and benchmarks in the application process (including required notice requirements, public meetings, public hearings, decision meetings and review by other bodies).

### C. Pre-Application Meeting. Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. Where required, the applicant shall confer with the Director and other city officials designated by the Director. The purpose of the pre-application meeting is to discuss the general nature of the proposal, including:

1. Classification of the application.
2. Procedure and submittal requirements application.
3. Criteria for processing and decisions on the application.
4. Notification requirements, timing and other procedural pre-requisites, or whether any special community outreach may be important.
5. Planning and infrastructure impacts, including the need for any additional technical studies or outside agency coordination and review.
6. The relationship to the Comprehensive Plan, and whether any specific plans, policies or other design, development or economic development initiatives impact the application.
7. Zoning requirements for the property in question and adjacent property.
8. Opportunities to improve any preliminary design concepts and better relate project benefits or mitigate impacts to other public or private investments in the area.

A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request for any application that is routine in nature and where the above topics can be addressed by general correspondence

- D. **Staff Review.** Upon receipt of an application, the Director shall take the following steps:
1. Determine if the application is complete within 7 days of filing. If the Director determines that it is incomplete, the Director shall notify the applicant of the specific ways in which the application is deficient and no further processing of the application shall occur until the deficiencies are corrected.
  2. Schedule complete applications for further review according to these regulations.
    - a. Applications that require a public hearing shall be scheduled for initial review within 60 days of a determination of a complete application.
    - b. Applications that do not require a hearing, but an official public meeting shall be scheduled for review within 30 days of a determination of a complete application or the recommendation from another required review body.  
In the event that the next regular meeting of the review body is beyond these time periods, or the required notice cannot be given within these time periods, the application shall be scheduled for the closest available meeting.
  3. Prepare a staff report that reviews the application in light of the appropriate policies, plans and regulations. The Director shall provide a copy of the report to the review body and the applicant before the scheduled meeting.
- E. **Notice.** When a proposed amendment is not a general revision of existing ordinances and will affect specific property, the Administrative Clerk of the Community and Economic Development Department shall mail a written notice regarding the public hearing to the owners of all property within 200 feet of the boundaries thereof. Such written notice shall include the information required in the published notice. Failure to receive such notice shall not invalidate any subsequent action taken. Such notice is sufficient to permit the Planning Commission to recommend amendments to these regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice, provided that recommending a zoning classification of lesser change than that set forth in the notice shall be valid without republication and, where necessary, remailing.
1. **Published.** Where published notice is required, at least 20 days prior to the public review notice shall be published in the official City newspaper.
  2. **Posted.** Where posted notice is required, the applicant shall post notice on property that is the subject of the application at least 20 days before the scheduled review. The City will furnish the sign(s) for posting, which shall be placed within five feet of the right of way on a central portion of the site, or in any other manner so that it is visible without obstructions from public rights-of-way adjacent to the subject property. The City may determine the number of signs needed and the general location of the posting based on a site plan provided by the applicant, and property over five acres shall have at least one sign on each street abutting the property. The applicant shall provide proof to the Planning Commission at the time of the review verifying that posted notice has been maintained in accordance with these requirements.
  3. **Mailed.** Where mailed notice is required, notice shall be mailed to all owners of record within 200 feet, excluding existing rights-of-way, of the boundaries of the property that is the subject of the application at least 20 days prior to the public review. If the property is located adjacent to unincorporated property, then the notice shall extend to all

unincorporated land within 1,000 feet of the subject property. The applicant is responsible for furnishing the certified list of property owners. Notice shall be sent to the owners, and not to merely the occupants. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.

4. **Constructive Notice.** Minor technical deviations from stated notice requirements shall not be deemed to impair notice where there is actual notice of the time, date and place of the public hearing.

Public notice of a hearing on a proposed amendment shall be published once in the official City newspaper at least 20 days before the scheduled date set of the hearing. Such notice shall state:

1. The date, time and place of the hearing;
2. The legal description or a general description sufficient to identify the property under consideration;
3. The present zoning classification of the property, and the proposed classification; and
4. A general statement regarding the proposed change.

- F. **Public Hearings.** The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The hearing shall be conducted, and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, or by agent, representative or attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy shall be made available to the applicant and any other interested persons and shall be available for review at least 3 days before the date set for the public hearing.

- G. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in this Article, regardless of the presence of the applicant, including the following (or recommend the following when the review body is a recommending body):
1. Approve the application.
  2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
  3. Deny the application.
  4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

- H. **Appeals.** Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:
1. Appeals shall be filed with the Director within 7 days of the decision by the decision-making review body.
  2. The following persons and entities shall have standing to appeal the action of the review body: the applicant; the Director, on behalf of any public official, department or agency; any owner of land directly impacted by the action or proposed action; and any person given the right of appeal by law.
  3. The review body designated as the appellate body shall consider the application as a new matter, and within 60 days of the date that the appeal was filed may take any action

authorized by the decision-making review body. The procedure and required notice shall be the same as required of the original application.

## 2.02 PLATTING

- A. **Applicability.** Plat applications are required to establish or alter the legal boundaries of property, and to account for public facilities, infrastructure, development patterns, public realm design or other long-range growth and development considerations prior to potential fracturing of ownership.  
Specifically, plats shall apply to:
1. The division of land into parcels or tracts of less than 20 acres, and not involving any new streets or easements of access and not affecting major streets.
  2. A change in the boundary between adjoining lands which creates an additional or substandard lot.
  3. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, if a new street or easement of access is involved.
  4. Whenever any lot, parcel or tract of land has not been ordered by law to be partitioned.
  5. Lots which have not been previously platted and zoned for industrial purposes, which may be divided into two or more tracts without replatting or resubdividing such lots in conformance with these subdivision regulations.
  6. Land which is not to be used for cemetery purposes.
- B. **Types of Plats and Applications.** Plat applications are classified and processed as one of three types:
1. *Administrative Plats.* Administrative plats are routine applications such as lot line adjustments, lot splits, lot combinations or small land divisions that do not alter development patterns or impact public services.
  2. *Preliminary Plats.* Preliminary plats are larger divisions of land with new ownership and development patterns; or which impact public facilities or land, and are proposed in a preliminary or conceptual format to prepare for detailed engineering and design of facilities.
  3. *Final Plats.* Final plats are a refined version of the preliminary plat that presents proposed ownership and development patterns, as well as the specific location of public facilities and public property based on detailed designs.
- C. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.
1. *Review Criteria.* An application may be classified as an administrative plat if the Director determines that all of the following are met.
    - a. No new street or alley right-of-way, or other public dedication is needed.
    - b. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.), or impact on the ability to maintain existing service levels will result.
    - c. The application affects the boundaries of only four or fewer existing lots, or results in five or fewer new lots from a previously unplatted parcel, or is finalizing the legal boundaries of a previously approved preliminary and final plat which could only be based on a legal survey after construction of improvements.

- d. All lots meet the legal standards of the subdivision regulations and applicable zoning districts.
- e. The lot patterns are consistent with the surrounding area. In determining consistency, the size and dimension of lots previously developed, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development shall be considered.
- f. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.

Any application not classified as an administrative plat shall be processed as a major subdivision with a preliminary and final plat.

2. *Review and Approval.* Upon review by the Director and any affected departments or agencies, and within 60 days of filing, the Director shall approve any administrative plats that meet all requirements of these regulations, deny the application, or recommend further processing as a major subdivision.
  3. *Effect of Decision.* Approval of an administrative plat requires the applicant to record the plat with the Leavenworth County recorder of deeds.
  4. *Limitations on Successive Applications.* Platted lots are eligible only one time for approval of a consolidation or division through the administrative plat process and any further division or consolidations of the originally platted lots or newly created lots shall be processed through the preliminary and final plat process.
- D. **Preliminary Plat.** A preliminary plat shall be processed according to the following criteria and specific procedures in addition to those identified in Table 2-1 and applicable in Section 2.01.
1. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria:
    - a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.
    - b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.
    - c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.
    - d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
    - e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.
    - f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.
    - g. The recommendations of professional staff, or any other public entity asked to officially review the plat.

2. *Effect of Decision.* The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat. Within 60 days after the first meeting of the Planning Commission following the date of submittal of the plat to the Planning Commission, the Planning Commission shall approve the preliminary plat; conditionally approve the preliminary plat and state the conditions; or disapprove the preliminary plat and state the reasons. If such determination is not made within 60 days after the first meeting of the Planning Commission following the date of submittal of the plat, the plat shall be deemed to have been approved. Action by the Planning Commission shall be conveyed to the subdivider in writing and shall specifically state the conditions or deficiencies in conformance with the Subdivision Regulations, in the case of conditional approval or disapproval.
  3. *Term of Expiration.* The approval of the preliminary plat shall be effective for 1 year, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 12-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.
- E. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or portions of the preliminary plat area for consideration at the next scheduled Planning Commission meeting. A final plat shall be processed according to the following criteria and specific procedures in addition to those identified in Table 2-1 and applicable in Section 2.01.
1. *Review Criteria.* A final plat shall be reviewed according to the following criteria:
    - a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.
    - b. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
    - c. The phasing and timing of public improvements ensures construction and performance guarantees.
    - d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.
    - e. The recommendations of professional staff, or any other public entity asked to officially review the plat.
  2. *Planning Commission Review.* Within 60 days after the first meeting of the Planning Commission following the date of submittal of the plat to the Planning Commission, the Planning Commission shall:
    - a. Approve the final plat;
    - b. Conditionally approve the final plat and state the conditions;
    - c. Disapprove the final plat and state the reasons.



3. *Dedication of Land.* The Governing Body shall accept or reject the dedication of land for public purposes within 30 days after the first meeting of the Governing Body following submission of the recommendation of the Planning Commission. The Governing Body may defer action for an additional 30 days for allowing modifications to comply with the requirements established by the Governing Body. If the Governing Body defers or rejects such dedication, it shall advise the applicant and Planning Commission of the reasons and specify the nature of the non-compliance.
4. *Effect of Decision.* The approval of the final plat and acceptance of the dedication of land for public purposes, and payment of any applicable fees authorizes the filing of the plat with the Register of Deeds. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within 2 years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval or recording of the plat, the applicant may proceed with the design and construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

### 2.03 ZONING MAP AMENDMENT

- A. **Applicability.** The zoning map amendment process provides review of changes to the boundary of zoning districts (rezoning) that may be necessary to account for changed conditions in the general area or a change in public policies with respect to future development. Zoning map amendments for specific property may be initiated by the Governing Body, the Planning Commission, or the owners or authorized agents of any property affected. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.
- B. **Review Criteria.** The zoning map amendment shall be reviewed according to the following criteria:
  1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;
  2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;
  3. The suitability of the subject property for the uses to which it has been restricted;
  4. The extent to which removal of the restrictions will detrimentally affect nearby property;
  5. The length of time the subject property has remained vacant as zoned;
  6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;
  7. The recommendations of professional staff;
  8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;
  9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.
- C. **Protest by Petition.** If a written protest against a proposed amendment shall be filed in the office of the City Clerk within 14 days after the date of the conclusion of the hearing on a proposed amendment, which protest is duly signed and acknowledged by the owners of 20% or more of the property proposed to be rezoned, or by the owners of 20% or more of the total area, excepting public street and ways, which is located within 200 feet of the boundaries of the property proposed to be rezoned, then such proposed amendment shall not be passed except by a three-fourths vote of all members of the Governing Body.
- D. **Governing Body Review.** The Governing Body shall not consider a request prior to the lapse of the 14-day protest period. When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the Governing Body may:
1. Adopt such recommendation by ordinance;
  2. Override the Planning Commission's recommendation by a 2/3 vote of the membership of the governing body; or
  3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove the recommendation of the Planning Commission. Such recommendation shall be considered in like manner as required for the original zoning recommendation returned to the Planning Commission.
- E. **Effect of Decision.** Amendments to the official Zoning Map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following such action.

## 2.04 PLANNED DEVELOPMENT

- A. **Applicability.** The planned development process is intended for development concepts that require a higher degree of specific planning based on the complexity of the project, conditions of a particular site or context, and the ability to meet or exceed the purpose, intent and objectives of this code through more flexible application of the standards. A planned development application is a type of zoning map amendment, and must meet all of the procedures and requirements of that process, but it also accommodates a specific development plan. The planned development process involves at least two steps – the preliminary development plan, and the final development plan. In most cases land will need to be subdivided in order to carry out a development plan. The subdivision process is separate from the planned development process, though may run concurrently with or follow it. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to planned development applications.
- B. **Preliminary Development Plan.** A preliminary development plan is a generalized development plan for the entire area proposed to be included within a planned development. The purpose of a preliminary development plan is to allow preliminary review of a proposed planned development before substantial technical work has been undertaken. Additions to previously approved preliminary development plans may be considered an amendment to that plan and do not require a minimum size. A preliminary development plan shall generally include:

1. *Public Realm Plan.* A plan outlining the general location, design characteristics, and functions of all proposed streets, storm water management, open spaces, civic spaces, and circulation networks – whether public, common or private – that will create the public realm for the plan.
  2. *Development Plan.* A plan indicating the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this code.
  3. *Existing Conditions.* Analysis identifying the general layout of any existing structures, streets or infrastructure and the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other features.
  4. *Phasing or Implementation.* A strategy indicating the estimated timing of development, and any other administrative details of implementing the plan through future final site plans.
  5. *Illustrative Plan.* The concept plan may include an illustrative plan that includes renderings, elevations or plans of buildings, streetscapes, and public spaces or other urban design and architectural details demonstrating how the plan will be executed according to the applicable development standards.
- C. **Preliminary Development Plan Review Criteria.** A preliminary development plan shall be reviewed according to the following criteria:
1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.
  2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project and are not strictly to benefit the applicant.
  3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.
  4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area;
  5. The plan meets all of the review criteria for a zoning map amendment.

- D. **Effect of Preliminary Development Plan Approval.** Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend, or the Governing Body may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the preliminary development plan.
- E. **Designation on Official Zoning Map.** Designation on Official Zoning Map. Sites governed by an approved preliminary development plan shall be designated on the Official Zoning Map with the letters base zoning district plus "P" (planned). (For example, where a portion of the development plan uses the R-3 and the B-2 base zoning districts for the preliminary development plan, the future zoning of each area shall be R-3-P and B-2-P respectively.)
- F. **Final Development Plan.** Approval of the rezoning based on the preliminary development plan shall allow the applicant to submit a final development plan for approval. A final development plan is a detailed plan for implementing the preliminary development plan including technical information on building, site, open / civic space, and infrastructure development. A final development plan may include the entire area covered in the preliminary development plan or it may include one or more phases of the approved preliminary development plan. The plan shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the preliminary development plan have been met.
- G. **Final Development Plan Review Criteria.** A final development plan shall be reviewed according to the criteria for Site Plan Review in Section 2.06, with the additional criteria that the final development plan is in substantial compliance with the approved preliminary development plan.
- H. **Effect of Final Development Plan Approval.** Approval of a final development plan shall be the same for that of Site Plan Review in Section 2.06.

## 2.05 ADMINISTRATIVE SITE PLAN

- A. **Applicability.** The administrative site plan process is a way to ensure that routine development projects meet the development and design standards of this code, and all other standards applicable to the property. Administrative site plans may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to administrative site plan applications. The administrative site plan process does not apply to detached houses or duplexes, but applies to all other buildings and sites subject to the following:
1. Structural alterations to an existing building that does not change the footprint.
  2. Any expansion to an existing building footprint by 15% or less.
  3. Any change or intensification of use which alters access and parking requirements of this Code.
  4. Any site development activity which expands the existing impervious surface 25% or less.

5. Minor changes to the site access and circulation which do not present a significant change impacting the design of the public realm or traffic conditions near the site.
6. Significant exterior design alterations to an existing building that do not change the footprint. This excludes ordinary maintenance, but may include things such as re-facing or changing exterior materials, altering the composition of the façade by changing patterns of windows and doors, changing architectural details and ornamentation.

The Director may determine that any application meeting these eligibility criteria still presents significant change or potential impacts on the area, or presents substantial interpretation questions on the application of development standards, and is not eligible for the administrative site plan process. These applications must be reviewed through the full site plan and design review process.

- B. **Review Criteria.** An administrative site plan shall be reviewed according to the following criteria:
1. In general, any site plan in compliance with all requirements of this code shall be approved.
  2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
    - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by this code and will not negatively impact the function and design of rights-of-way or adjacent property.
    - b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices, and requirements of Article 7.
    - c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.
    - d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.
    - e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.
  3. The application meets the criteria for all other reviews needed to build the project as proposed.
- C. **Effect of Decision.** Approval of an administrative site plan shall authorize the applicant to apply for a building permit, and other applicable permits.
- D. **Lapse of Approval.** An approved administrative site plan shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed within two years of the approval. The Director may grant an extension for up to one additional year. Any other element of the plan not submitted for permits within two years shall expire, unless the application proposes a different schedule that is approved.

## 2.06 SITE PLAN REVIEW

- A. **Applicability.** The site plan and design review process is a way to coordinate development projects within the public realm and with adjacent sites, and specifically to demonstrate how new

projects meet the development and design standards of this code for compatible arrangement of buildings, pedestrian and vehicle access, lighting and landscaping. Site plans may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to site plan and design review applications. The site plan and design review process specifically apply to:

1. Any new building, except detached houses and duplexes.
2. Any expansion to an existing building footprint by more than 15%, except detached houses and duplexes.
3. Any site development activity which expands the impervious surface by more than 25% of existing impervious surface on the lot.
4. Any changes to the site access and circulation which present a significant change impacting the design of the public realm or traffic conditions near the site.

**B. Review Criteria.** A site plan and design review shall be reviewed according to the following criteria:

1. In general, any site plan in compliance with all requirements of this code shall be approved.
2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
  - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the code and will not negatively impact the function and design of rights-of-way or adjacent property.
  - b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.
  - c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.
  - d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.
  - e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.
3. The application meets the criteria for all other reviews needed to build the project as proposed.
4. The recommendations of professional staff.

**C. Effect of Decision.** Approval of a site plan shall authorize the applicant to apply for a building permit, and other applicable permits. The Director may approve minor amendments to approved site plans and design reviews without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative site plan, or any change that is different from any condition of approval of the site plan and design review.

**D. Lapse of Approval.** An approved site plan and design review shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed within two years of the approval. The Planning Commission may grant an extension for up

to one additional year. Any other element of the plan not submitted for permits within two years shall expire, unless the application proposes a different schedule that is approved.

## **2.07 CONDITIONAL USE PERMITS**

- A. **Applicability.** A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses. These uses are not generally appropriate in that district, but require a case-specific review to determine the compatibility in a specific context and location, or due to the varying design and operational characteristics of the use, Conditional use permits may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to conditional use applications.
- B. **Review Criteria.** A conditional use permit shall be reviewed according to the following criteria:
1. The proposed use complies with all applicable requirements of this code, furthers the intent of the proposed zoning districts, and does not conflict with the intent of any abutting districts.
  2. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this Code and the intent or design objectives of any applicable subsections of this code.
  3. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
  4. The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.
  5. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
  6. The adequacy of drainage, utilities and other public facilities.
  7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
  8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
  9. The recommendations of professional staff.
- C. **Effect of Decision.** Approval of a conditional use permit by the Governing Body shall authorize the applicant to apply for a building permit, and other applicable permits. Approval shall be valid for two years (prior to action by the applicant on the permit; distinct from any time limit the Planning Commission or Governing Body may set for the duration of the permit), and the Governing Body may grant a one-year extension. Any application not acted upon according to the approval and conditions within this time period shall be void. Any amendment to a conditional use permit shall require the same process as the original approval. The rights granted in a conditional use permit shall extend to the owner or his agent or licensee and shall not run with the land. If the owner, agent or licensee shall later transfer title to the property subject to the conditional use permit to a subsequent owner through the transfer of a fee simple title, then the conditional use permit shall extend to such subsequent owner for a period of 180 days after the



effective date of the transfer, being defined as the date of execution and delivery of a deed attesting to the ownership of the property.

- D. **Termination.** Conditional use permits may be withdrawn, set aside, cancelled and rescinded by the Governing Body for good cause upon majority vote of the Governing Body after a written petition, signed and acknowledged before a Notary Public by one or more individuals who are fee simple owners of property located within 300 feet of the boundaries of the property subject to the conditional use permit or by motion of a Governing Body member.

## 2.08 VARIANCE

- A. **Applicability.** Variances are a process to provide relief from a strict interpretation of the standards of this code, which when applied to a particular property and in a specific context would create an unnecessary hardship or practical difficulties on all reasonable use of the property. Variances may be initiated by the owners or authorized agents of any property affected. A variance shall not permit any use not permitted by these regulations in the particular zoning district. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to variance applications.
- B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that the following conditions are met:
1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;
  2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
  3. 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;
  4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
  5. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- C. **Effect of Decision.** Findings of fact identifying and evaluating all factors relevant to the application shall be made part of the public record. Any person, official or governmental agency dissatisfied with any order or determination of the Board may bring an action in the District Court of Leavenworth County, Kansas within 30 days of the final decision.

## 2.09 APPEALS OF ADMINISTRATIVE DECISIONS

- A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in any final decision in the interpretation, administration or enforcement of this code by an administrative official of the City. Appeals of administrative decisions may be filed by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the officer administering the zoning ordinance. Appeals of administrative decisions shall be filed with the City Clerk within 30 days of the date of the decision being appealed.



- B. **Effect of Filing.** The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to, or poses irreparable harm to, life or property.
- C. **Notice.** A copy of the notice of public hearing shall be sent to each party to the appeal, and to the Planning Commission. The Board shall fix a reasonable time for the hearing of an application, and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the Governing Body) at least 20 days prior to the date fixed for the public hearing.
- D. **Action and Review Criteria.** The Board of Zoning Appeals shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm wholly or partly or may modify the decision being appealed. The Board of Zoning Appeals shall take action on an appeal within a reasonable period of time after application submittal, but in no case more than 60 days after receipt of a complete application.
- E. **Effect of Decision.** The decision by the Board of Zoning Appeals shall have the same effect as a decision made by the administrative official. Any person, including any City Official or Governing Body, aggrieved by a decision of the Board may bring an action in the district court within 30 days of the final decision of the Board.

## 2.10 CODE AMENDMENTS

- A. **Applicability.** Text amendments to these regulations may be initiated by the Governing Body or the Planning Commission, or by Staff on behalf of these entities.
- B. **Specific Procedures.** These regulations may be amended at any time after the Planning Commission has held a public hearing on the proposed amendment. In addition to the general procedures in Table 2-1, and Section 2.01, applications for text amendments shall be processed according to the following specific procedures:
1. **Public Hearing.** A public hearing shall be held by the Planning Commission for all proposed amendments.
  2. **Recommendations.** Upon the conclusion of a public hearing, the Planning Commission shall prepare and adopt its recommendations in the form of a proposed Development Regulation and shall submit it with a record of the hearing to the Governing Body.
  3. **Action by the Governing Body.** When the Planning Commission submits a recommendation of approval or disapproval, the Governing Body may:
    - a. Adopt. Adopt the recommendation by ordinance;
    - b. Override. Override the Planning Commission's recommendation by at least a 2/3 vote of the membership of the Governing Body; or
    - c. Return. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's

recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority thereof may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

4. *Publication.* If the Governing Body adopts an amendment by ordinance, said amendment shall not become effective until its publication in the official City newspaper.


## ARTICLE 3. SUBDIVISION STANDARDS

- 3.01 STREET NETWORK & DESIGN
- 3.02 OPEN & CIVIC SPACE SYSTEMS
- 3.03 BLOCKS & LOTS
- 3.04 REQUIRED IMPROVEMENTS
- 3.05 COMMUNITY FACILITIES & FEES



### 3.01 STREET NETWORK & DESIGN

- A. **Intent.** This section, adopted pursuant to the provisions of K.S.A. 12-705 et. seq. is intended to serve the following purposes:
1. Plan and coordinate street networks to ensure the proper arrangement of blocks and lots for long-range development goals;
  2. Increase connectivity and improve accessibility options;
  3. Promote efficient and safe public realm designs that are inclusive of all potential users, including pedestrians, bicycles, automobiles, and trucks or transit, so the interests of a single mode does not compromise other modes.
  4. Require and fix the extent to which and the manner in which streets shall be graded and improved;
  5. Specify a variety of street design types for different contexts and allow effective transitions of street designs to best support development on abutting blocks.
- B. **Street Network.** Arterial, collector and local streets shall generally be laid out according to the policies of the Comprehensive Plan, the latest edition of the City of Lansing Design Criteria for Street Improvements (Lansing Technical Specifications and Design Criteria), and other plans or maps for major streets. In the absence of more specific guidance in these plans, the following standards shall apply to street networks.
1. *Blocks and Connections.* Streets shall be laid out to provide a network of blocks and streets based on the planning context and development pattern as identified in Table 3-1:

**Table 3-1: Block Sizes & Connectivity**

| Planning Context   | Block Length           | Block Area   | Cul-de-sac Limits |
|--|------------------------|--------------|-------------------|
|  <p><b>Walkable / Compact</b></p> <p><i>Core areas of commercial centers and new walkable neighborhoods, and abutting blocks adjacent to walkable places.</i></p> | 250' min.<br>800' max. | 3 to 6 acres | Prohibited        |

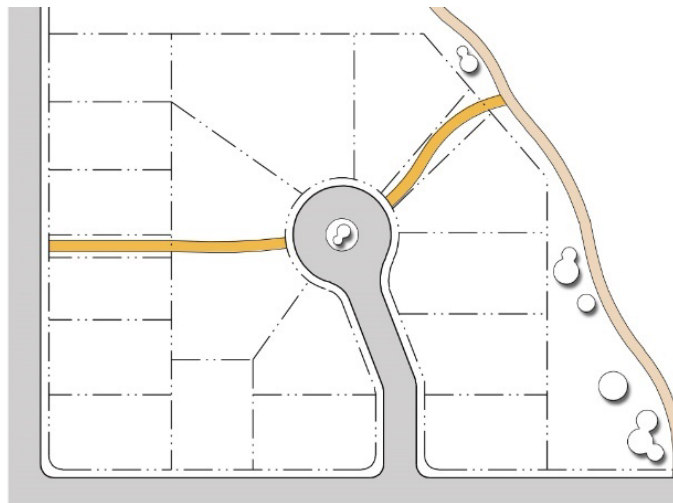
**Table 3-1: Block Sizes & Connectivity**

| Planning Context  | Block Length   | Block Area   | Cul-de-sac Limits   |
|---|--|--|---|
|  | <p><b>General</b></p> <p><i>Suburban neighborhoods and other areas supporting commercial corridors.</i></p>  | <p>300' min.</p> <p>1,000' max.</p> <p>4 to 8 acres</p>  | <p>450' max.</p> <p>Limited to exceptions (B.4) only.</p> |
|  | <p><b>Remote Areas or Campuses</b></p> <p><i>Areas removed from walkable centers and commercial corridors, or projects arranged around internal networks or streets to serve large-scale and isolated land uses.</i></p> | <p>500' min.</p> <p>1,320' max.</p> <p>6 to 10 acres</p> | <p>600' max.</p>  |

2. **External Connections.** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. Streets arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.
3. **Off-sets.** Slight jogs in continuous streets at points of intersection with other streets shall not be permitted unless due to topography. Where offsets cannot be avoided, a minimum distance of 150 feet shall be established between centerlines of the intersecting streets.
4. **Exceptions.** The following are exceptions to the block and connectivity standards:
  - a. **Natural Features and Civic Spaces.** Proposed streets may follow the natural topography to reduce drainage problems and grades. Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the Civic Space System, may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community.
  - b. **Regional Transportation Routes.** Blocks or parcels abutting intervening regional transportation routes such as highways or rail rights-of-way may be larger provided

that street layouts and development patterns achieve local connectivity in all other ways possible.

- c. *Rural Parcels.* Tracts divided into larger or rural lots of at least five acres may exceed block limits provided development is arranged to allow future streets in compliance with these regulations, and a logical pattern of re-subdivision can occur with minimal disruption of buildings, utilities, and other structures.
  - d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or development projects that involve large-scale buildings and patterns, such as campuses or large-scale employment areas, platted blocks may be larger provided internal access streets mimic the block structure and urban design amenity of these standards, and create logical extensions and connectivity to the public streetscapes.
5. *Walkways and Passages.* The Planning Commission may require access easements as appropriate to the particular circumstances of the proposed subdivision. In any case where exceptions for larger blocks apply, or any other area where substantial pedestrian traffic may occur, such as adjacent to schools, the Planning Commission and/or Governing Body may require pedestrian walkways through blocks or at any dead-end streets. In blocks longer than 750 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet. Such walkways shall be dedicated to the public.



**Figure 3-3 Walkways and Passages**

*Where street networks do not connect, opportunities to connect pedestrian routes should be considered in context of the overall network and the proximity to common walkable destinations*

6. *Adjoining Street Systems.* Whenever a developer has dedicated half of a street as a public way along their property, the adjacent developer must do the same to finish the street.

C. **Street Design.** The width of such streets in new subdivisions shall be not less than the minimum street widths established herein. Arterial streets through subdivisions shall conform to the major street plan of the Comprehensive Plan as adopted by the Planning Commission and the Governing Body.

1. **Street Design Types.** Each functional classification may use the following Street Design Types so that urban design features and streetscape design better support the development context and character of the area. Table 3-2 identifies which design types are most appropriate for different contexts and different functional classes of streets.

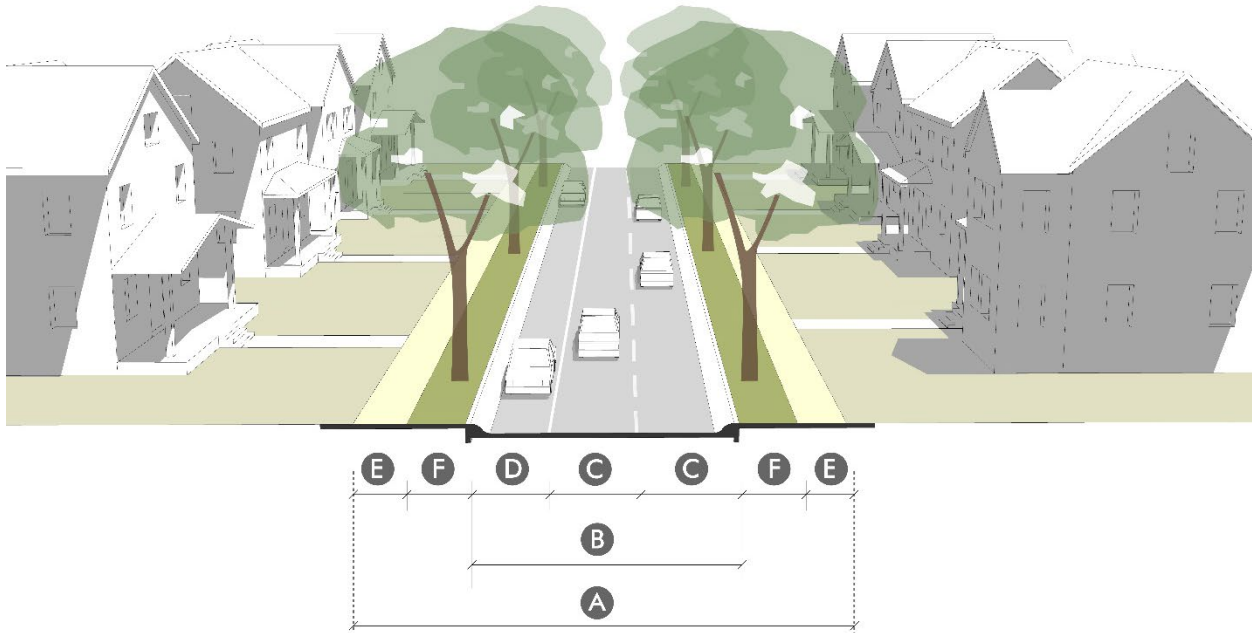
**Table 3-2: Street Design Types & Functional Classification**

| Street Type   | Arterial (A) | Collector (C) | Local (L) |
|---|--------------|---------------|-----------|
| <b>Standard</b><br><i>A basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types.</i>  | ■            | □             | □         |
| <b>Activity</b><br><i>A pedestrian-oriented street type appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slow speeds, on-street parking, and large, well-designed pedestrian amenity zones that support businesses and economic activity along these streets.</i>                                | □            | ■             | ■         |
| <b>Neighborhood</b><br><i>A community-oriented street type appropriate where a higher level of neighborhood design amenity and neighborhood walkability is desired. It is characterized by large street trees, sidewalks, slow speeds, and occasional on-street parking.</i>  | ■            | ■             | ■         |
| <b>Green</b><br><i>A natural-oriented street type appropriate where streets cross or align with natural features, particularly to emphasize the parks and environmental themes in the plan. It is characterized by, slow to moderate speeds, and informal and natural landscape edges, and the incorporation of the City trails system.</i> | □            | ■             | ■         |

■ Preferred Type

□ Limited Type, based on development pattern, street network plan and surrounding context and natural characteristic

2. **Typical Cross Sections for Walkable Contexts.** The following are typical cross sections for enacting walkable environments in activity centers and neighborhoods. The following street types may be applied anywhere throughout Lansing at the discretion of the Community Development Director, and are intended to support the building standards outlined in districts not limited to Planned Zoning Districts (5.01), Mixed-Density Neighborhood Districts (5.02), and places implementing Walkable Commercial Standards (5.03). The Public Works Director, Economic and Community Development Director, or Planning Commission may require modifications to these typical cross sections to account for the specific context and better meet the intent of this section.



**LOCAL – WALKABLE NEIGHBORHOOD**

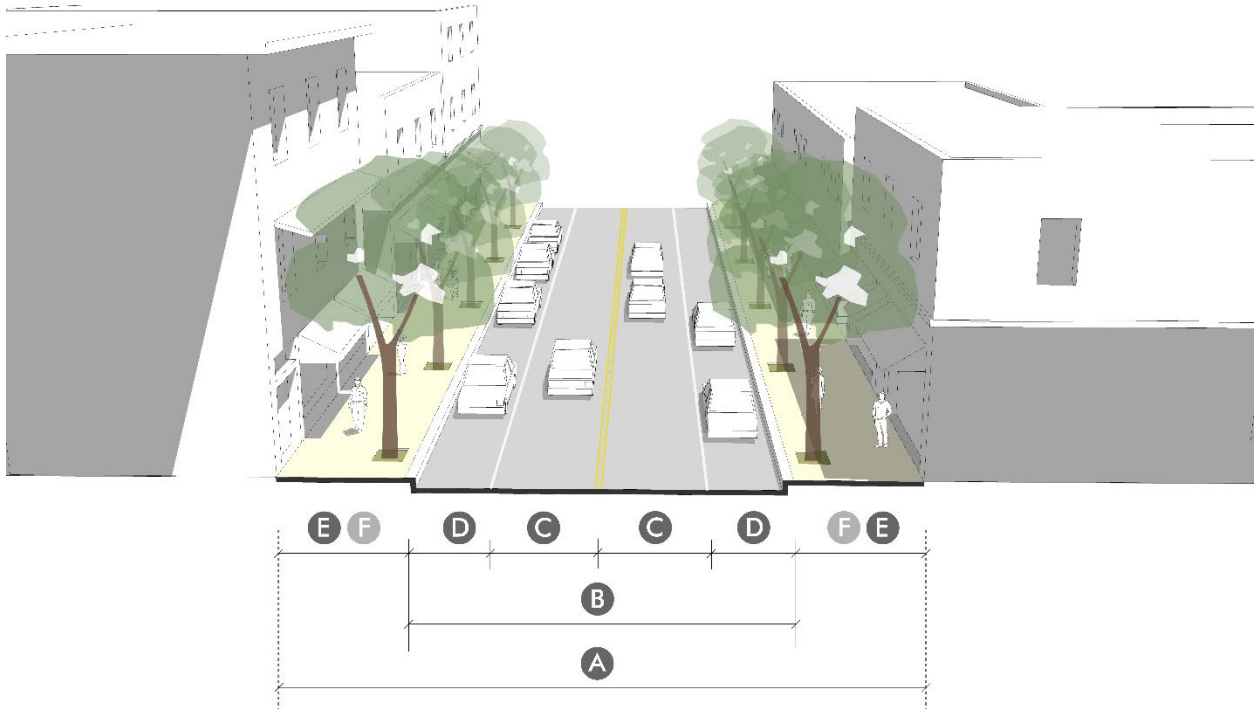
**Streetscape Design**

|     |                        |                               |
|-----|------------------------|-------------------------------|
| A   | Right-of-way width     | 50' – 62'                     |
| B   | Roadway Width          | 25' – 28' (back of curb)      |
| C   | Travel Lane            | 10'<br>2 lanes                |
| D   | Parking Area           | 6' – 7'                       |
| E   | Sidewalk               | 5' – 8'                       |
| F   | Parkway Width          | 6' – 8'                       |
| B/D | Drainage / Street Edge | 1.5'– 2' rollover curb/gutter |

**General Design**

|                  |                          |
|------------------|--------------------------|
| Walkway Type     | Sidewalk/Detached        |
| Planting Type    | Large shade trees.       |
| Tree Spacing     | 30'– 50' on center       |
| Bicycle Facility | None – w/in traffic flow |
| Design Speed     | 20 mph                   |
| Posted Speed     | 20 mph                   |
| Traffic Volume   | < 750 ADT                |





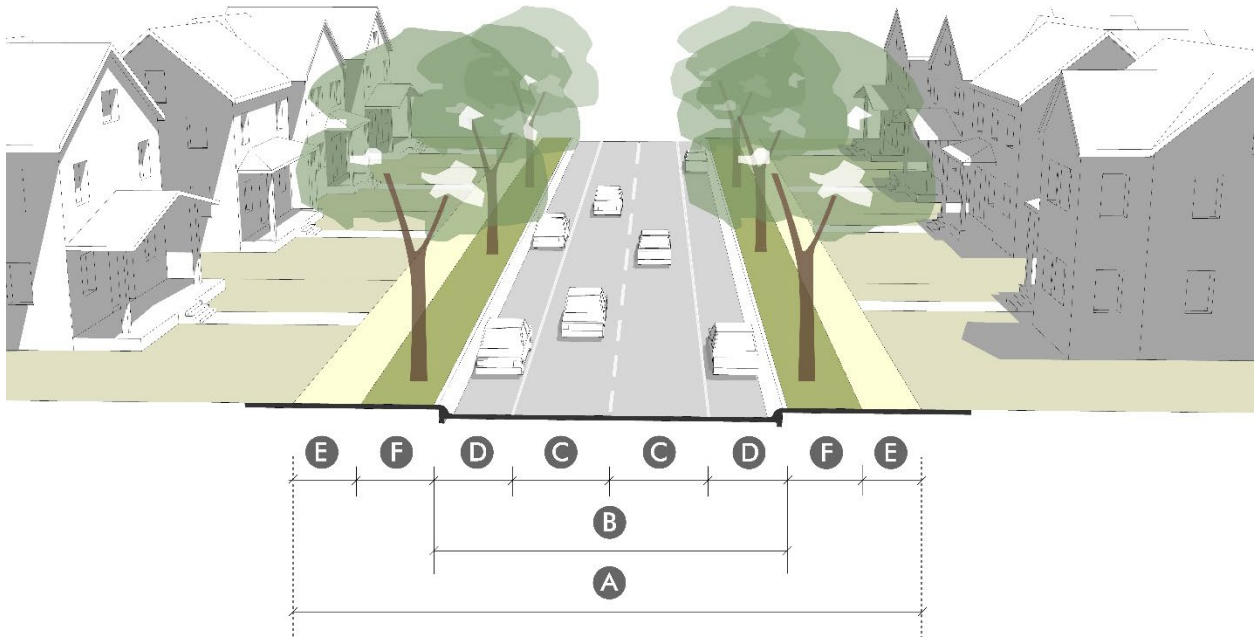
### LOCAL – ACTIVITY “A” STREET

#### Streetscape Design

|     |                        |  |
|-----|------------------------|--|
| A   | Right-of-way width     | 60' – 72'  |
| B   | Roadway Width          | 32' – 36' (back of curb)   |
| C   | Travel Lane            | 10', 2 lanes   |
| D   | Parking Area           | 8' parallel, or 18' angled (may add width to right-of-way width) |
| E   | Sidewalk               | 12' – 20'  |
| F   | Parkway Width          | n/a; tree wells within sidewalk                                  |
| B/D | Drainage / Street Edge | 1' – 2' curb/gutter  |

#### General Design

|                  |   |
|------------------|---|
| Walkway Type     | Sidewalk/Attached                       |
| Planting Type    | Large or small shade trees in tree well |
| Tree Spacing     | 25' – 40' on center                     |
| Bicycle Facility | None – w/in traffic flow                |
| Design Speed     | 20 mph                                  |
| Posted Speed     | 20 mph                                  |
| Traffic Volume   | < 1,500 ADT                             |



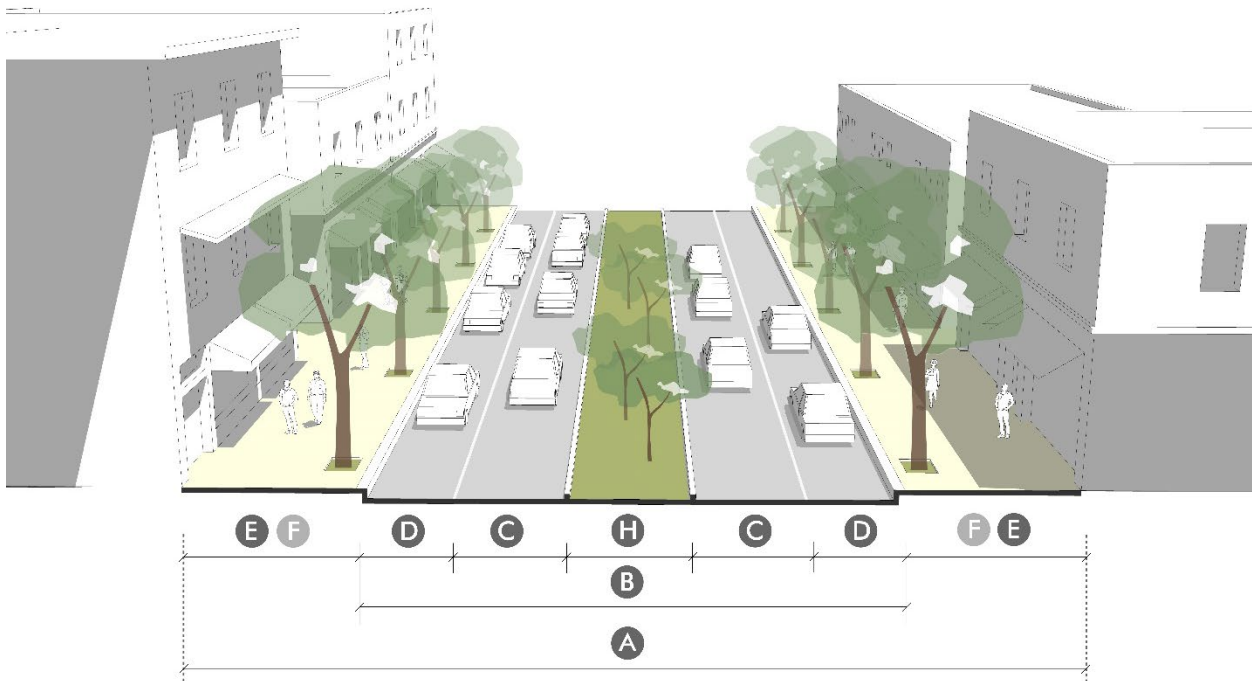
**COLLECTOR – WALKABLE NEIGHBORHOOD**

**Streetscape Design**

|     |                        |                               |
|-----|------------------------|-------------------------------|
| A   | Right-of-way Width     | 70' – 80'                     |
| B   | Roadway Width          | 32' – 40' (back of curb)      |
| C   | Travel Lane            | 10', 2 lanes                  |
| D   | Parking Area           | 6' – 7' (limited)             |
| E   | Sidewalk               | 6' – 10'                      |
| F   | Parkway Width          | 8' – 12'                      |
| B/D | Drainage / Street Edge | 1.5'– 2' rollover curb/gutter |

**General Design**

|                  |   |
|------------------|---|
| Walkway Type     | Sidewalk/Detached;  |
| Planting Type    | Large shade trees   |
| Tree Spacing     | 30'– 50' on center  |
| Bicycle Facility | None – w/in traffic flow; may be “sharrow” (14' marked lane) on designated routes or connecting Parks |
| Design Speed     | 25 mph  |
| Posted Speed     | 25 mph  |
| Traffic Volume   | < 2,500 ADT   |



**COLLECTOR – ACTIVITY “B” STREET**

**Streetscape Design**

|     |                                       |  |
|-----|---------------------------------------|--|
| A   | Right-of-way Width                    | 70' – 80'  |
| B   | Roadway Width                         | 36' – 40' (back of curb)   |
| C   | Travel Lane                           | 10' – 11', 2 lanes   |
| D   | Parking Area                          | 8' parallel, or 18' angled (may add width to right-of-way width) |
| E   | Sidewalk                              | 12' – 20'  |
| F   | Parkway Width                         | n/a; tree wells within sidewalk                                  |
| B/D | Drainage / Street Edge                | 1'– 2' vertical curb/gutter                                      |
| H   | Median Width (landscape or hardscape) | 12' (left turn lanes at intersections where needed) Optional     |

**General Design**

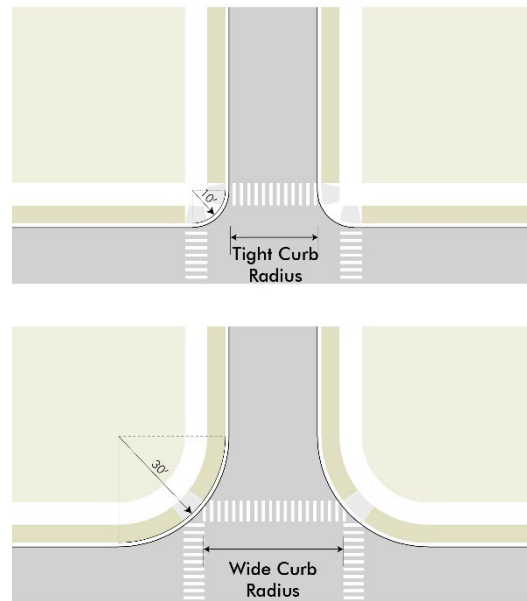
|                  |   |
|------------------|---|
| Walkway Type     | Sidewalk/Attached                       |
| Planting Type    | Large or small shade trees in tree well |
| Tree Spacing     | 25'– 40' on center                      |
| Bicycle Facility | None – w/in traffic flow                |
| Design Speed     | 20 mph                                  |
| Posted Speed     | 20 mph                                  |
| Traffic Volume   | < 10,000 ADT                            |

1. *Additional Cross Sections:* The following are additional cross sections for functional classification and street design types. The Public Works Director, Economic and Community Development Director, or Planning Commission may require modifications to these cross sections to account for the specific context and better meet the intent of this section.

**Table 3-3: Additional Street Cross Sections**

|                     | Width       |                                | Streetscape         |  | Street                 |                       |
|---------------------|-------------|--------------------------------|---------------------|--|------------------------|-----------------------|
|                     | ROW         | Pavement                       | Sidewalk            | Planting Area                                | Lanes                  | Parking               |
| <b>Arterial</b>     |             |                                |                     |  |                        |                       |
| <i>Standard</i>     | 100' – 120' | 48' – 72'                      | 8' – 12' or trail   | 12' – 20' buffer                             | 12'<br>4 – 6 lanes     | n/a                   |
| <i>Activity</i>     | 80' – 100'  | 44' - 48'<br>60' w/<br>parking | 12' – 20'           | 32 s.f. tree well                            | 11'<br>3 – 4 lanes     | 8' parallel (limited) |
| <i>Neighborhood</i> | 80' – 110'  | 44' – 50'                      | 8' – 12'            | 12' min. tree lawn<br>12' + median optional* | 10' – 11'<br>4 lanes   | n/a                   |
| <i>Natural</i>      | 90' min     | 24' – 50'                      | trail               | 20' min. buffer                              | 10' – 11'<br>2-4 lanes | n/a                   |
| <b>Collector</b>    |             |                                |                     |  |                        |                       |
| <i>Standard</i>     | 60' – 90'   | 32' – 52'                      | 6' – 10'            | 8' min. tree lawn                            | 12'<br>2-4 lanes       | n/a                   |
| <i>Natural</i>      | 70' min.    | 24' – 32'                      | n/a; trail optional | 20' min. buffer                              | 10'<br>2-3 lanes       | n/a                   |
| <b>Local</b>        |             |                                |                     |  |                        |                       |
| <i>Standard</i>     | 60' – 66'   | 28' – 32'                      | 5'                  | 6' -12' tree lawn                            | 10' – 11'<br>2 lanes   | 7' – 8'               |
| <i>Natural</i>      | 50' min.    | 24'                            | n/a; trail optional | 12' min. buffer                              | 10'<br>2 lanes         | n/a                   |

- D. **Intersection Design.** Intersections shall be designed according to the following standards:
1. **Street Layout.** Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 60 degrees. 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.
  2. **Corner Radii.** Curb radii shall be the minimum amount necessary to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, based on the appropriate context. Table 3-4 establishes the base requirements. In areas where large vehicles will make frequent turning movements, the Planning Commission may require greater turning radius. In areas where slower speeds are desired, or walkability is desired, the Planning Commission may require tighter corner radii.



**Figure 3-4 Curb Radii**

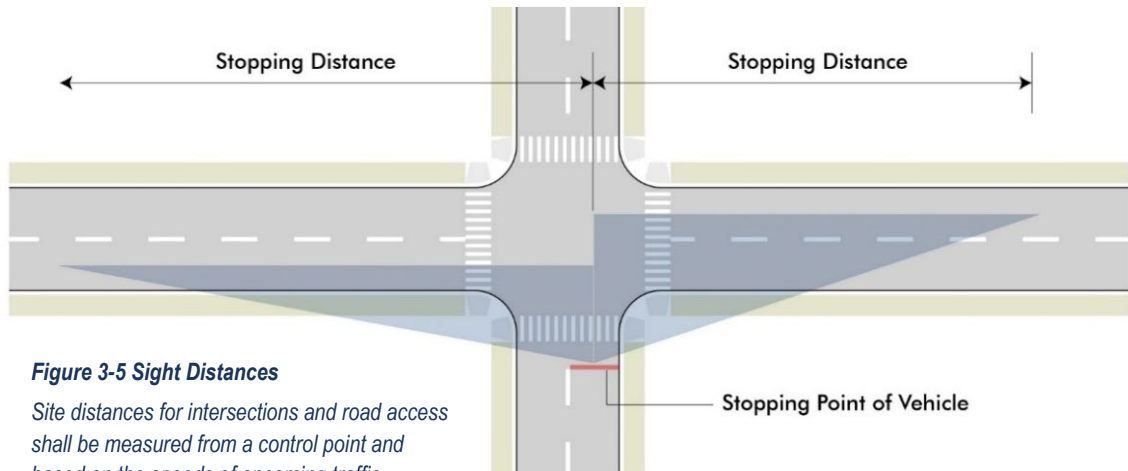
*Intersections with smaller curb radii reduce crossing distances and slow traffic.*

**Table 3-4: Corner Curb Radius**

| Intersection Type     | Curb Radius |
|-----------------------|-------------|
| Local / Local         | 10-20'      |
| Local / Collector     | 15-25'      |
| Local / Arterial      | 20-30'      |
| Collector / Collector | 15-25'      |
| Collector / Arterial  | 25-30'      |
| Arterial / Arterial   | 30'         |

3. **Sight Distances.** Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersection street, specified in Table 3-5.

| Design Speed of Intersecting Street | Intersection Sight Distance<br>(measured along centerline of intersecting street.) |
|-------------------------------------|--|
| 15 mph                              | 105'   |
| 20 mph                              | 125'   |
| 25 mph                              | 150'   |
| 30 mph                              | 200'   |
| 35 mph                              | 225' - 250'  |
| 40 mph                              | 275' - 325'  |
| 45 mph                              | 325' - 400'  |



**Figure 3-5 Sight Distances**  
Site distances for intersections and road access shall be measured from a control point and based on the speeds of oncoming traffic.

- a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-4 to the centerline of the intersecting street.
  - b. Street trees, light poles or other limited obstructions are allowed within the sight triangle provided that they do not have any foliage, limbs, or other obstructions between 2 and 8 feet, and are no closer than 30 feet to the intersecting right-of-way line.
  - c. Fully controlled intersections, where signalization establishes and prioritizes safe turning movements, may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director of Public Works.
4. **Crosswalks.** Intersections of sidewalks with public streets shall have crossings meeting the following standards.

- a. Curb ramps meeting ADA accessibility standards shall provide a direct, non-diverted approach from the sidewalk along the block, into the crosswalk area.
- b. Crosswalks on collector streets or higher classification shall be considered for enhanced crossings, including bulb outs, refuge islands or other traffic calming measures that are appropriate to the context of the intersection.
- c. Where blocks exceed more than 800 feet between intersections, or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to approval of the Director of Public Works and Economic and Community Development Director.

### 3.02 OPEN & CIVIC SPACE SYSTEMS

#### A. **Intent.** The intent of this section is to:

1. Recognize open space as an important and enduring element of civic design and Lansing's image and identity.
2. Plan and integrate an open and civic space system into the structure of streets, blocks and lots as a coordinated part of the public realm.
3. Value the design, function, and appropriate application of different types of open space, rather than solely the quantity of space.
4. Develop a greater perceived impact from open space by coordinating the design and location of open spaces across multiple development projects.
5. Consider the context and multiple functions that open spaces can serve to support development, including ecological, recreation, aesthetic and urban design functions.
6. Create focal points for the community, neighborhood, district, or development site to which development and site plans should respond to.
7. Integrate natural systems into the design of common or public open spaces.

#### B. **Applicability.**

1. *Generally.* These standards apply to all divisions of land involving more than five acres. All platted lots shall have access to one or more of the open and civic space types in this Section, within the specified service area. The open space requirement is in addition to any landscape, setback, buffer or frontage type requirement in this code, however effective site design can allow areas to meet multiple standards.
2. *Exceptions.* The provisions of these regulations shall not apply to the following:
  - a. Residential, commercial, or industrial development for property to be located on a lot of record, or vested final plat, which was approved prior to the effective date of these regulations.
  - b. Residential, commercial, or industrial development constructed or to be constructed in accordance with a building permit issued prior to the effective date of these regulations.
  - c. Any lot platted within the applicable service area for any existing open and civic space types below does not require any new open spaces, provided:
    - i. it is public; or
    - ii. it is private or common and the property owner has a right to access this property through easements, covenants or other formal documentation of the entity with ownership and control of the space.
3. *Reductions and Deviation.* At the discretion of the Planning Commission and/or Governing Body, the requirements may deviate from the criteria of this Section:
  - a. Based on a plan through the planned development process (Section 2.04) that meets or exceeds the intent of this Section;





- b. To the point where any lesser percentage of open space will clearly meet both the service area and level of service targets;
- c. For any application that dedicates open space to the public in a type, location and design standard that is acceptable to meet general public needs; or

C. **Required Open Space.** The amount of space required shall be based on the base zoning district(s) proposed or existing for the project and based on Table 3-6.


| 3-6: Required Open Space |     |
|--------------------------|-----|
| A-1                      | n/a |
| R-1, R-2                 | 12% |
| R-3, R-4, R-5-6          | 15% |
| B-1, B-2                 | 8%  |
| B-3                      | 12% |

D. **Open Space Types & Context.** Open and civic space systems shall be laid out according to the policies of the Comprehensive Plan and this section. Open spaces shall be designed to reinforce the character of the area and anticipated development patterns, uses and project designs. Table 3-7 indicates the types of open spaces that are eligible for each particular area based on context. Standards and specifications for each open space type are provided in sub-section F.

**Table 3-7: Open and Civic Space Types**

| Planning Context   |   | Natural Area | Park | Trail / Greenway | Green | Square | Plaza / Courtyard |
|--|---|--------------|------|------------------|-------|--------|-------------------|
|  <p><b>Walkable / Compact</b><br/><i>Downtown, core areas of commercial centers, near downtown areas and new walkable neighborhoods, and abutting blocks adjacent to walkable places.</i></p> | □ | □            | ■    | ■                | ■     | ■      |                   |
|  <p><b>General</b><br/><i>Suburban neighborhoods and other areas supporting commercial corridors.</i></p>   | □ | ■            | ■    | ■                | □     | □      |                   |

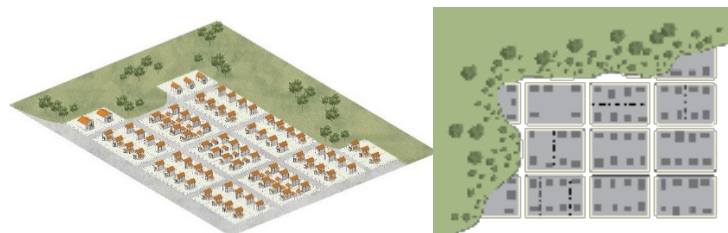
**Table 3-7: Open and Civic Space Types**

| Planning Context  |  | Natural Area | Park | Trail / Greenway | Green | Square | Plaza / Courtyard |
|---|--|--------------|------|------------------|-------|--------|-------------------|
|  <p><b>Remote Areas or Campuses</b><br/><i>Areas removed from walkable centers and commercial corridors, or projects arranged around internal networks or streets to serve large-scale and isolated land uses.</i></p> | <p>■ Preferred Type for context</p> <p>□ Limited Type based on opportunities corresponding to specific development context and other factors of more specific plans.</p> | ■            | ■    | ■                | □     | □      | □                 |

E. **Open Space Design Standards.** Open Space Systems shall be designed according to the specific type, and the standards below for each different type.

**Natural Area**

The size, location and design of a Natural Area shall be dependent on the planning context, the presence of natural amenities and ecological resources worthy of protection and the ability of the designated area to provide significant continuity with nearby natural features. In general these areas should provide the opportunity of at least 5 acres of contiguous preserved area and ideally up to 40 or more acres.



**Service Area:**

N/A

**Design Elements**

Natural Areas include any area of existing or restored open lands such as riparian corridors, flood hazard areas, unique geological formations, important habitats, significant plant types or substantial groupings of important plant types, wetlands, etc. The goal is to protect the edges to maximize intact spaces that provide valuable ecosystem services for the community, support preservation goals or enhance the aesthetics and amenities of the area.

## Park

### Size

0.5 – 2 acres; 1+ acres ideal (Pocket Park)  
2 – 5 acres, 3+ acres ideal (Local Park)  
Neighborhood (5-25 acres) and Community Parks (25+ acres) shall meet the size requirements of the Parks and Recreation Department plans and policies.

### Service Area

Within block or on adjacent block (Pocket Park)  
1000' to ¼ mile (Local Park)  
Neighborhood and Community Parks service areas dependent on Parks and Recreation Department plans.



### Design Elements

Any park planned for public dedication shall be designed according to official plans and policies of the Parks and Recreation Department. Other parks shall generally be at least 100' wide in all directions, except that linear natural features ("Greenway") may be designed as a park with portions as narrow as 40' provided it has significant continuity between other open space features. One shade tree for every 40' of street frontage shall be required to relate the park to the public realm, plus other landscape to support the overall park design. Between 15% and 50% of the area should be allocated to structured recreation such as ball fields, playgrounds or sport courts. The remainder of the area should be allocated to ground cover, tree areas, gardens, lawns or other landscape amenities.

## Trail / Greenway

### Size

20' min. width; 30' + ideal, but dependent on topography and natural features.  
Trails / Greenways shall be located to provide continuity through the area, and connections to other supporting facilities, with the ability to link existing or future destinations for pedestrians or cyclists, such as parks, schools and community centers or other civic destinations.

### Service Area

1/8 mile, or ¼ mile from access point.



### Design Elements

Any Trail / Greenway planned for public dedication shall be designed according to official plans and policies of the Parks and Recreation Department. Trails / Greenways should include a paved or otherwise dust free stabilized surface at least 8' min width; 10' min. if shared bike / pedestrian trail. The landscape area on each side of the trail should be at least 6', and wider in places to incorporate natural features or significant vegetation. One shade tree for every 40' of trail length; and 1 ornamental tree or evergreen tree for every 25' of trail length shall be required. Trails / Greenways located along rights of way may be designed in conjunction with the overall cross-section design of the right-of-way to create the optimal multi-modal design for the street and trail.

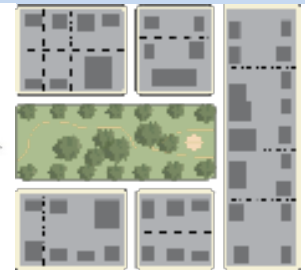
## Green

**Size**

½ to 3 acres

**Service Area**

1/8 to ¼ mile



**Design Elements**

Greens shall be at least 150' wide in all directions, and should have an enclosure ratio (width of space to height of buildings) for buildings on the Green between 4:1 and 2:1.

Greens should have a public street along at least 2 sides with direct pedestrian access to the street.

Buildings fronting on the green should be designed with frequent entrances, transparency and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.

One shade tree for every 25' of street frontage; and one ornamental tree for every 2,000 square feet shall be required.

At least 15% of the area shall be designed for formal gathering such as seating areas and other areas of concentrated amenities that serve as a focal point of the Green.

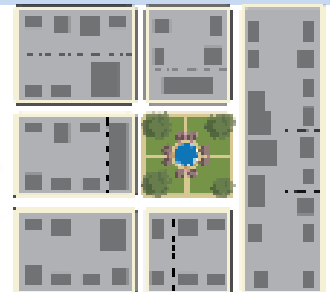
## Square

**Size**

5,000 s.f. to 1 acre

**Service Area**

Adjacent block, or up to 1000'



**Design Elements**

Squares shall be at least 75' wide in all directions and should have an enclosure ratio (width of space to height of buildings) for buildings on the Square between 3:1 and 1:1.

Squares should have a public street along all sides and be designed as a focal point for abutting blocks; streets should be designed for multi-modal transportation with direct pedestrian access to the Square.

One shade tree for every 40' of street frontage; and one ornamental tree for every 2,000 square feet shall be required.

At least 50% of the area shall be designed for formal gathering such as seating areas and other concentrated amenities.

At least 25% of the area shall be allocated to planter beds, seasonal plantings, garden, lawns or other landscape amenities.

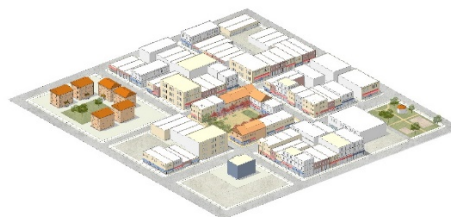
## Plaza / Courtyard

**Size**

1,000 s.f. to 5,000 s.f.

**Service Area**

On block or immediately adjacent block



**Design Elements**

Plazas / Courtyards shall be at least 25' wide in all directions, and should have an enclosure ratio (width of space to height of buildings) for buildings on

the Plaza/Courtyard between 2:1 and 1:2.

Plazas / Courtyards should have a public street along at least 1 side; streets should be designed for multi-modal transportation with direct pedestrian access between the Plaza/Courtyard and the street.

Plazas / Courtyards should include seating, art, formal landscape and other amenities and ornamentation as a focal point for gathering places.

Buildings fronting on the Plaza / Courtyard should be designed as street front buildings with frequent entrances, transparency and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.

One shade tree for every 40' of street frontage; and one ornamental tree for every 2,000 square feet shall be required.

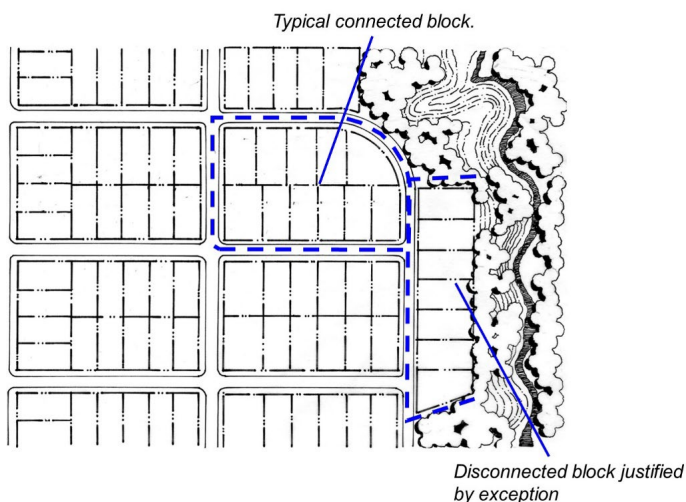
At least 20% of the area shall be allocated to planter beds, seasonal plantings or foundation plants or other landscape amenities.

- F. **Location Criteria.** The following location criteria shall be used in determining the most appropriate locations and characteristics of land to be designated as required open and civic space systems.
1. **Visibility.** Priority should be given to areas that provided the most visible impact, and to locations that provide relationships to open and civic space systems on adjacent property and future development sites.
    - a. Formal open spaces (Greens, Squares, or Plazas) should be located at prominent focal points within a subdivision or development site, and included in or designed as an effective extension of the public rights-of-way, or other common areas.
    - b. Natural open space (Natural Areas, Trails / Greenways, or Parks) should be located along prominent ridges, valleys and view corridors or areas where other natural features such as significant vegetation or water features exist.
  2. **Function.** Open space shall be located in areas that maximize its functional characteristics.
    - a. Formal open space shall be centered in areas that will have the greatest population density, activity or development intensity in order to provide the greatest pedestrian accessibility.
    - b. Natural open space shall be located in areas where the ecological, aesthetic, and recreational impact will be the greatest.
- G. **Ownership and Management.** All required Open and Civic Space shall be designated as a separate parcel or tract on the final plat. Documentation recorded with the final plat shall demonstrate the responsibility and capacity for ongoing maintenance, administrative and financial management of the space according to these standards. Options for ownership and management of preserved area include:
1. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
  2. Creation of a homeowners and/or leaseholders association that owns it in common capable of carrying out the ownership and management.
  3. Dedication to a public entity as part of the rights-or-way, parks or other community facilities element of the plan.

Dedication to the City or other public entity is subject to acceptance by and at the sole discretion of the Governing Body or other public entity. All open spaces designated on the final plat may be eligible to count towards the Park Land Dedication requirements according to the provisions of Section 3.05.C.

### 3.03 BLOCKS & LOTS

- A. **Intent.** The intent of this Section is to:
1. Ensure the proper arrangement of blocks and lots within the structure of the street network and open and civic space systems.
  2. Arrange development in a manner that is least disruptive to existing topography and capitalize on inherent characteristics of the land as defining features.
  3. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
  4. Promote appropriate site and building designs in relation to the public realm.
  5. Ensure that all lots are buildable lots according to this Code, and provide that all tracts or other parcels serve an urban design or planning function in relation to the overall development pattern.
- B. **Applicability.** The standards in this section apply to any division of land or platting involving new blocks or lots, to the extent the division impacts any of the standards.
- C. **Block Arrangement.**
1. **Generally.** All blocks shall be laid out to have two tiers of lots, unless dictated by overriding development patterns outside of the control or impact of the project. A different arrangement may be required to provide better circulation or to protect a major circulation route.
  2. **Size.** The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.01.B.
  3. **Access and Frontage.** The street network, street designs and block arrangements shall be coordinated to promote the connectivity and public realm design goals of each particular context.
    - a. Blocks shall be laid out so that each lot has access to the street network.
    - b. In order to preserve the design of specific street design types, lot access should be coordinated at the block level.
    - c. When individual lots may have limited access due to broader streetscape and urban design goals, alternative strategies such as alleys, internal access streets, shared drives or limited drives with access to interior portions of the block or lot should be used.



**Figure 3-6 Blocks and Lots: General Layout and Size**

*Blocks shall be laid out to meet the connectivity standards for each specific context, including any justified exceptions for disconnected blocks.*

existing topography as nearly as possible to reduce drainage problems.

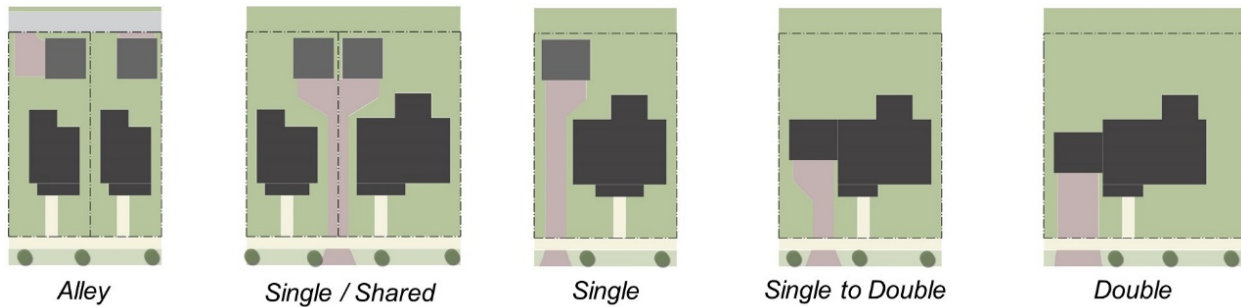
4. **Drainage.** Storm drainage should be designed at the largest scale possible in order to avoid site by site treatment.

Blocks and streets shall conform to



- a. Integrating stormwater systems into development patterns using street designs and open spaces that serve dual purposes is a priority.
  - b. Where any stream or surface drainage or water course is necessary, easements shall be granted to the City preserving their storm water function.
  - c. The City may require installation of pipe, masonry or rip-rap, flumes or inlets, or other such protective devices.
  - d. At the site level, infiltrating stormwater through Best Management Practices is preferred to detention.
  - e. All plats and easements shall designate maintenance of the stormwater system, which may be private or City, dependent on each particular application.
4. **Monuments.** Monuments shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with specifications of the City.
6. **Focal Elements.** On at least two of the four corners of an intersection of two arterial or collector streets, subdivisions shall provide a “focal element” within a radius of 125 feet from the intersection of the centerlines of said streets. The “focal point” need not be located at the corner of the lot but must be easily visible from the intersection of the two streets. A “focal element” may consist of any of the following or a combination thereof, and may be incorporated into a major entryway signage feature for the development:
- a. A building with distinctive architectural elements, preferably with a vertical element;
  - b. A vertical architectural feature (maximum of 45’ height and minimum of 25’ height) such as a tower, spire or unique roof form;
  - c. Public art or sculpture, fountains or other water features;
  - d. Public plazas or other open space; or
  - e. Landscape features.
- D. **Lot Arrangement.** All lots shall result in buildable sites considering the topography, surrounding character, proposed land uses, and development standards applicable to the lot.
1. **Size.** The width and area of all lots shall comply with the requirements of the zoning district in which they are located.
  2. **Lot Lines.** Side lot lines shall be generally perpendicular to the right of way lines or radial to curved streets. All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street, except where a variation of this rule will provide a better street and lot layout to accommodate topography and overriding characteristics of the development pattern.





**Figure 3-7 Lot Access**

Access by driveways shall be designed to coordinate with the type of street and the context of the neighborhood. Due to the cumulative impact of multiple and wide driveways, lot access may be limited based on the street, the width of lot frontage, and the building type standards of this code.

3. **Lot Access.** Lot access shall be limited by the specific street type, and the access guidance provided for each street. Access for any street may be further modified by any specific access management study. Where access is limited by these standards and guidelines, alternative access through shared drives, internal access lanes, or alleys shall be considered. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations identified in the arrangement of blocks and development patterns.
4. **Corner Lots.** Corner lots should have extra width sufficient to permit the establishment of front building lines on both adjoining streets, or to permit other building arrangements that support the proper relation of the building and site to the adjoining streets.
5. **Building Lines.** Building lines conforming to zoning regulations shall be shown on all lots within the platted area.

### 3.04 REQUIRED IMPROVEMENTS

- A. **Intent.** The intent of this Section is to ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected, or otherwise assured of completion prior to the issuance of building permits.
- B. **Bond.** Certain improvements shall be installed within the subdivision before building permits are issued for buildings on abutting lots or, in lieu of actual installation, benefit districts may be used for the required improvements. As an alternative to the above procedures, the developer may provide performance bond or other surety acceptable to the Governing Body assuring that the required improvements will be installed within a reasonable time. All improvements shall be installed in compliance with the specifications of the City and maintenance bond shall be required by the Governing Body.
- C. **Streets.** All streets in the subdivision shall be paved. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer. Compliance shall be confirmed by the Public Works Director and City Engineer prior to the release of the surety by the Governing Body.
- D. **Sidewalks.** Sidewalks shall be installed on both sides of all arterial and collector streets, and sidewalks shall be required on one side of all other streets. All sidewalks shall comply with

Section 3.01-C: Typical Cross Sections. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.

- E. **Storm Drainage.** The applicant shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, and other improvements in compliance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects, and such plans shall be examined and approved by the Public Works Director prior to construction. If a subdivision is traversed by a water course, drainageway, or channel; is encroached upon by the regulatory floodplain; or includes construction of storm water facilities, then a public storm water easement shall be provided. Such easement or right-of-way shall encompass the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for heavy equipment for maintenance thereof, and to encompass the flows from an area inundated by a 1% chance (100-year) precipitation event. The applicant shall be required to have a storm water analysis prepared for the Planning Commission by a Kansas Licensed Professional Engineer to determine the required width and extent of such easement for each major water course or drainageway involved. Such study shall be based on a 1% chance (100-year) storm. Fences, structures, retaining walls, and landscaping that are likely to restrict storm water flows will not be allowed in drainage easements. The applicant shall be required to have an engineer's study prepared on the amount of increased storm water runoff which will be created by proposed development and a plan of how this runoff will be accommodated. The City may require design modification of the proposed storm water system to reduce increased runoff, or to retain or detain runoff on-site. No net increase in the rate of stormwater runoff shall be allowed in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- F. **Sanitary Sewers.** The applicant shall be responsible to provide for and pay the full cost of the proper installation of all utilities, including sanitary sewers and connection to approved treatment facilities, water supply, fire hydrants, natural gas, electricity and telephone services. Such utilities shall be installed according to the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects, and specifications of the controlling utility company or public agency and must be placed underground beginning at that point where said utilities enter the subdivision. The applicant shall be required to have an engineer's study prepared on the impact of the proposed development on the capacity of the receiving sanitary sewer. The proposed development and existing use may not exceed the capacity of the receiving sanitary sewer in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- G. **Street Signs.** The City shall install street signs at all intersections within a subdivision, the cost of which shall be paid for by the applicant.
- H. **Peripheral Street Improvements.** The applicant shall be responsible for dedication of one-half of the recommended rights-of-way as described in these subdivision regulations on all peripheral streets which may border the subdivision. The applicant shall waive the right to protest any future benefit district for improvements to the peripheral streets which may border the subdivision.

- I. **Upsizing.** Whenever any portions of the required public improvements are part of a planned future facility for the City, serving an area larger than the subdivision and its impact, the City and applicant will enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the plat:
1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.
  2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
  3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based by the applicant bidding the project with bid alternates, one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.
  4. The agreement shall be subject to approval by the City Attorney.
- J. **Lighting.** The applicant shall install street lighting in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects. All street light locations shall be shown on the construction drawings for the development. The cost of installation for such street lighting shall be paid by the applicant.
- K. **Other Utilities.** Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and seven and one-half (7.5) feet on each side of side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall be shown on the plat. Utility easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at his or her own risk.

### 3.05 COMMUNITY FACILITIES & FEES

- A. **Intent.** The intent of this Section is to:
1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
  2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
  3. Consider the location of public and community facilities with initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as focal points for the community.
  4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
  5. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
  6. Promote fiscal responsibility for all public entities by coordinating the planning, design and financing of public facilities with impact generated from proposed development.
- B. **Reservation of Land.** The Planning Commission or Governing Body may require the reservation of land for public or community facilities, public safety facilities, school sites, or other public or community facilities. The reservation shall be for a time period of no more than one year, unless otherwise agreed to by the applicant, to permit acquisition of the land by the appropriate public entity.
1. The reservation by the Planning Commission or Governing Body shall:
    - a. Be based on community facility needs that may serve an impact beyond that caused by the proposed development, and which are not otherwise met by standards of this Code;
    - b. If applicable, be based on an official master plan approved by the entity with jurisdiction over the public facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review; and
    - c. Be accompanied by a conceptual plan and program provided by the entity with jurisdiction over the improvement, demonstrating how the entity's facility needs relate to the site. The conceptual plan shall include information reasonably necessary for the applicant to plan for development around the reserved site and to prepare contingency plans in the event the site is not acquired by the public entity. Development plans for the unreserved property shall not adversely affect the potential use of the reserved property for the designated public or community facility.
  2. During the reservation period or in association with the preliminary plat, the applicant may submit a contingency preliminary plat for the portion of the property subject to the reservation. A contingency plat shall include all of the information of a preliminary plat for the reserved property, and can serve as the preliminary plat if the negotiation is terminated or unsuccessful. Any final plat for a reserved portion may be conditionally approved, and shall not be recorded until the one-year reservation period has expired or negotiations have terminated. Otherwise any reserved portion not acquired within one year will require a preliminary and final plat according to the standards and procedures in this Code.

- C. **Park Land Dedication** The owner of any property filing a preliminary and final plat apply shall convey land for park purposes land, or make a payment of money in lieu of land, or a combination of both, to the City at the time of final plat submittal. This land or fee shall provide for the recreational needs created by new development in accordance with the provisions of these regulations.
1. *Dedication.* Subdivision plats shall show dedication of land for park uses at locations designated in the Comprehensive Plan, a relevant plan adopted by the Governing Body, or as otherwise determined through the plat review process and applying the Open and Civic Space standards in Section 3.02. When the required dedication is less than four acres, the Planning Commission and/or Governing Body may require the open space to be located at a suitable place at the periphery of the subdivision, so a more usable tract will result when additional open space is obtained when adjacent land is subdivided.
  2. *Money in Lieu.* The Governing Body may decline to accept the public dedication of park land and require a payment of money in lieu of land dedication to completely or partially meet the requirements of these regulations. However, money in lieu shall not remove the obligation of the subdivision to provide neighborhood or project open and civic spaces as provided in Section 3.02 or Article 6 of these regulations. The amount of money in lieu shall be based on fees established by the City through its schedule of fees for Park Land Dedication. In determining whether to recommend and accept a dedication or require the fee, the Planning Commission and Governing Body shall consider what would be in the best interest of the City based on, but not limited to, the following factors:
    - a. Suitability of land for use as a neighborhood or community park, considering location, access, topography, flood plain or degree of other similar constraints or impediments;
    - b. The recommendation of the Parks and Recreation Advisory Board and the Parks and Recreation Director;
    - c. Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site;
    - d. Whether there is sufficient existing public or private park land in the area of the proposed development;
    - e. Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks;
    - f. Whether the land is located adjacent to a linear park or greenway; and
    - g. The guidelines of the current Lansing Comprehensive Plan.
  3. *Common Amenities Designed to Offset Land or Fees.* At the time of the preliminary plat, or in association with the final plat, the City may a Facilities Use Agreement for a waiver of all or a portion of park fees for common amenities not dedicated or accepted to a public entity, based on the following conditions:
    - a. The relationship of the amenity and recreation benefit to surrounding development, and particularly the degree the amenities meet the intent of the Open and Civic Space Standards in Section 3.02;
    - b. The accessibility of the amenity or benefit to the public at-large;

- c. The approved mechanism for the continued and future maintenance and improvements of the amenity of benefit.
- d. The extent and/or expense of amenity or benefit, and in general the amenity or benefit must be equal to 150% of the parkland fee assessment.
- e. The extent the amenity or benefit is consistent with overall policies, plans, and goals of the office of Parks and Recreation.

Any Facilities Use Agreement, whether incorporated as part of the preliminary plat review, or in association with the approval and acceptance of the Final Plat, shall require a recommendation of the Parks and Recreation Director, and approval of the Governing Body.

- D. **Additional Dedications and Reservations.** The provisions of this Section are minimum standards. None of the subsections above shall be construed as prohibiting a developer from dedicating other land for any public purpose directly related to the impact of the proposal and in addition to the requirements of this Section, or from reserving any other lands that may meet the documented and planned needs of other entities providing community facilities.

## ARTICLE 4. ZONING DISTRICTS & USE STANDARDS

- 4.01 ZONING DISTRICTS & INTENT
- 4.02 GENERAL DEVELOPMENT STANDARDS
- 4.03 PERMITTED USES
- 4.04 ACCESSORY USE STANDARDS
- 4.05 SPECIFIC USE STANDARDS
- 4.06 TEMPORARY USE STANDARDS

### 4.01 ZONING DISTRICTS & INTENT

The boundaries of the districts are shown on the official Zoning District Map of the City of Lansing, Kansas. The Zoning District Map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such Zoning District Map with all notations, references, and other information was specifically set forth herein.

#### **Zoning Districts and Intent.**

*"A-1" Agricultural District.* The purpose of this district is to provide for agricultural and related uses, and to preserve and protect agricultural resources.

*"R-1" Suburban Residential District.* The intent of the R-1 district is to provide for low density, single-unit detached residential buildings, including those uses which reinforce residential neighborhoods.

*"R-2" Single-Unit Residential District.* The intent of the R-2 district is to provide for single-unit residential buildings at a higher density than the R-1 District, to support and encourage more walkable residential neighborhoods.

*"R-3" Mixed-Density Neighborhood District.* The intent of the R-3 district is to provide for moderate density residential development with a variety of housing options, in patterns that create strong, walkable neighborhoods near civic and commercial destinations. The building scale, frontage designs, and streetscape are compatible throughout the district, and an emphasis on design details and neighborhood character create comfortable places for people.

*"R-4" Multi-Family Residential District.* The intent of the R-4 district is to provide for high density residential development, including single-unit, two-family and multi-family residences, in strong residential neighborhoods.

*"R-5" Manufactured Home Planned District.* The R-5 district is intended for planned development's that provide smaller-format manufactured or modular homes that include common amenities in a neighborhood or community setting, designed in a manner that is compatible with the surrounding community. The R-5 district is a specific form of a planned district requiring review and approval as provided in Section 2.04 Planned Development procedures.

*"B-1" Neighborhood Business District.* The intent of the B-1 district is to provide a zone which is suitable for small scale businesses serving primarily local needs. The B-1 district is most appropriate for buildings that front onto local side streets that provide primarily neighborhood-oriented retail and office uses. These areas serve as a transition from automobile-oriented environments along K-7 to the adjacent residential neighborhoods and schools.

*"B-2" General Business District (Town Center).* The intent of the B-2 district is to provide a zone which is suitable for retail shopping and offices that are typically located in the core area of a city.



*"B-3" Regional Business District.* The intent of the B-3 district is to provide for those commercial uses which are intensive in nature and require larger lots and direct access to major streets. The B-3 district is most appropriate for automobile oriented, regional commercial and office development. Within this area, pedestrian links shall be provided to connect the local streets located on each side of K-7 that serve to connect the residential neighborhoods, schools and parks.

*"I-1" Light Industrial District.* The intent of the I-1 district is to permit industrial uses that are not obnoxious due to appearance, noise, dust, or odor; that do not require intensive land coverage; and that can be compatibly developed with adjacent districts.

*"I-2" Heavy Industrial District.* The intent of the I-2 district is to allow basic or primary industries which are generally incompatible with residential or commercial uses.

## 4.02 GENERAL DEVELOPMENT STANDARDS

- A. **Generally.** The height, area, and bulk requirements for the various districts are established by Table 4-1. The Development Standards for each district are dependent on the provisions in Article 5 and Article 6.

**Table 4-1: General Development Standards**

| ELIGIBLE ZONING DISTRICT | HEIGHT, AREA AND BULK STANDARDS   |                          |                      |            |                               |        |
|--------------------------|---|--------------------------|----------------------|------------|-------------------------------|--------|
|                          | MIN. SIZE   | LOT STANDARDS MIN. WIDTH | HEIGHT               | FRONT      | MINIMUM SETBACK INTERIOR SIDE | REAR   |
| A-1                      | 1 acre  | 160 ft.                  | 2.5 stories / 35 ft. | 40 ft.     | 16 ft.                        | 40 ft. |
| R-1                      | 6,000 s.f.  | 50 ft.                   | 2.5 stories / 35 ft. | 20 ft.     | 10 ft.                        | 20 ft. |
| R-2                      | 4,000 s.f.  | 40 ft.                   | 2.5 stories / 35 ft. | 15 ft.     | 10 ft.                        | 15 ft. |
| R-3                      | See Article 5 development standards specific to R-3 Walkable Neighborhood District.                 |                          |                      |            |                               |        |
| R-4                      | 10,000 s.f.   | 60 ft.                   | 3 stories / 45 ft.   | 25 ft.     | 10 ft.                        | 30 ft. |
| R-5                      | See Article 5 for development standards specific to Residential Manufactured Home Planned District. |                          |                      |            |                               |        |
| B-1                      | 6,000 s.f.  | 50 ft.                   | 3 stories / 45 ft.   | Sec. 5.03* | 0 ft. **                      | 25 ft. |
| B-2                      | 6,000 s.f.  | 50 ft.                   | 3 stories / 45 ft.   | Sec. 5.03* | 0 ft. **                      | None.  |
| B-3                      | 10,000 s.f.   | 60 ft.                   | 3 stories / 45 ft.   | Sec. 5.03* | 0 ft. **                      | 20 ft. |
| I-1                      | 6,000 s.f.  | 50 ft.                   | 3 stories / 45 ft.   | 20 ft.     | N/A**                         | 25 ft. |
| I-2                      | 10,000 s.f.   | 80 ft.                   | 3 stories / 45 ft.   | 20 ft.     | N/A**                         | N/A**  |

\*Front setbacks for commercial districts are based on street contexts and allowed Frontage Types defined in 5.03.

\*\*If abutting residential district, setback shall be a minimum of 10 ft.

- B. **Requirements.** The following general requirements apply to all zoning districts, except where specifically noted otherwise in these regulations:
1. All structures or uses of land shall require a permit prior to initiation, construction or any other related development activity, unless specifically exempt from a permit by this code. The permit shall authorize the building, structure or use according to the standards and procedures of this code.
  2. All required yards, setback areas or other open space shall remain unenclosed and open to the sky, unless the design standards applicable to a particular lot, building type or open space specifically allow otherwise.
  3. No use, structure or lot shall be maintained in any way that is damaging or harmful to adjacent property, or to the general public health, safety and welfare.
- C. **Exceptions.** The regulations for height, setback and design of buildings and lots do not apply to the following situations:
1. *Height Exceptions.* The height regulations as prescribed in this Chapter shall not apply to:
    - a. Accessory building elements integral to the design and construction of the building, such as belfries, chimneys, ornamental towers and spires, elevator bulkheads, cooling towers, smoke stacks or other equipment, provided they meet all applicable screening requirements and they are not otherwise extended to specifically avoid the intent of applicable height limits.
    - b. Site elements, flag poles, monuments, water towers, fire towers provided they are setback from the property line at least one foot for each one foot of additional height above the height limit for the district in which it is located.
    - c. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may have a maximum height of 60 feet, and churches and temples may have a maximum height of 75 feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.
  2. *Lot Exceptions.* The following are exceptions and supplemental standards for the lot area and setback standards in this Chapter:
    - a. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required setback.
    - b. Every part of a required setback shall be open to the sky except for: ordinary projections of roof lines, eaves, gutters, soffits, sills, belt courses, awnings and canopies without independent supports, window wells, egress windows, accessible ramps, stairs, window air conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed 24 inches into a required yard; or statuary, arbors, trellises, flagpoles, landscaping, lighting and similar ornamental features which shall be allowed within the required setback areas.
    - c. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
  3. *Yard Encroachments.* The following accessory elements of buildings may exceed the required setbacks:
 

In residential districts, primary entrance features such as porticos, stoops, or unenclosed porches may extend up to 10 feet into the required front setback provided:

    - (1) No encroachment shall be closer than five feet from the right-of-way.

- (2) Any roof structure associated with the features shall be single-story.
- (3) Any porch must include usable space, typically a depth of at least eight feet and a width of at least 12 feet.
- (4) Any enclosure is limited to no more than 24 square feet.
- (5) All primary entry features are integrated into the overall building design including materials, architectural style and details, and roof structures.

- D. **Accessory Buildings.** Accessory buildings shall be permitted in association with and on the same lot as a principal building and are subject to the following additional limitations:
1. *Generally.* No accessory building shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than 5 feet to any other building. No accessory building shall cover more than 30% of the rear yard.
  2. *Small Sheds.* Accessory buildings 120 square feet or less and less than 10 feet tall shall be limited to one per lot, located behind the rear building line of the principal building, and be no closer than 5 feet from the rear or side property line.
  3. *Detached Building.* Accessory buildings over 120 square feet shall meet the following:
    - a. Located behind the front building line.
    - b. Be at least five feet from the rear or side lot line, except that any accessory building providing garage access off a rear alley may be located within three feet of the rear lot line.
    - c. Be no more than one and one-half stories, or no higher than the principal building, whichever is less.
    - d. Be limited to no more than 30% of the required rear yard.
    - e. Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal structure. Any accessory building larger than 120 square feet not meeting this criteria shall meet the setback requirements for the principal structure.

**4.03 PERMITTED USES**

A. **Table of Uses & Definitions.** In order to implement the intent of each zoning district, facilitate complimentary transitions between districts, and to regulate a variety of compatible uses within zoning districts, use categories and general uses have been established for principal uses of land and buildings. Table 4-2 indicates permitted uses (■) subject to general district and building development standards, conditional uses (C) subject to the discretionary review process, and uses with supplementary standards (\*) related to specific uses.

| Table 4-2: Permitted Uses                 | A1 | R1 | R2 | R3 | R4 | R5 | B1 | B2 | B3 | I1 | I2 |
|---|----|----|----|----|----|----|----|----|----|----|----|
| <b>CIVIC / INSTITUTIONAL</b>              |    |    |    |    |    |    |    |    |    |    |    |
| Armed Forces Reserve Center               |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Assembly – Small                          |    |    |    |    |    |    |    |    |    |    |    |
| Assembly – General                        | C  |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Assembly – Event Venue                    |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Bus Passenger Terminals                   |    |    |    |    |    |    | ■  | ■  | ■  | ■  |    |
| Cemeteries and Mausoleums                 | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  |
| Cultural and Public Service               | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  |
| Open / Civic Space                        | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  |
| Schools –Neighborhood                     | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  |    |    |
| Schools – Community                       | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  | ■  |    |    |
| Schools - Regional                        |    |    |    |    |    |    | C  | ■  | ■  |    |    |
| Social Services Agency (Ord. 424, Sec. 1) |    | C  | C  | C  | C  | C  | C  | C  |    |    |    |
| <b>RESIDENTIAL DWELLINGS</b>              |    |    |    |    |    |    |    |    |    |    |    |
| Detached house, standard                  | ■  | ■  | ■  | ■  | ■  |    |    |    |    |    |    |
| Detached House – Neighborhood Lot         |    |    |    | ■  |    |    |    |    |    |    |    |
| Detached House – Compact Lot              |    |    |    | ■  |    |    |    |    |    |    |    |
| Duplex or two-unit house                  |    |    | C  | ■  | ■  |    |    |    |    |    |    |
| 3- to 4-plex                              |    |    |    | ■  | ■  |    |    |    |    |    |    |
| Row house                                 |    |    |    | ■  | ■  |    |    |    |    |    |    |

| Table 4-2: Permitted Uses                         | A1 | R1 | R2 | R3 | R4 | R5 | B1 | B2 | B3 | I1 | I2 |
|---|----|----|----|----|----|----|----|----|----|----|----|
| Small Apartment (3-12 units)                      |    |    |    | ■  |    |    |    |    |    |    |    |
| Medium Apartment (12-40 units)                    |    |    |    | ■  | ■  |    | C  |    |    |    |    |
| Mixed-use* (Dwellings above commercial / service) |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Live/Work   |    |    |    | C  | C  |    | ■  | ■  |    |    |    |
| Congregate Living                                 |    |    |    | ■  | ■  |    | C  |    |    |    |    |
| Accessory Dwelling*                               | ■  | ■  | ■  | ■  |    |    |    |    |    |    |    |
| Home Occupation*                                  | ■  | ■  | ■  | ■  | ■  | ■  |    |    |    |    |    |
| Manufactured Home                                 |    |    |    |    |    | ■  |    |    |    |    |    |
| <b>RETAIL</b>                                     |    |    |    |    |    |    |    |    |    |    |    |
| Retail – Micro*                                   |    |    |    |    | ■  | ■  | ■  | ■  | ■  | ■  |    |
| Retail – Light                                    |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Retail – General                                  |    |    |    |    |    |    |    | ■  | ■  |    |    |
| Retail – Heavy                                    |    |    |    |    |    |    |    |    | ■  | ■  |    |
| Grocery – Market                                  |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Grocery – Store                                   |    |    |    |    |    |    |    | ■  | ■  |    |    |
| Grocery – Supermarket                             |    |    |    |    |    |    |    |    | ■  |    |    |
| Outdoor Sales and Display – Yard                  | C  |    |    |    |    |    | ■  | ■  | ■  | ■  | ■  |
| Outdoor Sales – General                           | C  |    |    |    |    |    |    |    | ■  | ■  |    |
| Outdoor Sales – Heavy                             | C  |    |    |    |    |    |    |    | ■  | ■  | ■  |
| Convenience Store/Fuel Station                    |    |    |    |    |    |    | C  | ■  | ■  | ■  |    |
| <b>SERVICE AND EMPLOYMENT</b>                     |    |    |    |    |    |    |    |    |    |    |    |
| Adult Entertainment                               |    |    |    |    |    |    | C  |    |    |    |    |
| Animal Care – Kennel*                             | C  |    |    |    |    |    |    |    | C  | C  |    |
| Animal Care – General                             | C  |    |    |    |    |    | ■  | ■  | ■  |    |    |

| Table 4-2: Permitted Uses                               | A1 | R1 | R2 | R3 | R4 | R5 | B1 | B2 | B3 | I1 | I2 |
|---|----|----|----|----|----|----|----|----|----|----|----|
| Animal Care – Large                                     |    |    |    |    |    |    |    |    | ■  | ■  |    |
| Automobile and Truck Wash Services                      |    |    |    |    |    |    |    |    | ■  | C  |    |
| Day Care, In-Home – Major*                              |    | C  | C  | C  | C  | C  |    |    |    |    |    |
| Day Care Center   |    |    |    |    | C  |    | ■  | ■  | ■  |    |    |
| Funeral Home and Interment                              |    |    |    |    |    |    | C  | C  | ■  |    |    |
| Food and Beverage – Limited                             |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Food and Beverage – General                             |    |    |    |    |    |    |    | ■  | ■  |    |    |
| Healthcare – General                                    |    |    |    |    |    |    | ■  | ■  |    |    |    |
| Healthcare – Large                                      |    |    |    |    |    |    |    |    | ■  | ■  |    |
| Lodging   |    |    |    |    |    |    |    | ■  | ■  |    |    |
| Office – General  |    |    |    |    |    |    | C  | ■  | ■  |    |    |
| Office – Large / Complex                                |    |    |    |    |    |    |    |    | ■  | ■  |    |
| Personal Service / Office – Limited                     |    |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Personal Service – General                              |    |    |    |    |    |    |    | ■  | ■  | ■  |    |
| Personal Service – Heavy                                |    |    |    |    |    |    |    |    | ■  | ■  |    |
| Personal Service – Household Industrial                 |    |    |    |    |    |    |    |    | C  | ■  | ■  |
| Personal Storage – Indoor                               |    |    |    |    |    |    |    | C  | ■  | ■  |    |
| Personal Storage – Outdoor                              |    |    |    |    |    |    |    |    | ■  | ■  |    |
| Recreation/Entertainment – Indoor Minor (less than 10K) | C  |    |    |    |    |    | ■  | ■  | ■  |    |    |
| Recreation/Entertainment – Indoor Major (10K or more)   | C  |    |    |    |    |    |    |    | C  | ■  | ■  |
| Recreation/Entertainment – Outdoor Minor                | C  |    |    |    |    | C  |    | ■  | ■  | C  |    |
| Recreation/Entertainment – Outdoor Major                | C  |    |    |    |    |    |    |    | C  | ■  |    |

| Table 4-2: Permitted Uses                                   | A1 | R1 | R2 | R3 | R4 | R5 | B1 | B2 | B3 | I1 | I2 |
|---|----|----|----|----|----|----|----|----|----|----|----|
| Recreation – Campground*                                    | C  |    |    |    |    |    |    |    |    |    |    |
| Residential Care – Independent Living                       |    |    |    |    | C  |    | ■  | ■  |    |    |    |
| Residential Care – Assisted Living                          |    |    |    |    | C  |    | C  | ■  | ■  |    |    |
| Residential Care – Long-term Care                           |    |    |    |    | C  |    | C  | C  | ■  |    |    |
| Vehicle/Equipment Service and Repair – Limited              |    |    |    |    |    |    | C  | C  | ■  | ■  |    |
| Vehicle/Equipment Service and Repair – General              |    |    |    |    |    |    |    |    | ■  | ■  | ■  |
| Vehicle/Equipment Service and Repair – Heavy                |    |    |    |    |    |    |    |    |    | C  | C  |
| <b>INDUSTRIAL</b>   |    |    |    |    |    |    |    |    |    |    |    |
| Commercial Storage – Indoor                                 |    |    |    |    |    |    |    |    | ■  | ■  | ■  |
| Commercial Storage – Outdoor Minor                          |    |    |    |    |    |    |    |    | ■  | ■  | ■  |
| Commercial Storage – Outdoor Major                          |    |    |    |    |    |    |    |    |    | C  | ■  |
| Extractive Industry / Natural Resource Processing           | C  |    |    |    |    |    |    |    |    |    |    |
| Freight and Distribution – Light                            |    |    |    |    |    |    |    | ■  | ■  | ■  | ■  |
| Freight and Distribution – Heavy                            |    |    |    |    |    |    |    |    |    | ■  | ■  |
| Landfill and Waste Processing Facility                      | C  |    |    |    |    |    |    |    |    |    | C  |
| Manufacturing – Limited / Artisan                           |    |    |    |    |    |    | C  | ■  | ■  | ■  | ■  |
| Manufacturing - Light                                       |    |    |    |    |    |    |    | C  | C  | ■  | ■  |
| Manufacturing - Moderate                                    |    |    |    |    |    |    |    |    |    | ■  | ■  |
| Manufacturing - Heavy                                       |    |    |    |    |    |    |    |    |    |    | C  |
| Petroleum Bulk Stations and Terminals, Liquid Petroleum Gas |    |    |    |    |    |    |    |    |    | C  | ■  |
| Water Treatment Plants and Storage                          | ■  |    |    |    |    |    |    | ■  | ■  | ■  | ■  |



| Table 4-2: Permitted Uses      | A1 | R1 | R2 | R3 | R4 | R5 | B1 | B2 | B3 | I1 | I2 |
|--------------------------------|----|----|----|----|----|----|----|----|----|----|----|
| <b>AGRICULTURE</b>             |    |    |    |    |    |    |    |    |    |    |    |
| Agri-Tourism                   | C  |    |    |    |    |    |    |    |    |    |    |
| Agriculture – Light Processing | ■  |    |    |    |    |    |    |    |    |    |    |
| Agriculture – Heavy Processing | C  |    |    |    |    |    |    |    |    | C  | ■  |
| Apiaries (Hobby)*              | ■* | C  | C  |    |    |    |    |    |    |    |    |
| Farmers Market                 | ■  |    |    |    |    |    | C  | ■  | ■  |    |    |
| Farming – Light                | ■  |    |    |    |    |    |    |    |    |    |    |
| Farming – Commercial           | C  |    |    |    |    |    |    |    |    | C  | C  |
| Farming – Homestead            | ■  |    |    |    |    |    |    |    |    |    |    |
| Riding Stables                 | C  |    |    |    |    |    |    |    |    |    |    |
| <b>COMMUNICATIONS</b>          |    |    |    |    |    |    |    |    |    |    |    |
| Wireless Communication Antenna | C  |    |    |    |    |    |    | ■  | ■  | ■  | ■  |

## RESIDENTIAL DWELLINGS

The Residential Dwelling category is the principal use of land and buildings for dwelling units. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

*Accessory Dwelling* – A dwelling unit, either in a detached accessory structure, or included within a principal structure, that is located on the same lot as a detached house and is incidental to the principal use of the lot for a principal dwelling. Examples include a garage apartment, basement apartment or second level / attic apartment. Can also be known as an Alley flat, carriage house, casita, granny suite, in-law suite, or guest house, among other names.

*Congregate Living* – Congregate Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of “one household,” but often share a common situation or facilities. Congregate living does not include residential care facilities or correctional facilities, but may include dormitories, monasteries, or convents.

*Home Occupation* - A business, profession, service, or trade conducted for gain or support entirely within an owner-occupied residential dwelling and/or its accessory structures, when such activities are clearly incidental or subordinate in use to the dwelling and may involve limited on premise interaction with customers.

*Live / Work* - A residential building type designed with a single dwelling unit, but where an additional component of the structure is designed for a small-scale business function run by the occupant. Live /

Work units can either be detached structures or attached with common party walls with other Live/Work units similar to the Row House configuration.

*Manufactured Home Community* – a parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. Home sites may either be located on a single lot, owned through appropriate condominium procedures, or platted for individual ownership of each site under certain conditions.

*Mixed Use (apartment over commercial / service)* – Residential use or occupancy of one or more dwelling units in a structure designed or used for other principle non-residential uses.

*Multi-unit Household Living* – Buildings with two or more dwelling units, dependent on specific building types permitted in each district, where each is designed for occupancy by one household.

## **CIVIC / INSTITUTIONAL**

The Civic / Institutional category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation need for residents and neighborhoods, whether by way of open and public citizenship, by property ownership or residency, or by membership affiliation. It includes the following types:

*Assembly – Small* – Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s) with regular or periodic organized services or events, and typically designed for no more than 600 people at maximum occupancy. Examples include a neighborhood association club houses, meeting hall, or small religious facility.

*Assembly – Large*. Places of public assembly designed and located to serve community or civic needs of a broad vicinity with regular or periodic organized services or events, and typically designed for more than 600 – 1,200 people. Examples include a community center, small event hall or large religious facility.

*Assembly – Event Venue* - Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for 1,200 or more. Examples include an auditorium, large event hall or major worship hall.

*Cemetery / Mausoleum* – Land or building used for the burial of the deceased and dedicated for interment purposes, including both human and animals.

*Cultural and Public Service* – A civic use offering education, arts and cultural materials or attractions for the general public, including exhibits and events; or offering administrative, social, tourism, or charitable services to the general public. Examples include museums, libraries, charitable or philanthropic centers, tourist information centers, and similar uses.

*Open / Civic Space* - Areas preserved as primarily open land, except for accessory structures, and designed to serve a specific urban design function for natural, ecological, aesthetic, recreational or formal gathering purposes. (see Section 4.02 and 8.02 for more specific types)

*School; Neighborhood* – A small public or private institution for primary or secondary education and typically serving up to 600 students, primarily targeted to neighborhoods within 1 mile. Special purpose schools that have a larger target area but are designed and scaled to perform similarly to a neighborhood school may be included in this type.

*School; Community* – A large public or private institution for primary or secondary education and typically serving more than 600 students and targeted to the broad vicinity, including neighborhoods beyond 1 mile.

*School; Regional* – A public or private institution for post-secondary education, skills and trade instruction or job training, targeted to the region. Examples include colleges, universities, and vocational/technical schools.

*Social Service Agency* – Agencies relating to family services, not including residential, correctional, rehabilitation, and treatment facilities. (see *Ordinance 424, Section 1*)

## **RETAIL**

The Retail category is the use of land and buildings for the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. The types of uses in this category are dependent on the size of gross leasable area per tenancy, where the smaller formats (Micro, Neighborhood or Small) are typically dependent on a target market of consumers within the neighborhood or 1-mile area, and where the larger formats (General, Large and Warehouse) are typically dependent on a target market beyond the 1 mile area.

*Convenience Store/Fuel Station* – A retail use engaged in the sale of fuel and other convenience goods to the general public, and may include accessory repair or maintenance services. The use is limited to no more than 12 fueling stations and no more than 4 garage service bays. Examples include a small convenience center or large gas station.

*Grocery – Market* – A retail use selling food and produce or specialty food products for household consumption in a small-scale format under 20,000 square feet. Examples include a corner market, butcher shop, produce stand or similar food store.

*Grocery – Store (20K – 45K)* – A retail use selling food, produce and other household products for household consumption in a small-scale format at least 10,000 but less than 45,000 square feet. Examples include a small grocery store that may serve as the anchor to a small-scale walkable center.

*Grocery – Supermarket (45K+)* – A retail use selling food, produce and household products for household consumption in a large-scale format, at least 45,000 square feet. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

*Outdoor Sales – Yard* - The limited accessory display of merchandise on a sidewalk or an exterior private area of a site associated with the otherwise permitted non-residential use. The display is further limited by the following: (1) it only occurs during business hours; (2) all components of the sale are removed from the site and brought indoors during non-business hours; and (3) is limited to sales or events lasting no more than 7 days with at least 30 days between consecutive events. Examples include a sidewalk sale or farm truck / produce stand.

*Outdoor Sales – Seasonal* - The accessory display and sale of merchandise on a sidewalk or exterior private area of a site associated with an otherwise permitted non-residential use, where merchandise may be kept outdoors or where a portion of the site or area is designed and dedicated to facilities to support the display and sale. The display may be further limited by applicable temporary use standards outlined in Section 4.05.

*Outdoor Sales – General* - A retail use where the primary business is associated with merchandise that can only be displayed permanently and year-round out of doors. Examples include a small-scale nursery, a lumber yard, or a small machine or equipment sales.

*Outdoor Sales – Heavy* - A retail use where the primary business is associated with large-scale equipment and merchandise that can only be displayed permanently and year-round out of doors. Examples include a motor vehicle sales lot, equipment sales lot, boat or recreational vehicle sales lot, large nursery, large machine or farm implement sales yard.

*Retail – Micro* - A small scale retail use under 500 square feet, including food trucks, sales kiosks or machines, and other temporary or permanent sales receptacles.

*Retail – Light* – A small scale retail use at least 500 but less than 6,000 square feet.

*Retail – General* – A retail use at least 6,000 but less than 20,000 square feet.

*Retail – Heavy*– A large-scale retail use at least 20,000 but less than 100,000 square feet.

## **SERVICE & EMPLOYMENT**

The Service and Employment category is the use of land and buildings for businesses engaged in the exchange of professional and individual services. It includes the following types:

*Adult Entertainment* – An establishment used for presenting, selling or featuring material or entertainment that is characterized by an emphasis on displaying, depicting, describing, or relating to specified content that is sexual in nature and which excludes minors by their age. (*Section 4.04-F*)

*Animal Care*. A service use offering professional medical care or boarding, grooming and training for animals. This use type is further categorized by the following formats.

*Animal Care – Kennel* – A service use for the boarding of animals, where there are outside areas or facilities where more than four dogs are kept for purposes of breeding, boarding, or care.

*Animal Care – General* – A service use offering basic care for animals in an indoor setting, and which may include services offered outside of normal business hours. Examples include a small veterinary office, grooming service, animal hospital or rehabilitation facility.

*Animal Care – Large* – A service use offering full care for animals with activities taking place in large scale indoor and/or outdoor facilities, and which may include services offered outside of normal business hours. Examples include large animal hospitals, kennels, animal adoption agencies or other similar facilities.

*Day Care*. A service use engages in the business of providing daily care for individuals unable to care for themselves, including recreation, education and supervisory services. This use type is further categorized by the following formats:

*Day Care – In home, major*. A day care use for more than 6 children under the age of 18, in a residential building and as an accessory use to the dwelling. The day care provider shall be licensed with the State of Kansas, and shall comply with all applicable regulations.

*Day Care – Center*. A day care use for individuals in a commercial building.

*Funeral Home and Interment* – A service use accommodating preparation and ceremony for the burial of the deceased.

**Food and Beverage.** A service use engaged in the business of serving prepared food and beverages to the public for immediate consumption. This use type is further categorized by the following formats:

**Food and Beverage – Accessory Drive-Thru** – A portion of a facility that relates to dispensing products or services to patrons who remain in vehicles. May include a window, driving lane, outside menu boards, and other interior or exterior features and equipment dedicated for this purpose.

**Food and Beverage – Accessory Outdoor** – A porch, patio, deck or other area of land used for seated dining which is not within the interior building walls of a restaurant or eatery.

**Food and Beverage – Limited** – A service use that prepares and sells food and beverages for on premise consumption, and may include accessory off-premise consumption through carry-out or drive-through services, and may also include on premise consumption of alcoholic beverages and/or accessory indoor entertainment.

**Food and Beverage – General** – A service use that prepares and sells food and beverages for on premise consumption, but where alcohol sales are a majority of the sales and food services are subordinate to this function, or where entertainment events by tickets or cover charge, or other significant attractions are held during nighttime or evening business.

**Health Care – General** – A facility where multiple groups of physicians, dentists or other health care professionals offer a range of services in a shared office setting primarily during normal business hours.

**Health Care – Large** – A large institution offering full-service, 24-hour, in-patient, out-patient and emergency health care services, including a wide range of accessory office, cafeteria and other uses that support the institutional setting.

**Lodging** – A service use by a licensed (where applicable) business providing accommodations for short-term overnight occupancy.

**Office – General** – An office use where the total gross leasable area is at least 6,000 but less than 40,000 square feet, and may include more than one building.

**Office – Large / Complex** – An office use where the total gross leasable area is at least 40,000 square feet, or involves more than one building in a complex.

**Personal Services** – A service use providing professional or individual services and where frequent interaction with the general public, consumers or patrons occurs on the premises. This use type is broken into the following sub-classes based on scale and intensity:

**Personal Service / Office – Limited** – An employment use or personal service where the gross leasable area is under 6,000 square-feet. Examples include a neighborhood barber shop or hair salon, a small professional office (lawyer, accountant, architect, or travel agent), a small medical service such as a dentist, a small bank, dry cleaners or tailor.

**Personal Service – General** – A service use where the gross leasable area is at least 3,000 and less than 10,000 square feet. Examples include a large spa or beauty complex, tattoo shop, a copy center, large post office or mail center, or laundry mat.

*Personal Service – Heavy* – A service use where the gross leasable area is 10,000 square feet or more. Examples include a large bank, equipment repair shop, or other service for consumers or other businesses that requires larger spaces.

*Personal Service – Household Industrial* – A service use involving the management of household waste and other environmental or performance impacts. Examples include exterminating and disinfecting services, cleaning and repair of household items, and linen supply and industrial laundry services.

*Personal Storage – Indoor* – A service use where individual units accessed from inside of a building are offered for rent or lease for the storage of personal property.

*Personal Storage – Outdoor* – A service use where individual units accessed from outside of a building are offered for rent or lease for the storage of personal property.

*Recreation/Entertainment – Indoor* – A service use providing daily or regularly scheduled activities for entertainment, instruction or exercise inside a building and open to the general public or through membership. This use type is broken into the following sub-classes based on scale and intensity:

*Recreation/Entertainment – Indoor Minor (less than 10K)* – Indoor recreation that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, martial arts centers, yoga studio, or dance studio.

*Recreation/Entertainment – Indoor Major (10K or more)* – Indoor recreation that involves a building 10,000 square feet or more. Examples include a large bowling alley, sports and recreation center, theater complex, large health club, or shooting range.

*Recreation/Entertainment – Outdoor* – A service use providing daily or regularly scheduled activities for entertainment, recreation or exercise outside and open to the general public or through membership. This use includes accessory buildings for the transaction of business and accessory indoor services. This type is broken in to Major and Minor based on the scale and intensity of the use.

*Recreation/Entertainment – Outdoor Minor* – Examples include driving range, miniature golf, golf course, swimming pool, tennis, batting cage, small band shell or amphitheater.

*Recreation/Entertainment – Outdoor Major* – Examples include theme park, water park, fairground, zoo, drive-in theater, shooting range, skeet and trap range, racetrack.

*Recreation – Campground* – A service use providing overnight accommodations within a large open area for recreational purposes.

*Residential Care – Independent Living* – A facility providing residential living, social programs and limited health care services for residents, where the social and healthcare services are accessory to the building(s) and site design emphasizing household living, where the social programs and health care services are limited accessory elements in terms of the function and extent, and where dedicated staff are present primarily during normal business hours. Examples include retirement villages or independent living communities.

*Residential Care – Assisted Living* – A facility providing long term care, health services and residency, that admits residents on medical referral, and where medical, behavioral and rehabilitative care is necessary beyond normal business hours. Examples include nursing homes, assisted living centers, or other similar care facilities.



*Residential Care – Long-term Care* – A facility offering long-term care for individuals residing on the site that need a high degree of services or monitoring, and where full-time staff are present on the premises at all times, and where the building(s) and site design emphasize the institutional function, secondary to the residential accommodations. Examples include treatment centers, hospice centers, homeless shelters, or other facilities with a high intensity of care or supervision.

*Temporary Use*. A use established for a limited and fixed period of time, and upon its discontinuance no structures, facilities or other impacts on the site remain and the site is otherwise restored to its pre-use condition. Examples include short-term events such as festivals, carnivals, or art exhibits; seasonal sales such as farm produce, holiday tree stands, or pumpkin sales; general merchandise outdoor sales stands such as flower stands, arts and crafts sales, or other general merchandise.

*Vehicle/Equipment Service and Repair – Limited* – A service use engaged in motor vehicle maintenance and repair services, and accessory retail sale of supplies and accessories, but limited to small scale operations that involve no more than 3 vehicle service bays, and where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited to no more than 8 cars on the lot. Examples include a small neighborhood mechanic shop, lubricant center, tire store, auto glass installation or audio or alarm installation.

*Vehicle/Equipment Service and Repair – General* – A service use engaged in equipment and motor vehicle maintenance and repair services, and accessory retail sale of supplies and accessories, that involves 4 or more vehicle service bays, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may involve 9 or more cars on the lot. Examples include large mechanic shop, lubricant center, tire store, auto glass installation or audio or alarm installation or an auto body shop where the likelihood of overnight storage, outdoor storage and over-night or multi-day drop off is more likely.

*Vehicle/Equipment Service and Repair – Heavy* – A service use engaged in the maintenance and repair of motor vehicles, commercial vehicles or heavy equipment, and accessory retail sale of supplies and accessories, that is likely to involve larger outdoor storage areas for vehicles and supplies, and where larger multi-bay garages or warehouses are needed to conduct services.

## **INDUSTRIAL**

The Industrial category is the use of land and buildings engaged in the production, processing, storage or distribution of goods with potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations, and which in typical formats and operations may not be compatible with other business uses. It includes the following types:

*Commercial Storage – Indoor* – Storage of consumer products or small-scale commercial products inside a building. Examples include mini-warehouses where all storage areas including those leased or rented to individual customers are accessed from inside the principal building.

*Commercial Storage – Outdoor Minor* – Storage of consumer products or small-scale commercial products on an outdoor lot. Examples include contractor's yard, or similar facility where products used in other small business operations are stored for distribution.

*Commercial Storage – Outdoor Major* – Storage of commercial products or large-scale machinery on an outdoor lot. Examples include boat or RV storage, towing service storage yard, or similar large-scale storage lots and facilities.



*Extractive Industry / Natural Resource Processing* – The growth, harvesting, and preparation of byproducts of land (other than agriculture) for distribution and sale as a raw material in some other manufacturing process, where the growth and harvesting involves outdoor machinery operation or outdoor storage. Examples include a quarry, mining operation, oil or gas well, or wood storage yard.

*Freight and Distribution – Light* – An industrial logistics use involved in the storage, order processing and distribution of consumer products where all operations occur indoors, and where delivery and distribution occur through commercial truck access. Examples include distribution center, warehouses, moving and storage operations, cold storage, parcel services and similar uses.

*Freight and Distribution – Heavy* – An industrial logistics use involved in the storage, order processing and distribution of business products or raw materials where operations may involve outdoor activities, and where delivery and distribution occur through large truck, freight or heavy equipment access. Examples include freight terminals, fleet vehicle terminals, bulk material storage and distribution, cargo container facilities, and similar uses.

*Landfill and Waste Processing Facility* – An area dedicated to the storage, processing, treatment and distribution of waste products. Examples include scrap or salvage yards, transfer stations, and other similar uses.

*Manufacturing – Limited / Artisan* – A small-scale Industrial use where activities produce little or no byproducts such as smoke, odor, dust or noise discernable from outside of the building, where deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and where products are made available to the general public. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery or micro-brewery, or other similar small-scale assembly of finished products.

*Manufacturing – Light* – An industrial use where little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.

*Manufacturing – General* – An industrial use where byproducts such as noise, dust, smoke or odor are produced, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large scale manufacturing or fabrication plants, food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

*Manufacturing – Heavy* – An industrial use capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, pressing and dyeing plants, asphalt or cement production, animal processing or other heavy or hazardous manufacturing operations.

## **AGRICULTURE**

The Agriculture category is for the use of land and buildings in the production of food, fiber or raw materials raised and harvested on large land areas in a rural or open setting.

*Agri-Tourism* – The accessory use of a commercial farm for special events or retail activities in typical agricultural structures or settings.

*Agriculture – Light Processing* – The storage, processing and distribution of farm products produced on-site where only small-scale facilities are necessary.

*Agriculture – Heavy Processing* – The aggregation, storage, processing and distribution of farm products. Examples include grain elevators, livestock auction yard, stockyard or rendering plant.

*Apiaries (Hobby)* – The keeping of bees and beehives for hobby purposes.

\*Allowed on property larger than 5 acres but hives must not be located within two hundred (200) feet of any existing structure not owned by the owner of the hives, if the parcel is less than 5 acres, this use requires a Conditional Use Permit.

*Farming – Light* – The primary use of land for small scale production of field crops or horticulture for food, where only small-scale accessory storage facilities and light machinery is necessary. Examples include a community garden, greenhouse, or other small productive edible landscape area.

*Farming – Commercial* – The primary use of land for commercial production of field crops for food or raw materials in other agriculture operations; the raising or breeding of livestock, poultry, fish or other animals for food or use of their byproduct's agriculture operations; plant production such as nursery, orchard, vineyard.

*Farming – Homestead* – The accessory use of residential property for the production of crops or horticulture for food, and which may include the limited keeping of animals, where the principal residence of the owner or operator is on the premises and where activities and equipment used result in impacts similar to typical residential activities.

*Riding Stables* – A facility for the boarding and riding of horses, including either general commercial and recreational purposes, or private purposes for horse owners.

## **COMMUNICATIONS AND UTILITIES**

The communications and utilities category is for buildings, structures, or other infrastructure improvements that provide essential public services.

*Wireless Communication Antenna* – Any structure or device used to collect or transmit electromagnetic waves for the provision of commercial wireless communications, including all accessory equipment.

#### 4.04 ACCESSORY USE STANDARDS

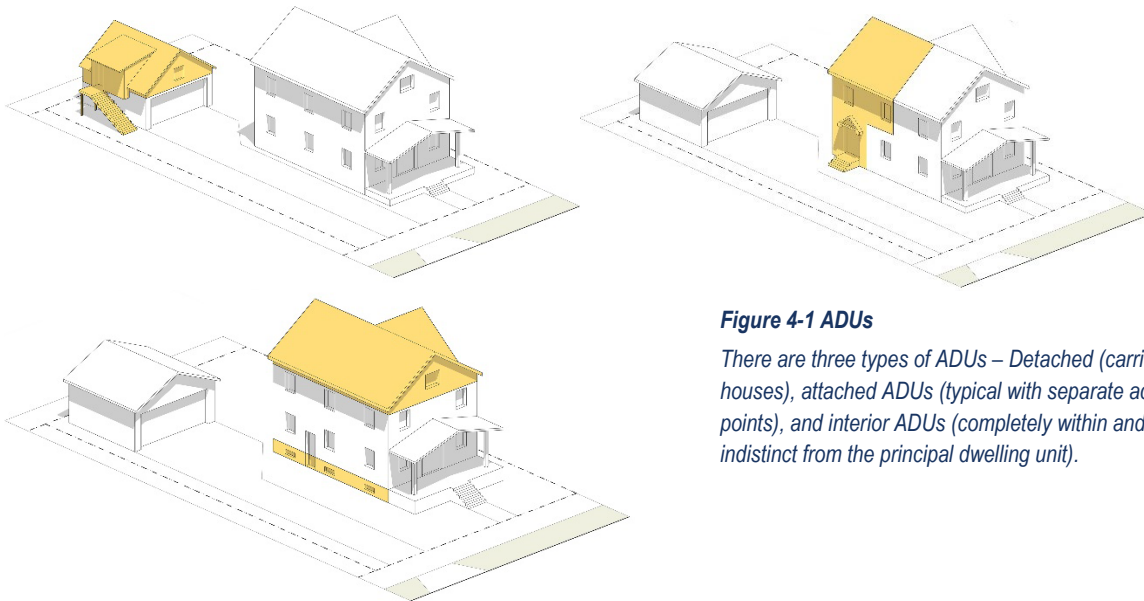
Accessory uses are clearly incidental to and customarily associated with an otherwise permitted or conditionally allowed use, and generally do not need any specific enabling or development standards, other than the generally applicable standards. The following accessory uses may be customarily incidental to otherwise permitted uses in the district, provided they meet the following additional limitations, performance standards and design criteria.

- A. **Generally.** Accessory uses and the structures shall:
1. Be compatible with the general character of the area and comparable to uses of other property in the vicinity.
  2. Not be constructed, maintained or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.
  3. Be conducted in a way that is consistent with the intent and objectives of all other standards applicable to the property.
- B. **In-Home Day Care.** Where in-home day care services, caring for more than 6 children, are permitted as an accessory use to a residence subject to additional standards:
1. The day care provider shall be licensed with the State of Kansas, and shall comply with all applicable regulations.
  2. At least 100 square feet of open space per child. Open space shall be enclosed by a solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, and having a density of not less than 80% per square foot.
  3. A loading zone capable of accommodating at least two automobiles for picking-up or dropping-off passengers.
- C. **Home Occupation.** Home occupations shall meet the following standards:
1. Home occupations shall be entirely contained within the interior of a structure, not exceeding 25% of the floor area of the dwelling unit.
  2. All materials or equipment used in the home occupation shall be stored within an enclosed structure.
  3. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as residence. No sign shall be permitted unless required by state statutes and, if so required, shall not exceed 2 feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard, unless otherwise required by state statutes.
  4. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his or her residence.
  5. No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
  6. The off-street parking regulations set forth in Article 8 shall apply to home occupations. In no event shall fewer than 2 off-street parking spaces be required.
  7. Home occupations shall not in any event include the following, unless permitted through a conditional use permit:
    - a. Retail sales of antiques.
    - b. Funeral services.
    - c. Retail or wholesale sales of groceries.
    - d. Retail sales of second-hand merchandise.
    - e. Tourist homes.
    - f. Equipment rental.
    - g. Automobile and other motor vehicle repair services.

- h. Professional offices for physicians, osteopaths, chiropractors, ophthalmologists, dentists, and other related health care professions.

**D. Accessory Dwelling.** Where accessory dwellings are permitted, all of the following standards shall be met:

1. One accessory dwelling may be permitted per lot, only when associated with a detached house.
2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).
3. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
4. The property owner shall occupy either the principal or accessory dwelling as their permanent residence.
5. The following additional design considerations apply to accessory dwellings:
  - a. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building as a detached house.
  - b. A separate entrance to the accessory dwelling is not permitted on the front facade of the principal dwelling.
  - c. The accessory dwelling shall have a roof pitch, siding, and window proportions similar to that of the principal dwelling.
  - d. No exterior stairway to the second floor is permitted at the front of the building.



**Figure 4-1 ADUs**

*There are three types of ADUs – Detached (carriage houses), attached ADUs (typical with separate access points), and interior ADUs (completely within and indistinct from the principal dwelling unit).*

**E. Accessory Drive-Through.** Where accessory drive-thru facilities are permitted they shall be located in side or rear locations that do not interrupt the lot and building frontage, or otherwise be set back at least 60 feet from the lot frontage. The design and layout of drive-thru facilities for restaurants, banks, stand-alone automated teller machines (ATM's) or other uses shall:

1. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. Access and circulation should be oriented to remote locations of the site and avoid access and circulation impacting walkable streets as defined in Article 3.
2. Provide adequate stacking spaces for automobiles before and after use of the facility; and

3. Include buffers or screens according to the standards in Article 7 for any portion of a drive-through adjacent to residential uses or other similar conflicts. In general, no portion of the drive through should be within 100 feet of residential property unless enhanced site design or operational limits demonstrate visual and noise impacts are mitigated.
- F. **Outdoor Sales and Display (Limited).** Outside sales and display areas, such as vending machines, sales kiosks, rental machines, and other sidewalk displays of merchandise, may be accessory to any principal business where the area used for such display is less than 200 square feet.
- G. **Outdoor Sales and Display (General).** Outside sales and display areas larger than 200 square-feet, except for seasonal temporary sales (Section 4.05), may be accessory to any principal business under the following standards:
1. A site plan showing the location, area, and dimensions of the display area, and specifications for all lighting and fencing or screening.
  2. The area shall be limited to no more than 50% of the building area of the principal use.
  3. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
  4. The area shall not interfere with pedestrian or building access or clear vision areas. Display areas located on sidewalks shall not exceed more than 50% of the width of any sidewalk, and shall provide a clearance of at least 5 feet in all cases.
  5. Any temporary or permanent structures shall meet applicable building code provisions.
  6. Areas shall be located on a paved surface. Gravel surfaces may be permitted provided the site plan demonstrates sufficient containment and management strategies.
  7. The area shall be screened from view along any property line abutting a residential use or district according to Section 8.04.
  8. In reviewing the site plan, additional conditions or performance standards to mitigate excess noise, visual or operational impacts may be added to address specific sites or contexts.
- H. **Commercial Accessory to Residential Buildings.** Commercial uses that are accessory to a primarily residential use are subject to the following standards:
1. The accessory commercial use may be permitted within a multi-unit residential building, such as those defined in Article 5.02, including a Row House, Small Apartment, or Medium Apartment, and may be accessory to applicable residential uses included on the use table, such as dormitories, monasteries, and residential care facilities.
  2. The accessory commercial use shall not exceed 5,000 square-feet, or 20% of the building footprint per floor, whichever is greater.
  3. Residences shall have interior access to the commercial use.
  4. If intended for public use, a site plan is required also demonstrating the following:
    - a. The use shall be located on the ground-level and accessible by an exterior entrance addressing a public street.
    - b. The use shall be subject to all applicable parking requirements, and all applicable access requirements to ensure adequate pedestrian access (Article 8).
    - c. The use may be reviewed under all other standards applicable to mixed-use buildings.
    - d. In reviewing the site plan, additional conditions or performance standards to mitigate excess noise, visual or operational impacts may be added to address specific sites or contexts.

#### 4.05 SPECIFIC USE STANDARDS

The following specific uses may have particular impacts different than the uses generally enabled in the zoning districts. These uses shall have the following additional limitations, performance standards, and design standards as specified and indicated in Table 5-4.

- A. **Zero Lot-Line Dwellings.** Single-unit detached dwellings with one side yard equal to one foot or less shall be permitted or conditionally permitted and conform to the following standards:
1. Zero lot-line dwellings shall meet all front and rear yard requirements.
  2. For any zero lot-line dwelling, the lot-line wall, defined as that wall of the dwelling on the side lot line, shall have no windows, doors, vents or other openings nor shall any window on any wall face that side lot line.
  3. The side yard requirements for a zero lot-line dwelling on the side opposite the lot-line wall shall be twice the normal side yard requirement of the zone or 12 feet, whichever is smaller.
  4. No two zero lot-line dwellings shall have their lot-line wall along the same side lot line, nor shall any zero lot-line dwelling have its lot-line wall adjacent to any lot or tract of land not developed for zero lot-line dwellings.
  5. No lot line wall shall be located on a side lot-line adjacent to any public right-of-way.
  6. The required yard setbacks for each zero lot-line lot shall be either shown on the subdivision plat or recorded as a restrictive covenant on the property deed.
  7. The minimum lot width shall not be less than 40 feet.
- B. **Attached Single-unit Dwellings.** Single-unit dwellings on separate lots, but attached to adjacent dwellings by means of a common wall shall conform to the following standards:
1. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.
  2. No unit shall have a common wall on more than two sides.
  3. Any exterior wall which is not a common wall must meet all yard requirements.
  4. Each lot must have direct access to a public street, unless otherwise allowed by this code to front on common space.
  5. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.
- C. **Animal Care, Kennel and Breeding.** Where animal care facilities and kennels are permitted as the primary use, all of the following standards must be met:
1. The minimum lot size shall not be less than one acre;
  2. No kennel buildings or runs shall be located nearer than 75 feet to any property line;
  3. All kennel runs, or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet, high and having a density of not less than 80% per square foot.
- D. **Micro-Retail**
1. Applicable licenses and permits must be displayed in the receptacle, such as a vehicle, cart, wagon, or kiosk.
  2. A vending receptacle, such as food trucks, sales kiosks or machines, or other sales receptacles, including all attachments and accessories, shall not occupy an area in



excess of 500 square-feet. Merchandise must be secured so that it does not fall or endanger passerby or protrude into the public right-of-way.

3. A vendor selling food or beverage for immediate consumption must provide trash and/or recycling, located to minimize impacts of trash, odor, or other visual impacts on adjacent property or businesses. The vending area shall be cleaned once a day to minimize litter.
4. A food vendor shall not park on any public property except legal parking spaces, unless permitted to do so by a written agreement with the city or other public property owner. A vendor shall comply with all laws and ordinances relative to parking. A vendor shall not park on any private property except with the written permission of the property owner.
5. No receptacle shall be located within 100 feet from the entrance of a business selling comparable products or services, unless written permission is provided by the business selling comparable products or services, or the property-owner of said business.
6. Any mobile vendor shall not park in any one location for longer than the legally allowed parking time, and in no event for more than 48 hours.
7. A vending receptacle shall be enclosed except for doors and windows, shall be constructed of durable materials, and shall be kept clean and in good repair.

**E. Campground**

At the time of application to the Planning Commission for a conditional use permit, the applicant shall include with the application a site plan of all areas designated as campgrounds. This section is not to provide regulations for R.V. storage. Any areas intended for R.V. camping shall meet the following requirements:

1. The person operating campground shall keep a register available for inspection at all reasonable hours, by law enforcement, assessors, and other officials whose duties necessitate acquisition of such information. The register shall contain the name and address of the occupant, and the make, model, year, and license number of each recreational vehicle or vehicle towing such RV. The original records of the register shall not be destroyed for a period of three years following the date of registration.
2. There shall be clearance of not less than fifteen feet between recreational vehicles or between recreational vehicles and any building.
3. Every recreational vehicle space shall have direct access to an internal paved roadway with direct access to a public street or highway and shall not abut upon any public street or highway.
4. There shall be at least one paved surfaced off-street parking space provided for each RV space. No portion of the roadway shall be used to provide the required off-street parking.
5. All RV spaces shall be clearly identified with letters or numbers of a light-reflective material a minimum of four inches in height.
6. Each park serving one or more recreational vehicles shall restrict parking to only those RV's that are equipped with toilet and shower facilities, or shall provide one or more service buildings which shall:
  - a. Be located no closer than 15 feet from a recreational vehicle.
  - b. Be located so that any recreational vehicle it serves shall not be parked more than 200 feet from it.
  - c. Be of permanent type construction and be adequately lighted.
  - d. Be of moisture-resistant material to permit frequent washing and cleaning.
  - e. Have one flush-type toilet, one lavatory, and one shower for females, and one flush-type toilet, one lavatory, and one shower for males, for up to 9 RV spaces. One additional unit of the above plumbing facilities shall be provided for each sex for each 10 additional recreational vehicles served or fraction thereof. All lavatories and showers shall be connected with both hot and cold running water.



- f. Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit in the building and provide hot water of 140 degrees Fahrenheit at a minimum rate of 8 gallons per hour for the required fixture units.
  - g. Have an accessible, adequate, safe, and potable water supply of cold water.
  - h. All rooms well ventilated, with all openings effectively screened.
    - (i) Have at least one slop water closet or other facility suitable for the cleaning and sanitizing of waste and service facilities.
  - i. Comply with all applicable chapters of the City Code regarding the construction of buildings and the installation of electrical, plumbing, heating, and ventilating systems.
  - j. Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.
7. Every recreational vehicle space shall have an accessible, safe, and potable supply of water to each lot or space, with individual connections at least 4 inches above ground surface, at least 3/4 inch in diameter, and equipped with a 3/4 inch valve outlet. The outlet shall be protected from surface water flooding and all pipes shall be protected against freezing. Below ground shut-off valves may be used, but stop and waste valves shall not.
  8. Individual sewer connections shall be provided for each lot or space. Every connection or opening shall be protected to prevent surface water from entering the sewage disposal system.
  9. Provisions for garbage and refuse storage, collection, and disposal, shall be maintained so as to create no health hazard, rodent harborages, insect breeding areas, accident hazards, or air pollution.
  10. Every recreational vehicle lot or space shall have a weatherproof electrical outlet and breaker supplying at least one, 30 amperes of service and 110 volts.
  11. No LPG containers shall hold more than 25-gallon water capacity; all containers shall be the LPG containers approved by the Interstate Commerce Commission for their intended purpose; and shall be integrally attached to the RV in a manner approved by the Liquefied Petroleum Gas Association, Inc. All containers shall be equipped with an approved excess flow valve at the discharge valve of the containers.
- F. **Sexually-Oriented/Adult Entertainment Business.** An establishment used for presenting, selling or featuring material or entertainment that is characterized by an emphasis on displaying, depicting, describing, or relating to specified content that is sexual in nature and which excludes minors by virtue of their age shall conform to the following standards:
1. The exact adult entertainment business shall be specified in the application. No more than one adult entertainment business shall be applied for on an application.
  2. The proposed use shall not be located within 1,000 feet of or in any agricultural and residential type zoning district, including but not limited to Zoning Districts "A-1", "R-1", "R-2", "R-3", "R-4", and "R-5", and any residential or office part of Zoning Districts "P" or "PUD".
  3. An adult entertainment business shall not be located in any park or within 1,000 feet of any pre-existing public, private, or parochial school property, any park, day care center, hospital, any medical office or clinic of any medical practitioner licensed by the State of Kansas, or any church, synagogue, or similar place of worship.
  4. An adult entertainment business shall not be located in a building or structure which contains any business that sells or dispenses alcoholic liquor or cereal malt beverages.
  5. An adult entertainment business shall not be located within 1,000 feet of another existing adult entertainment business.
  6. All building openings, entries, windows, doors, and similar openings for an adult entertainment business shall be so located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public place by outside passersby.

7. Lobby and entrances shall be so designed to minimize obstruction of nearby streets and sidewalks during operation.
8. The buildings or structures housing the adult entertainment business shall not be painted in garish colors or designs.
9. All distances specified herein shall be measured in a straight line from the nearest point on the building housing an adult entertainment business to the nearest point of the property or zoning district mentioned above.
10. No noise from inside a building housing an adult entertainment business shall be audible at a point 50 feet from any point on the outside of the building.

In addition to the requirements of this section, the Planning Commission shall consider the following criteria in reviewing a conditional use application for an adult entertainment business:

1. The nature of the proposed site, including its shape and size, and the proposed size, shape, and arrangement of structures;
2. Traffic conditions, including the resulting traffic patterns (traffic study);
3. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
4. Facilities for sewers, water, and other utilities, and the ability of the city to supply such services;
5. The limitations of fire-fighting and rescue equipment, and the means of access for fire and police protection;
6. The conservation of property values;
7. Contribution, if any, such proposed use, building, or addition would make toward the deterioration of areas and neighborhoods.

#### 4.06 TEMPORARY USE STANDARDS

No temporary structure or use shall hereafter be built, established, moved, remodeled, altered or enlarged unless the temporary structure or use is permitted by these regulations.

- A. **Holiday Tree Sales.** Holiday tree sales are permitted in any business or industrial district for a period not to exceed 60 days. No trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.
- B. **Contractors' Office and Equipment Sheds.** Contractors' offices and equipment sheds accessory to a construction project are permitted and may continue only during the duration of such project. Such uses may not include sleeping or cooking accommodations.
- C. **Real Estate Offices.** Real estate offices are permitted where they are located on-site and are incidental to a new housing development, provided that such uses continue only until the sale or lease of all dwelling units in the development. Such uses may not include sleeping or cooking accommodations unless located in a model dwelling unit.
- D. **Seasonal Farm-Oriented Sales.** Seasonal sales of farm produce grown on the premises are permitted in an "A-1" District. Front yard requirements are not applicable to structures incidental to such sales if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
- E. **Carnivals and Circuses.** Carnivals or circuses are permitted in "B-1", "B-2", "B-3", and "I-1" Districts for a period that does not exceed 21 days. Front yard requirements are not applicable, provided that the location of structures or equipment shall conform to the requirements of the sight triangle as defined by these regulations.
- F. **Garage, Porch, or Yard Sales.** The sale of used or second-hand merchandise shall be permitted in any residential district or by non-profit organizations, provided that such use shall not exceed 3

consecutive days in duration nor shall it occur more than 2 times in a consecutive 1-year period at any particular location. Such sales shall be only for the purpose of disposing of personal property.

- G. **Fireworks Sales.** The sale of fireworks shall be permitted in "B-1", "B-2", "B-3", "I-1" and "I-2" districts, only for the period of June 30 through July 5 of each year, during the hours of 9:00 a.m. to 8:00 p.m.
- H. **Open Storage.** The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or supplies for more than 9 consecutive days shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property.

## ARTICLE 5. SPECIAL DISTRICTS & STANDARDS

- 5.01 PLANNED ZONING DISTRICTS
- 5.02 MIXED-DENSITY NEIGHBORHOOD DISTRICT
- 5.03 WALKABLE COMMERCIAL STANDARDS
- 5.04 MANUFACTURED & MOBILE HOME PLANNED DISTRICT

### 5.01 PLANNED ZONING DISTRICTS

- A. **Intent and Applicability.** The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:
1. Preservation of distinct natural features on the land and integration of them into amenities for the project.
  2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.
  3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.
  4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.
  5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.
- Departures from the base standards of all zoning districts may be considered through planned zoning, and approved provided they are based upon a comprehensive and well-integrated development plan for the area.
- B. **Permitted Uses.** The uses allowed in the planned districts shall include all uses that are applicable in the underlying zoning districts, along with permitted conditional uses. However, the development plan may propose greater specificity as to allowed uses, whether that is consideration of additional uses in a limited or specific context, conditions on otherwise allowed uses, or limitations or prohibition on other uses which are not appropriate according to the plan.
- C. **Development Standards.** The development standards for planned zoning shall be those of the most comparable base zoning district, except as specifically modified and noted on a development plan accompanying a planned zoning proposal. Departures from standards may specifically propose standards that differ from this code for:
1. Street Types
  2. Open and Civic Space Types
  3. Applicable Uses and Performance Standards
  4. Development and Building Design Standards
  5. Site Design and Landscape
  6. Parking Quantity and Design
  7. Signs
- D. **Rezoning.** Approval of a development plan for planned zoning shall be considered a rezoning of the property and be subject to the procedures and criteria in Section 2.04. The resulting zoning shall be noted by adding a "P" to the base zoning district or districts (i.e. R-1 to R-1-P).

## 5.02 R-3 MIXED-DENSITY NEIGHBORHOOD DISTRICT

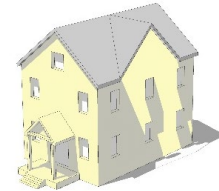
- A. **Intent.** The intent of the R-3 district is to provide for moderate density residential development with a variety of housing options in patterns that create strong, walkable neighborhoods near civic and commercial destinations. The building scale, frontage designs, and streetscape are compatible throughout the district, and an emphasis on design details and neighborhood character create comfortable places for people.
- B. **Design & Performance Standards.** Buildings and sites shall be designed to meet the following performance standards. Any exceptions to the standards or discretionary review process in the R-3 district shall be judged against these design and performance standards.
1. Design human scale streetscapes with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered by street trees.
  2. Orient all buildings to the street to activate the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
  3. Promote human-scale buildings through front entry features, building massing and architectural details that break up larger masses into smaller components, and create active, social spaces along the streetscape.
  4. Use similar forms and massing, common building elements, and consistent relationships to the streetscape to create compatibility and effective transitions among different building types.
  5. Minimize the impact of car access on streetscapes and overall neighborhood character by limiting driveways and the extent of front-loaded garages. Alternative driveway access patterns and step-backs, side- or rear-access, and detached garages or other access and parking strategies will reduce the extent of visibility from the streetscape.
  6. Reinforce the neighborhood character with quality materials and architectural details that provide interest, depth, texture, and variety to those experiencing a neighborhood on foot.
  7. Create a diversity of dwelling types – in general no neighborhood or application of the R-3 district should have less than three different building types, and no more than 50% of any one building type.

- C. **Building Types.** The following building types have been established to allow a range of building types within the R-3 district that are compatible in scale, form and relation to the streetscape.

**Table 5-1: Building Types**

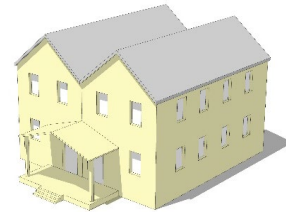
***Detached House – Compact or Neighborhood Lot***

A residential building designed for one primary dwelling unit in a walkable neighborhood setting.



***Duplex***

A residential building designed to accommodate two primary dwelling units in a neighborhood or suburban setting. Duplex units share a single common wall or floor/ceiling, with an outward design and appearance as a House. A duplex may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. Variants of this type are primarily based on lot size and context.



***3- to 4-Plex***

A small scale, multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage, and arranged to integrate into the block structure of a neighborhood.



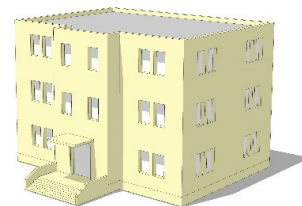
***Row House***

A residential building type designed to accommodate 3 to 8 dwelling units in a compact walkable neighborhood or mixed-use setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.



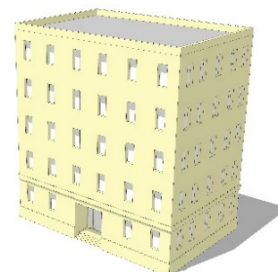
***Small Apartment***

A small scale, multi-unit residential building on a moderate-sized lot, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage and arranged to integrate into the block structure of a neighborhood.



***Medium Apartment***

A moderate scale, multi-unit residential building on a moderate-sized lot in high density areas, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage and arranged to integrate into the block structure of a neighborhood.



D. **Building Type Standards.** In order to prioritize a compatible form, scale, and transitions of buildings in this mixed-density neighborhood, the development standards are regulated by building types. The following building types are enabled in the R-3 District according to the development standards in Table 5-2.

**TABLE 5-2: R-3 BUILDING TYPES AND DEVELOPMENT STANDARDS**

| Building Type                       | Lot Size   |                           |                   | Building Standards |              |             |              |                   |
|-------------------------------------|--|---------------------------|-------------------|--------------------|--------------|-------------|--------------|-------------------|
|                                     | Area   | Width                     | Building Coverage | Front Setback*     | Side Setback | Corner Side | Rear Setback | Max. Height       |
| Detached House – Neighborhood Lot ■ | 6K s.f. – ½ ac.  | 50' +                     | 40%               | 10' – 35'          | 7'           | 12'         | 30'          | 35' / 2.5 stories |
| Detached House – Compact Lot ■      | 3.5K – 6K s.f.   | 35' – 50'                 | 50%               | 10' – 35'          | 5'           | 10'         | 30'          | 30' / 2 stories   |
| Duplex ■                            | 6K – 12K   | 50' – 100'                | 40%               | 10' – 35'          | 7'           | 12'         | 30'          | 35' / 2.5 stories |
| 3- to 4-Plex ■                      | 7.5K – 12K<br>2.5 K s.f. per unit                          | 60' -100'                 | 40%               | 10' - 35'          | 7'           | 12'         | 30'          | 35' / 2.5 stories |
| Row House □                         | 6K – 12K<br>1.5K per unit<br>3 – 8 units per building      | 60' -200;<br>18' per unit | 70%               | 10' – 25'          | 7' / 10'***  | 15'         | 20'          | 40' / 3 stories   |
| Small Apartment □                   | 6K – 12K s.f.<br>3-12 units per building                   | 60' – 100'                | 70%               | 10' – 25'          | 7' / 10'***  | 15'         | 20'          | 40' / 3 stories   |
| Medium Apartment □                  | 12K – 1 ac.<br>1.0K per unit<br>12 – 40 units per building | 80' – 200'                | 60%               | 10' – 25'          | 15'          | 20'         | 30'          | 70' / 6 stories   |

■ = Permitted by right

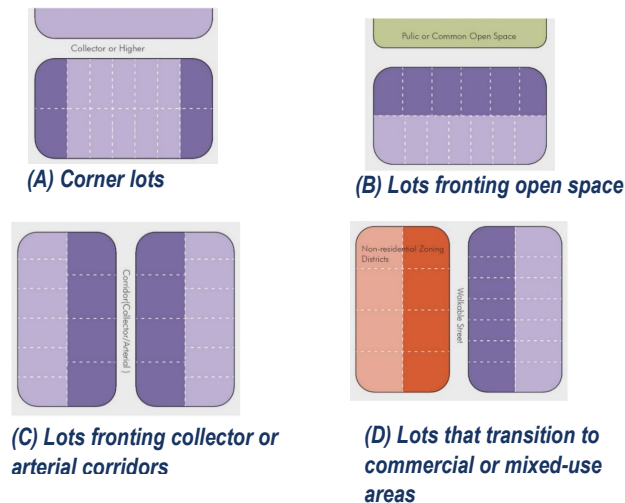
□ = Limited to specific conditions or location criteria in Section D.

\* Front setbacks may be modified and further specified by the Frontage Types in Section E.1 which should be consistent for all building types along the same block frontage.

\*\* Small Apartments and Row Houses shall have a 10' side setback when abutting a detached house.



- E. **Limited Building Types.** Buildings indicated as limited application in Table 5-2 (□) shall only be permitted in the following locations, unless more specifically located through a planned district.
1. Any corner lots.
  2. Lots oriented to the end grain or short-side of a block on a collector street classification or higher.
  3. Lots fronting on or on block faces opposite of public or common open space.
  4. Corridors of major collector or arterial streets.
  5. Blocks adjacent to a non-residential zoning district.



**Figure 5-1 Limited Application Building Types**

Buildings identified as limited application building types in certain districts should only be located limited locations so the overall scale of the neighborhood is maintained, but mix of housing types is integrated by capitalizing on site-specific conditions that can accommodate these building types, such as: (A) Corner lots where at least one street is a collector classification or higher; (B) Lots fronting on or on a block that faces opposite a public or common open space; (C) Corridors of major collector or arterial streets; and (D) Blocks immediately abutting non-residential zoning districts, and where the street is designed according to the walkable street standards per Section 3.

F. **Neighborhood Design.** Buildings and lots in the R-3 District are subject the following neighborhood design standards, which may be modified only to the extent they equally or better meet the performance standards in 5.02.B.

1. **Frontage Types.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape. The proportion of this area designed for social spaces and access for pedestrians, as opposed to dedicated to vehicle access, activates the streetscape. A consistent frontage design among all lots and buildings along a block face reinforces neighborhood character. All lots and buildings on a block shall have either a Terrace frontage design or Neighborhood Yard frontage design as specified in Table 5-3. The frontages shall be consistent for all lots on the same block face.

**TABLE 5-3: FRONTAGE DESIGN STANDARDS**

| <b>Frontage Element</b>  | <b>Terrace Frontage</b>  | <b>Neighborhood Yard Frontage</b>  |
|--|--|--|
| <i>Front Building Line Setback</i>   | 10' – 20'  | 20' – 35'  |
| <i>Driveway Width*<br/>(in front of front building line OR<br/>within first 20' from front lot line)</i> | 15% of lot width, up to 24' maximum  | 20% of lot width, up to 24' maximum  |
| <i>Driveway Width*<br/>(beyond front building line OR<br/>more than 20' from front lot line)</i>         | 25% of lot width; no limit behind building   | 35% of lot width; no limit behind building   |
| <i>Front Loaded Garage<br/>Placement and Limitations</i>   | Prohibited; requires side-loaded, rear-loaded or detached garages.   | <ul style="list-style-type: none"> <li>• Minimum 4' – 12' behind front building line if less than 30% of facade;</li> <li>• Minimum 12' behind front building line if 30% to 45% of facade;</li> <li>• Prohibited if over 45% of facade;</li> <li>• All other cases require side-loaded, rear-loaded or detached garages.</li> </ul>   |
| <i>Landscape [See Article 7 for<br/>standards and specifications.]</i>                                   | <ul style="list-style-type: none"> <li>• 50% minimum landscape area</li> <li>• 1 ornamental tree for every 40' of lot frontage</li> <li>• 1 street tree for every 40' of lot frontage. [See Section 3.01, Neighborhood Street Design Types]</li> <li>• Foundation plantings of shrubs or perennial plants on 50% of foundation.</li> </ul> | <ul style="list-style-type: none"> <li>• 65% minimum landscape area</li> <li>• 1 ornamental tree for every 30' of lot frontage; may substitute 1 shade tree for 2 ornamental trees</li> <li>• 1 street tree for every 40' of lot frontage. [See Section 3.01, Neighborhood Street Design Types]</li> <li>• Foundation plantings of shrubs or perennial plants on 50% of foundation.</li> </ul> |

*\* In cases where driveway width standards limit or prevent private drives to parking areas or garages, the following configurations should be used to access lots: single lanes to expanded setback parking pads; shared drives along lot lines; common lanes and access easements internal to block shared by 3 or more lots; or mid-block alleys accessing all lots on the block. No required parking area, whether in a garage or surface lot, shall be placed between the front building line and the street.*

2. **Front Entry Features.** Front entry features create a human-scale relationship of buildings to the street. They provide opportunities for subtle variations in design on the streetscape, and can help create compatible relationships between buildings of different sizes while adding great diversity and interest to the streetscape. All buildings shall have an entry feature of a porch or stoop, meeting the following:

- a. Porches shall be at least 8 feet deep and covering at least 50% of the front façade.
  - b. Stoops shall be at least 48 square feet and include ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding, decorative railings or other similar accents.
  - c. Entry features shall be single-story, so that the roof structure and any ornamentation occur between 8 feet and 12 feet above the floor-level of the entry feature.
  - d. Entry features shall remain unenclosed.
  - e. All entry features shall have a sidewalk of at least 5 feet wide directly connecting the entry feature to the public sidewalk or street.
  - f. Entry features shall be integrated into the overall building design including compatible materials, roof forms, and architectural style and details.
  - g. Entry features meeting this requirement may encroach up to 10 feet in front of the required front building line, but never closer than 5' to a public or common property line.
  - h. To maintain neighborhood character, variations in the front entry features shall create diversity among adjacent buildings along a block face, so that the same or similar entry feature does not occur within two buildings on either side. Variations may include any combination of:
    - (1) Different types: such as stoop vs. porch;
    - (2) Different roof styles: such as gable, hip, shed, flat, arched, or no roof;
    - (3) Different locations and extent: such as centered, shifted, wrapped; and half or full.
    - (4) Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.
3. **Open Space.** A hierarchy of different types, sizes and ownership (public, common, and private) open space is an extension of the public realm that shapes neighborhood character. Each building type shall provide the open space specified in Table 5-4 through common or private areas within the lot or project. Open space shall be designed as gathering spaces or for active use by residents, as opposed to simply buffer or landscape areas. Buildings and lots may credit any public or neighborhood common open spaces toward this requirement, provided it meets the design standards in Section 3.02 and is within the distance specified by Table 5-4 from the lot.

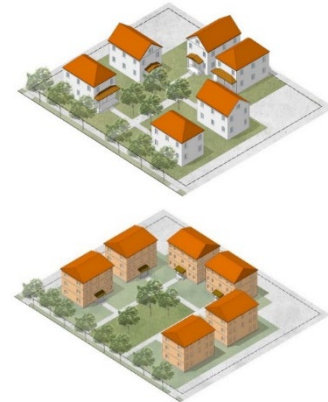
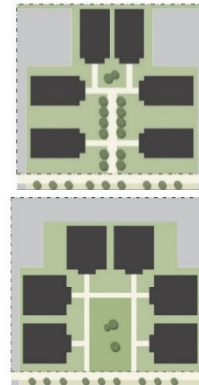
**TABLE 5-4: OPEN SPACE STANDARDS**

| <b>Building Type</b>                     | <b>Private Open Space</b>   | <b>Distance for Public or Common Area Credit</b> |
|--|---|--|
| <i>Detached House – Neighborhood Lot</i> | N/A - yard standards address open space; however all lots should be within 1,500' of common or public open space. |  |
| <i>Detached House – Compact Lot</i>      |   |  |
| <i>Duplex</i>                            |   |  |
| <i>3- to 4-Plex</i>                      | 400 s.f. / unit   | 1,320'   |
| <i>Row House</i>                         | 400 s.f. / unit   | 1,320'   |
| <i>Small Apartment</i>                   | 200 s.f. / unit   | 660'   |
| <i>Medium Apartment</i>                  | 150 s.f. / unit   | 660'   |

G. **Courtyard Pattern.** Residential buildings and lots may be designed to front on a courtyard based on the following design standards.

1. **Applicability.** The courtyard pattern is appropriate where:

- a. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood.
- b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
- c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.



**Figure 5-2 Courtyard Pattern**

*Courtyard patterns allow multiple buildings to front on common open spaces with reduced lot sizes and setbacks, provided all open space design standards are met, provided the courtyard and building maintain streetscape standards on a public street, and provided vehicle access and parking is limited and on remote portions of the site.*

2. **Eligible Building Types.** The following building types are eligible for this pattern, subject to the limitations stated:

- a. Small apartments, up to 5 buildings or 36 units, whichever is less.
- b. Row houses, up to 4 buildings or 24 units, whichever is less.
- c. 3-/4-plex, duplex, detached house, up to 6 buildings.

3. **Design Standards and Exceptions.**

- a. The minimum lot size per building may be reduced up to 30%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
- b. The courtyard shall be designed according to the standards in Section 3.02 and have frontage on a public street.
- c. Lots may front on the courtyard, rather than along a street.
- d. The front setback may be reduced to 5' from the courtyard.
- e. Any buildings fronting on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section.

4. **Vehicle Access.** Vehicle access and parking for each lot shall be designed in a way that minimizes the impact on the public street and the courtyard.

- a. The frontage design standards in this section shall apply to both the public street frontage of the project and to the lot frontages on the courtyard. Examples of access that can meet this standard include single lane shared drives along the side lot lines and to the rear of buildings, a single lane shared drive through the courtyard, or a single-lane loop drive around the perimeter of the courtyard.
- b. Any vehicle access or parking within the courtyard shall be excluded from the required courtyard area or lot open space requirements.

### 5.03 COMMERCIAL DESIGN STANDARDS

- A. **Intent and Applicability.** The commercial design standards are intended to promote high-quality design that relates buildings to the public realm and streetscape, promoting enduring investments in Lansing. The following standards apply to new development, rehabilitation, or expansion of any commercial (“B”) property, and enhanced standards may apply to any property abutting a walkable street type (Article 3.01-C.2), as defined by the Director.
- B. **Frontage Types.** Frontage design establishes the relationship of the building to the public realm based upon the context, the character of the district or area, the streetscape design, and the specific buildings and uses permitted on a block. Table 5-5 identifies the permitted and preferred frontage types based on the appropriate Street Type from Article 3.

**Table 5-5: Frontage Types and Street Types**

| FRONTAGE TYPES     | STREET TYPES        |                     | ZONING DISTRICT |     |     |
|--------------------|---------------------|---------------------|-----------------|-----|-----|
|                    | Activity Street “A” | Activity Street “B” | B-1             | B-2 | B-3 |
| <i>Buffer</i>      | □                   | □                   | ■               | □   | ■   |
| <i>Terrace</i>     | □                   | ■                   | ■               | ■   | ■   |
| <i>Streetfront</i> | ■                   | ■                   | ■               | ■   | □   |

■ Preferred Type

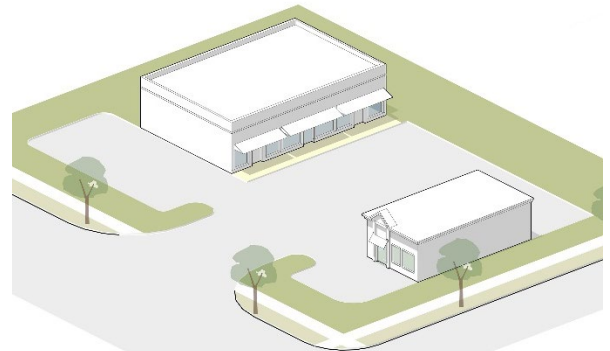
□ Limited Type, based on surrounding development pattern, specific street section designs, and site plan.

#### Buffer

A heavily landscaped and/or bermed open area used to separate the site from the streetscape or adjacent development. It is designed to screen views or noise or otherwise improve the aesthetic appeal of the site and building.

**Front Setback:**  
30+

**Applicability**  
Appropriate for large format buildings or more intense uses; or where surface parking or elements of site design could have a negative impact on the public realm or adjacent property.



#### Design Elements

- At least one pedestrian connection per lot should be provided where streets have sidewalks or trails; alternatively, one connection per block may be provided where the project includes internal pedestrian circulation system.
- May include a trail / greenway along the streetscape per Section 3.02.
- Landscape design focuses mainly on softening or screening at the street edge, and is primarily landscape/xeriscape.
- See Articles 6 for specific buffer design requirements.

## Terrace

A shallow open area that creates a continuous landscape area along a streetscape. Buildings are setback moderately from the streetscape but still maintain a formal relationship to shape this space. It can include a mix of hardscape or landscape, as is appropriate for the specific street or building.

**Front Setback:**

10' to 30'

**Applicability**

Appropriate for any building with a setback of 10' to 30', or for streets situated on a grade where the terrace can serve to coordinate access to buildings along the block.



**Design Elements**

- Vehicle access and drives through this area should be limited to 20% of the lot width, and no wider than 24' unless providing internal access to the block for more than one lot.
- Direct pedestrian connections to the sidewalk along the street should occur at frequent intervals; at least one per building or building entrance.
- Pedestrian amenities should include street trees, outdoor seating or informal gathering places, public art, and small ornamental plantings.
- Allocation of space should be: 0% to 50% turf; 20% to 80% landscape/xeriscape; and 20% to 80% hardscape. Turf should be limited only to formal spaces. More hardscape is appropriate for Terraces on commercial frontages and more landscape is appropriate for Terraces on residential frontages.

## Street Front

An area designed for high pedestrian amenity along the entire frontage, with buildings and entrances fronting directly on this space. It may be public, and dedicated as part of the right-of-way standards for Local Activity streets, or common areas at the extensions of other streets.

**Front Setback:**

0' to 10'

**Applicability:**

Appropriate for any building with a setback of 0' to 10', or any building located on a Local Activity street.



**Design Elements**

- Vehicle access and drives through this area should be limited to 15% of the lot width, and no wider than 12' unless providing internal access to the block for more than one lot.
- Surface parking should be setback at least 30' from the frontage and screened.
- Pedestrian amenities should include street trees, outdoor seating or informal gathering places, public art, and small ornamental plantings.

- C. **Design Standards.** Table 5-6 establishes design standards applied to the massing and facade composition of non-residential buildings. The standards relate building design to the context of defined walkable activity streets, or are based upon the setback of any building in a commercial district. The sub-sections following the table specify the standards that apply to each element in the table.

**Table 5-6: Massing & Facade Composition – Commercial Frontages**

| Front Setback   | Primary Entry Feature | First Story Transparency   | Upper Story Transparency | Wall Plane Limits                   | Blank Wall Limits                  |
|---|-----------------------|----------------------------|--------------------------|-------------------------------------|------------------------------------|
| 0-10' on "A" Street   | 1 per 50'             | 40% - 90%                  | 15% - 40%                | 100' linear feet; and<br>1,000 s.f. | 50 linear feet; and<br>500 s.f.    |
| 0-10' on "B" Street OR<br>10-30' on any commercial property | 1 per 100'            | 40% - 90%                  | 15% - 40%                | 100' linear feet; and<br>1,000 s.f. | 100 linear feet; and<br>1,000 s.f. |
| 30' or more on any commercial property                      | 1 per 200'            | 25% -90% w/in 25' of entry | 15% - 40%                | 150' linear feet; and<br>2,000 s.f. | 100 linear feet; and<br>1,000 s.f. |

1. **Facade Composition.** Frontage design establishes the relationship of the building to the public realm based upon the context, the character of the district or area, the streetscape design, and the specific buildings and uses permitted on a block.
  - a. **Primary Entry Features.** Entrances create a human-scale relationship of buildings to the street and shall be clearly defined and emphasized with any of the following:
    - i. A single-story architectural emphasis such as canopies, awning, porticos, pediments, arches, or arcades.
    - ii. Architectural details such as transom or display windows, ornamental tile accents, columns, moldings or other similar accents and material changes.
    - iii. Railings, wing walls or plantings integral to the entry structure that incorporate landscaping and/or places for sitting.
    - iv. Recesses of the building mass of at least 3 feet deep.
  - b. **Entry Feature Encroachment.** Primary entry features such as porticos, stoops, or unenclosed porches may extend up to 12 feet into the required front setback provided:
    - i. No encroachment shall be closer than 5 feet from the right-of-way or encroach on any easement.
    - ii. Roof structures associated with an entry feature shall be single-story.
    - iii. Entry features shall include usable space, typically a depth of at least 8 feet and a width of at least 12 feet.
    - iv. Any enclosure is limited to no more than 100 square feet.
    - v. All primary entry features are integrated into the overall building design including materials, architectural style and details, and roof structures
  - c. **Orientation.** All principle buildings shall be oriented as follows:
    - i. Facing a public street with the primary entrance on the front facade;



- ii. Facing a public street with an entry forecourt accessed on the front facade; or
- iii. Facing a courtyard or other common open spaces where permitted by these regulations or by application of a planned district.



**Figure 5-4 Façade Composition**

*A combination of transparent windows and vertical and horizontal façade elements break up a building façade, adding interest along the street.*

- d. **Transparency.** Buildings shall have the percentage of openings on street-facing facades as specified in Table 5-6, based on the following:
  - i. Where expressed as a first-story requirement, the percentage shall be measured between 2 and 8 feet above the street level, or above the first-floor elevation if the building is set back more than 10 feet from the street.
  - ii. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
  - iii. All street level windows required shall have transparent glazing and provide direct views to the building's interior or to a lit display area extending a minimum of 3 feet behind the window.

- 2. **Massing & Modulation.** Larger facades shall be broken into smaller components by one or a combination of the following techniques at intervals specified in Table 5-6:
  - a. Use structural bays that emphasize vertical breaks in interior components of the building, with visible features such as columns, pillars, or pilasters, and material, color changes or other details and accents associated with the massing element that project between 4 and 12 inches off the facade.
  - b. Differentiate massing with projections, balconies, cantilevers or step backs from the main mass associated with different stories. Massing shall create deviations in the wall plane of at least 2 feet if projecting from the facade and at least 4 feet if recessed from the facade.
  - c. Horizontal differentiation of a base, body and top of all buildings.
    - (1) For buildings less than 3 stories, this can be a distinct foundation, a main façade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
    - (2) For buildings 3 stories or more, the first floor should be clearly differentiated from upper stories to establish the base.
  - d. Any other blank wall areas in excess of the requirements of Table 17-20-2 shall be broken up by ornamental architectural details complimentary to the materials and architectural style of the building.

2. **Tenancy.** The area of free-standing building footprints and ground level tenancies of mixed-use buildings shall comply with Table 5-7:

**Table 5-7: Commercial Tenants and Street Types**

| Street Type        | Max. Building Footprint or Ground-Level Tenancies |
|--------------------|---|
| "A" Local Activity | 8,000   |
| "B" Local Standard | 15,000  |
| Other              | n/a   |

3. **Materials.** Selection and application of materials add depth, texture, and color to the composition of walls. Design and detailing of materials should create an integrated relationship between different architectural elements of buildings, complement context, and signify enduring investment in the community. Applicants shall submit a color palette and building materials board as part of their development plan application. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of the proposed building.

- a. **Primary Materials.** All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time. The predominant surfaces on building walls shall incorporate one or more of the following building materials:
- i. Brick
  - ii. Stone
  - iii. Cast stone
  - iv. Synthetic stone
  - v. Stucco
  - vi. Water-managed EIFS (synthetic stucco)
  - vii. Prefinished non-corrugated metal (nonresidential only)
  - viii. Glass
  - ix. Integrally colored, textured or glazed concrete masonry units
  - x. Synthetic material with appearance of wood
  - xi. Split shakes, rough sawn or board and batten wood (residential only)
  - xii. Vinyl siding (residential only)
  - xiii. Standard single or double tee concrete systems.
- b. **Prohibited Building Materials.** Predominant surfaces on building walls shall not include any of the following building materials:
- i. Natural wood or wood paneling
  - ii. Barrier-type EIFS
  - iii. Painted metal
  - iv. Wood shakes (as roofing materials)
  - v. Smooth-faced gray concrete block, painted concrete block, tilt-up concrete panels
  - vi. Field painted or pre-finished standard corrugated or ribbed metal siding
- a. **Transitioning.** Where materials are stacked (i.e. one above another), the transition between materials should include a sill, cap, frame, roof (if at ceiling height), or similar element to separate the two materials. Where materials are side-by-side, the transition between materials should occur at interior corners or at the trim line where the change is emphasizing different structural bays for a building.

**5.04 R-5 – RESIDENTIAL MANUFACTURED HOME PLANNED DISTRICT**

A. **Intent and Applicability.** The R-5 district is intended for planned developments that provide smaller-format manufactured or modular homes that include common amenities in a neighborhood or community setting, designed in a manner that is compatible with the surrounding community. The R-5 district is a specific form of a planned district requiring review and approval as provided in Section 2.04 Planned Development procedures.

B. **Permitted Uses.** The uses allowed in the R-5 are specified in Table 4-2, and this district is specifically enabled for:

1. Single family homes consisting of modular homes, manufactured homes or other similar small, detached dwellings.
2. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings or other community services.

C. **Development Standards.**

1. *Project Intensity:*
  - a. The minimum project area shall be at least 5 acres and the minimum frontage along a public street shall be 300 feet; except that a plan for as small as 2.5 acres and 150 feet of public street frontage may be approved if the plan demonstrates exceptional community design and layout for the common areas within the community, and for integration and relation of the project to surrounding areas.
  - b. The maximum project intensity shall be no more than 2,500 square feet per dwelling unit, including any common areas, landscape buffers and internal circulation systems supporting the community.
2. *Height.* The maximum structure height is 35 feet.
3. *Home Site Standards:*
  - a. *Area:* The minimum area for an individual home site shall be 1,500 square feet, and all home sites shall front on a public street or private internal access street, or front on common space with street access at the rear of the home site.
  - b. *Setbacks:* Dwellings shall meet the following setbacks from lot or home site boundaries.

**Table 5-8: Dwelling Setbacks**

|   |   |
|---|---|
| <i>Front</i>  | 15 feet, except home sites fronting on courtyards or other civic space of the common areas of the plan may have dwellings located 5' from the front lot line. |
| <i>Side</i>   | 10 feet; 15 feet for sites on corner of internal or public streets  |
| <i>Rear</i>   | 20 feet, except home sites backing to buffers, common open space or alleys may have a 10 foot rear setback  |
| All dwellings shall be at least 30 feet from any public street or other boundary of the community with adjacent property.   |   |
| All dwellings shall have at least 20 feet between other dwellings, or at least 30 feet between the dwelling and accessory buildings, except accessory structures serving the home site. |   |

- c. *Home Site Open Space.* Each home site shall have a private patio, courtyard, porch, stoop or similar outdoor amenity of at least 200 square feet and which orients the home site to the internal street or common space it fronts on.
- d. *Parking Standards:* 2 off-street spaces for each dwelling unit; common lots within 300 feet of dwelling units. Parking spaces on a home site shall be located

to the side or rear of the dwelling. Tandem parking must be constructed at least 25' from the front property line.

- e. *Anchor:* All dwellings shall be attached to a permanent foundation according to the building code, or:
  - (1) Be anchored by tie downs and piers in accordance with all applicable provisions of the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et. seq. and Manufactured Housing Act, 58-4201 et. seq.;
  - (2) Be fully skirted within 30 days of placement with durable commercial grade skirting designed to create a barrier protecting utilities from extreme temperatures, protect home from pests or animals, hide structural elements and give the dwelling a finished appearance; and
  - (3) Be located on a solid surface pad with a solid surface with minimum 5-inch gravel or stone base capable of carrying the weight and controlling weeds.

D. **Common Areas.** All common areas not dedicated as home sites according to the development standards in C., shall be designed as part of the Public Realm Plan for the community (See Section 2.04 Planned Development Procedures). This space shall be allocated to:

1. *Streets and Circulation.* An internal street and pedestrian network shall be laid out subject to the following:
  - a. Internal access streets or private drives shall be at least 24 feet wide. Streets shall align with surrounding public streets where practical, and be laid out in association with the common areas to arrange home sites in a system of lots and blocks. Streets and drives shall be constructed of asphaltic concrete or Portland cement at least 4-inches thick over a 6-inch compacted rock base.
  - b. Sidewalks at least 5 feet wide shall be included on all streets constructed of portland cement at least 4 inches thick on compacted earth, or at equal or greater intervals through a trail or path system that connects all home sites to community facilities. All off street pedestrian routes shall be at least 5 feet wide, with all-weather, dust-free, stabilized surfaces.
  - c. At least one parking space shall be on each home site. Additional required parking or visitor parking may be concentrated at remote locations, or on-street within internal street designs. Parking shall be an all-weather, dust-free stabilized surface.
2. *Perimeter Buffer.* All areas around the project shall include a minimum 20 feet buffer, with landscape materials according to Article 7.
3. *Common Areas and Open Space.* At least 15% of the total area shall be usable open space. All common areas not dedicated as home sites, streets or perimeter buffer shall be designed and allocated as courtyards, greens, or parks meeting the design standards of Section 3.02. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities shall be designed and located in a manner that improves the quality of the community and its relationship to surrounding areas.
4. *Storm Shelter.* Each new manufactured home park plan or any expansion of an existing park by 10 units or more shall provide a storm shelter. The shelter shall be located in central and convenient locations, and may be included with recreation facilities, laundry facilities or other similar common community amenities.

**E. Utilities and Services.**

1. All communities shall be connected to a public water supply, and each home site shall have individual water service connections according to the 2003 International Plumbing Code (IPC).
2. All communities shall be connected to the public sewer system. Individual sewer connections shall be provided for each home site and installed in accordance with 2003 International Plumbing Code (IPC) and City of Lansing regulations regarding sewer taps.
3. Each home site shall be provided with an individual electric outlet supply with a minimum of 100 amperes service, hardwired in conduit and underground from the home to the service, and sized and installed according to the city electrical code.
4. Natural gas hookups, where provided, shall be installed according to all applicable codes. LP gas shall not be permitted as a source of utility for a dwelling. Only public natural gas and electricity are permitted sources of heat and hot water within the community. Containers for ancillary uses such as outdoor grills are permitted as long as they are used and stored as per the manufacturer's requirements and the International Fuel Gas Code.
4. Storage, collection and disposal of refuse shall be designed, located and provided in a manner that creates no health hazards, no odor or unsanitary conditions, minimal visibility to both the home sites and any surrounding property, and is properly managed and maintained in this condition.
5. Telephone and cable television service lines shall be installed underground and shall be in accordance with City codes and utility company specifications.
6. The park shall provide appropriate drainage per the subdivision standards and all other grading and permitting standards of the City. Each individual home site shall be located on a well-drained site and graded to insure rapid drainage and the removal of any stagnant water.

**F. Landscape, Parking Design, and Signs.** The standards of Articles 7, 8, and 9 are generally applicable to the R-5 district, except as modified through a development plan based on the criteria in Section 2.04.

**G. Subdivisions.** Each home site may be individually platted or otherwise independently sold if:

1. All home sites shall have public utility access and provided in Article 3, including public easements for access to each home site, and otherwise ensure appropriate metering and billing for services;
2. All dwellings are on a permanent foundation; and
3. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association that has an organizational structure and financing mechanism to ensure continued operation according to the plan.

## ARTICLE 6. SITE & LANDSCAPE STANDARDS

- 6.01 INTENT & APPLICABILITY
- 6.02 OPEN SPACE DESIGN
- 6.03 LANDSCAPE DESIGN
- 6.04 BUFFERS & SCREENING
- 6.05 OUTDOOR LIGHTING

### 6.01 INTENT & APPLICABILITY

- A. **Intent.** The intent of this Section is to:
1. Promote the aesthetic character of the community with natural landscape materials, and in particular emphasize distinct areas throughout the community as reflected in the comprehensive plan or any specific plans.
  2. Improve the relationship of buildings and sites to the streetscape, and coordinate the designs of multiple sites and buildings along a block through consistent frontage designs.
  3. Coordinate landscape and design amenities across multiple sites, with special attention to the relationship between lots and streetscapes along frontages.
  4. Encourage efficient site design where the layout of sites and buildings can allow open space to serve multiple aesthetic or screening, environmental, and recreational or functions.
  5. Enhance the environmental and ecological function of un-built portions of sites, including reduced air or water pollution and reduced heat gain from large expanses of blank walls or paved surfaces.
  6. Screen and mitigate the visual, noise or other impacts of high-intensity areas of sites, buildings and land uses.
- B. **Applicability.** A landscape plan is required in association with a site plan, according to the application requirements in Article 2. Specifically, it is required for:
1. New uses and buildings in any zoning district except district A-1. In districts where Site and Landscape Standards are not required, use of this Article for guidance is strongly encouraged;
  2. Any addition to an existing building, structure or site where site grading occurs, but the requirements of this section shall be pro-rated to that portion of the site affected by development.

Site and landscape standards may be specifically modified through the planned zoning process in Article 2.

- C. **Enforcement.** All elements of an approved landscape plan, including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. The applicant and future successors or owners are responsible for the continued maintenance of these features for the period of two years from the issuance of the first building permit. Failure to maintain these features is a violation of the terms of approvals or subsequent permits and shall carry with it the same notification and violation penalty established for a public nuisance.

## 6.02 OPEN SPACE DESIGN

All lots shall have access to Open and Civic Space systems as provided in Section 3.02. Where such spaces are not existing, or are not provided through platting of development plans, additional open spaces should be incorporated into site plans to best meet the intent of this Article. Landscape materials for these areas shall be in addition to standards of this Article, however efficient site design and strategic location of open spaces on a site may meet both Article 3 standards and the standards of this Article.

## 6.03 LANDSCAPE DESIGN

A. **Site Elements and Planting.** The required landscape shall be based on different elements of the site, according to Table 6-1.

**Table 6-1: Plant Requirements**

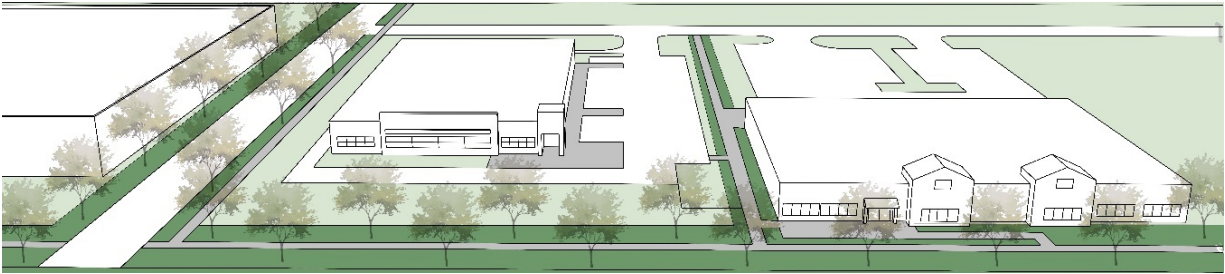
| <b>Site Element</b>   | <b>Trees</b>  | <b>Evergreen</b>  | <b>Shrubs</b>  |
|---|---|---|--|
| <b>Streetscape and Frontage:</b> The area between the front building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm. | 1 large tree per 40' of lot frontage;<br>2 large trees per 40' if buildings setback more than 30'.  | n/a   | n/a  |
|   | Corner lots shall meet this requirement on side lot lines at a rate of 50% of the streetscape and frontage rate.  |   |  |
| <b>Foundation.</b> Areas along the building frontage (within the first 10' – 30') used to provide accents and soften larger expanses of buildings.  | 1 ornamental tree per 25' of building frontage.   | Evergreens may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement.   | 5 shrubs for 25' of building frontages.  |
|   | Side elevations on corner lots shall provide this standard on at least 50% of the building.   |   |  |
| <b>Parking.</b> Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.  | 1 large tree per 40' of parking perimeter; and<br>1 large tree per 40 parking spaces in internal islands.<br>Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the internal islands | Evergreens may be substituted for perimeter trees at a rate of 2 for 1, for up to 50% of the perimeter requirement that does not face a front lot line. | 5 shrubs for 25' of perimeter.<br><br>Any parking near the right of way or adjacent to lots may require buffers per Article 8. |
| <b>Buffers.</b> Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.  | See Section 6.04.   |   |  |



**Table 6-2: Site Elements**

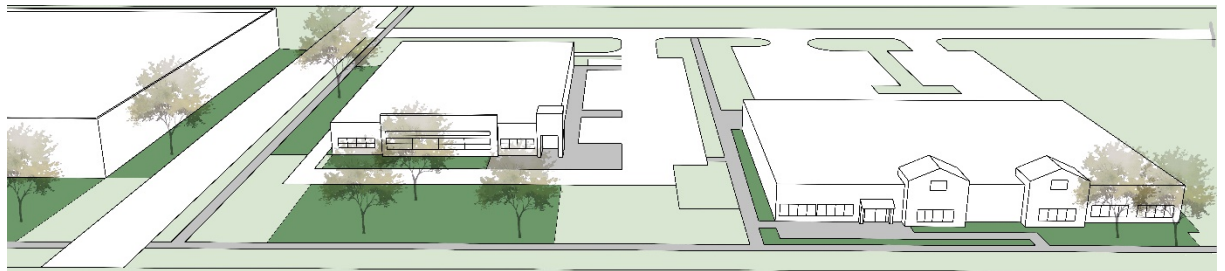
**Streetscapes, Internal Access Streets & Walkways**

Applies to lot boundaries along public streets; internal access streets; any trails and walkways connecting different areas of the site to the buildings.



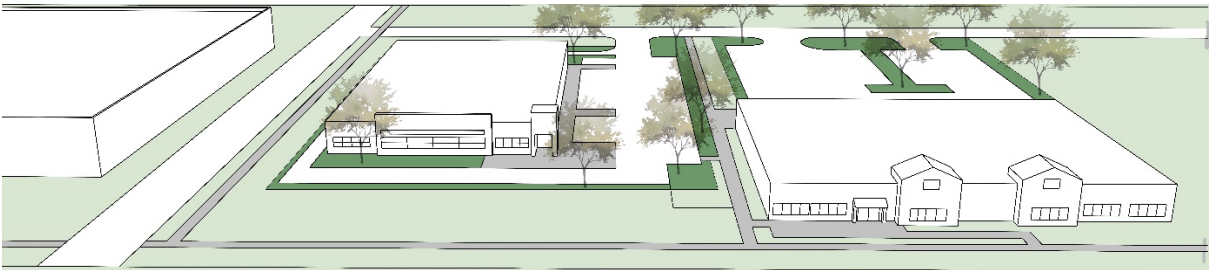
**Frontage & Foundation Planting**

Applies to building frontages; any building façade within 50' of right-of-way, open or civic spaces; and other high-visibility building facades.



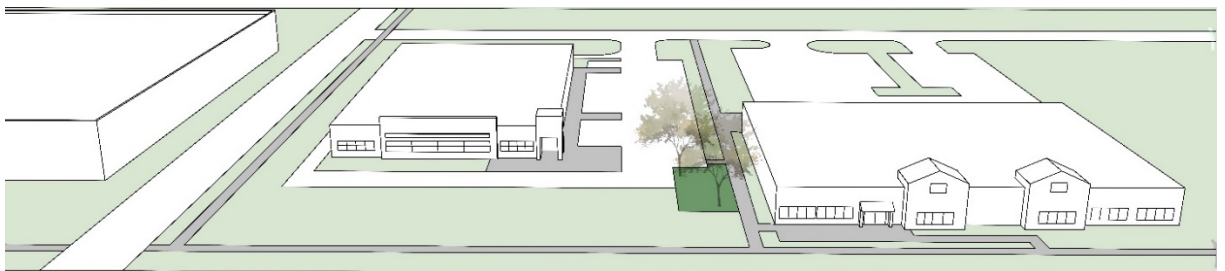
**Parking Lot Planting**

Applies to any parking lot with more than 15 spaces.



**Other Open Spaces**

Planting requirement applies to all other open spaces, required lot open space in Article 5, except that spaces designed according to the standards in Section 3.02.



- B. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided measures are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 4-inch caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis. Trees or other existing landscape that contributes to the standard shall be protected by a construction fence installed for the entirety of construction and at least 15 feet from the trunk of any tree.
- C. **Design.** The required landscape material shall be arranged and designed on a particular site in a way that best achieves the intent expressed in Section 6.01, with regard to the specific context, street frontage, property adjacencies and other elements proposed on the site.
- D. **Location.** Required plantings shall be planted in the following specific locations and open spaces on the lot.
1. **Street Trees & Frontage Trees.** Street trees and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted at the following locations, where applicable and in order of priority.
    - a. On center between the sidewalk and curb where at least 6 feet of landscape area exists;
    - b. 4 feet from the back of curb where no sidewalk exists; or
    - c. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
    - d. Where the depth of the frontage between the building and streetscape require additional trees per Table 6-1, they shall be located between the front building line and the street.
    - e. Ornamental trees may be substituted for street trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.
  2. **Foundation Trees & Shrubs.** Foundation plantings shall be located in open spaces within 20' of the building, or within planting beds at least 8' deep and along at least 50% of the building.
  3. **Parking Perimeter & Island Planting.** Parking lot perimeters shall be permeable vegetated ground cover meeting the following size and dimension requirements.
    - a. Parking lot perimeters shall be at least 8 feet wide except for locations where walkways are necessary to provide access to the building or to a public sidewalk in the streetscape. Any parking located in front of the front-building line shall have a 15 feet wide buffer along the lot frontage.
    - b. Parking lot islands shall be at least 120 square feet and at least 8 feet wide in all directions. Parking lots under 80 spaces shall not require islands; parking lots 80 spaces or more shall require at least 1 island per 40 spaces. Islands may stand alone within the parking lot or may project into the parking area from the perimeter buffer, but should generally be spaced equally throughout the parking lot.

- E. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

**Table 6-3: Tree Diversity**

| <i>Required Trees</i> | <i>Diversity</i>  |
|-----------------------|---|
| 1 - 4                 | No specific requirement, but trees should be diversified from those existing trees in the vicinity. |
| 5 - 10                | At least 2 genus<br>No more than 50% of any one species   |
| 11 - 20               | At least 3 genus; AND<br>At least 5 species<br>No more than 33% of any one species                  |
| 21 or 50              | At least 3 genus ; AND<br>At least 5 species<br>No more than 20% of any one species                 |

- F. **Plant Specifications.** Required planting shall meet the following specifications at planting.

**Table 6-4: Plant Specifications**

| <i>Type</i>                 | <i>Specification</i>  |
|-----------------------------|---|
| <i>Large or Medium Tree</i> | 2" caliper  |
| <i>Small Tree</i>           | 1.5" caliper  |
| <i>Evergreen</i>            | 5' minimum height   |
| <i>Shrub</i>                | 18" minimum height  |
| <i>Ground Cover</i>         | 50% coverage at planting;<br>Full coverage within 2 growing seasons |
| <i>Turf</i>                 | All proposed or required turf areas shall be sodded.                |

All landscape materials shall meet the American Standards for Nursery Stock, published by the American Nurserymen’s Association, and be selected for its native characteristics or survival in the climate for the Kansas City region, and be planted and maintained to ASNS specifications. All trees shall be selected using Great Trees for the Kansas City Region, incorporated in Appendix B, or an updated version of this list, or a similar regionally appropriate list approved by the Director.

**6.04 BUFFERS & SCREENING**

- A. **Design Objectives.** Intense land uses, or site elements shall be buffered or screened from streetscapes and adjacent property using the following strategies and techniques, which may require additional landscape materials beyond what is required in Table 6-1.

1. Areas of parking or circulation near streets or property lines may require physical barriers or landscape transitions to soften impacts, and low-level headlight screening.

2. Commercial uses or parking service areas of other allowed uses abutting residential property may require a screen and buffer combination, using a combination of dense vegetation, or fences and walls compatible with the buildings on the site.
3. Areas along streetscapes or that transition to different uses or building scale, or areas where building or site elements may not relate well to the street frontage may require landscape areas to soften transitions.
4. Areas designed as gathering places, for social function or as civic amenities to support the site or area may require enhanced landscape to create appropriate transitions to adjacent areas or less intense uses.
5. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas, whether ground, wall or roof mounted shall be screened with architectural features, fences or landscape to limit visibility or noise from adjacent property or streetscapes.
6. Delivery and vehicle service bays, trash enclosures; permanent or temporary outdoor storage areas or other site utility areas shall be located on remote areas of sites, and shall be screened or buffered from any adjacent property with less intense zoning.

B. **Buffer Planting.** The following planting requirements shall be used to buffer and screen more intense uses and to design effective transitions according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer or other open space requirement with efficient site design. The plant requirement is in addition to plants required by Table 6-1.

**Table 6-5: Buffer Planting Requirements**

| <i>Type and Applicability</i>   | <i>Buffer Planting Requirement</i>   |
|---|--|
| <i>Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements or parking areas along pedestrian oriented streetscapes.</i>  | Width: 6' min.<br>Planting: 1 large tree per 40' or 1 ornamental per 20'<br>1 shrub per 2.5 feet or a combination of shrubs and a 2.5' to 4' decorative wall or fence that provides low screening and physical separation. |
| <i>Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.</i> | Width: 10' min.<br>Planting: 1 large tree per 40' or 1 ornamental per 20'<br>1 shrub per 5'<br>1 evergreen per 30'   |
| <i>Type III – A densely planted area intended to mitigate noise and create a visual barrier between intense site conditions or potentially incompatible land use adjacencies.</i>   | Width: 20' min.<br>Planting: 1 large tree per 60' and 1 ornamental per 30'<br>Any combination of shrubs, evergreens, understory plantings, berms or fences or walls that provide a visual barrier.                         |

- C. **Fencing.** All fencing for screening, security, or privacy shall meet the following standards.
1. **Front and Street-side Fencing.** All fencing in front of the front building line, or on the street-side on corner lots shall:
    - a. Be limited to no higher than 4 feet; and
    - b. Have a void of at least 33% up to four feet (for example, wrought iron, a solid wall or fence of 2.7 feet high, or a 4-foot high picket fence with picket to void ratio of 2:1).
    - c. Fences and walls shall be setback at least 6 feet from any perimeter public sidewalk and such area shall be landscaped with a mix of turf, shrubs and/or trees as deemed acceptable by the Planning Commission.

- d. Any fence or wall constructed within 15 feet of the street right-of-way shall be limited to decorative or ornamental fencing and screening, with materials complimenting the architectural style and materials of the principle building.
  - e. On corner lots, street-side fencing more than six feet from a pedestrian facility in the public right-of-way and behind the front building line may meet the standards for rear and side fencing in Sub-Section 2 below.
2. **Rear and Side Fencing.** All rear and interior side fencing located behind the front building line shall:
- a. Be limited to no higher than 6 feet, or up to 8 feet in all non-residential districts.
  - b. May have a solid screen.
3. **Other Fencing Design Standards.**
- a. Walls or fences shall be consistent in architectural character, materials and appearance with the architecture of the building(s). Walls and fences should be architecturally compatible with the style, materials and colors of the principal building on the same lot.
  - b. Any fencing that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.
  - c. All fencing located along adjacent lot lines shall be constructed so that either:
    - (1) The face of the fence is on the property line; or
    - (2) The face of the fence is at least three feet from the property line. Any areas set back three feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.
  - d. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
  - e. Fences shall be constructed out of any of the following materials:
    - (1) Wood or vinyl simulating wood;
    - (2) Wrought iron or aluminum simulating wrought iron;
    - (3) Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
    - (4) Chain link or vinyl clad chain link:
      - (a) In all residential districts, in the rear or side yard only with a maximum height of six feet;
      - (b) In the I-1 and I-2 districts, in the rear and side only, but no closer than 30 feet from any public street;
      - (c) Prohibited in all commercial districts
- D. **Visibility at Intersections.** Screens and buffers shall be located and designed to maintain proper lines of sight at all intersections of streets, streets with alleys or driveways, and internal access streets as provided in Section 3.01-F.

## 6.05 OUTDOOR LIGHTING

- A. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

**TABLE 6-6: MAXIMUM LIGHTING MOUNTING HEIGHT**

|   |   |
|---|---|
| Driveways and Parking Areas               | 37.5' in B-2, B-3, I-1, or I-2 districts<br>25' in all other districts  |
| Pedestrian Walkways, Plazas or Courtyards | 16'   |
| Facade Lights                             | Below the eave or cornice line, provided the light is directed downward |
| Other Site Lighting                       | 12'   |

- B. **Shielding.** All exterior lighting shall be shielded as specified in the following table:

**TABLE 6-7: REQUIRED SHIELDING**

| WATTAGE OR MOUNTING HEIGHT  | SHIELD TYPE  |                     |                          |
|---|--|---------------------|--------------------------|
|   | FULL CUTOFF <sup>a</sup>                                 | CUTOFF <sup>b</sup> | SEMI-CUTOFF <sup>c</sup> |
| <i>All lights mounted above 25'; or<br/>All lights above 450 Watts</i>                        | R  | P                   | P                        |
| <i>All lights Between 100 Watts and 450 Watts</i>   | P  | R                   | P                        |
| <i>All Lights Between 55 Watts and 99 Watts; or<br/>Any Light Mounted Between 12' and 25'</i> | P  | P                   | P                        |
| <i>All Lights Mounted below 12' AND Less than 55 Watts</i>                                    | No shielding is required; all shielding types permitted. |                     |                          |

a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.

b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.

c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

R (Required) P (Prohibited)

- C. **General Standards.** In addition to the mounting height and shielding standards, exterior site lighting shall meet the following general standards:

1. Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the general character of the adjacent buildings.
2. All lighting shall be designed and located to not provide direct light or glare onto any adjacent property. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
3. All lighting shall be reduced to levels necessary only for security purposes within one hour after closing of the business.
4. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.

## ARTICLE 7. ACCESS & PARKING STANDARDS

|      |                        |
|------|------------------------|
| 7.01 | INTENT & APPLICABILITY |
| 7.02 | ACCESS & CIRCULATION   |
| 7.03 | PARKING                |
| 7.04 | PARKING LOT DESIGN     |
| 7.05 | LOADING                |

### 7.01 INTENT & APPLICABILITY

- A. **Intent.** The intent of this Section is to:
1. Emphasize the importance of site access for a variety of modes of transportation.
  2. Preserve streetscapes and street functions by coordinating access along and internal to blocks.
  3. Create access and parking standards appropriate to the context of the project, considering street designs and surrounding development patterns.
  4. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
  5. Ensure appropriate site and design features that mitigate the impact of parking on surrounding sites, including visual impacts on streetscape, physical impacts on adjacent property and proper stormwater management.
  6. Reduce the need to dedicate areas of individual, adjacent sites to underutilized or redundant surface parking.
- B. **Applicability.** An access and parking plan is required in association with a site plan, according to the application requirements in Article 2. Specifically it is required for:
1. A change of use for an existing site or building, but only where the new use would require 125% or more parking than exists.
  2. An expansion of a building or use of a site by more than 20%.
  3. All new development of a site.
  4. Where additional parking is required for an existing site or building, the landscape and design standards shall only apply to the newly constructed parking, except when more than 50% of a parking area is added to, resurfaced or otherwise impacted, all parking and access shall comply with this section.

### 7.02 ACCESS & CIRCULATION

- A. **Driveways.**
1. *Location and Spacing.* Driveway location and spacing shall be limited based on the functional class of streets in Table 7-1. Spacing distance between accesses shall be measured from the center of the access points, and from the perpendicular curb face of intersecting streets to the closest access point for intersection distances.



**Table 7-1: Access Location and Spacing**

|                            | <i>Functional Class</i>   |  |  |
|----------------------------|---|--|--|
|                            | <i>Arterial*</i>  | <i>Collector</i>   | <i>Local</i>   |
| <b>Residential***</b>      | 100' min. separation<br>200' + corner<br>250' + signalized intersection | 75' min. separation<br>125' + corner<br>250' + signalized intersection | No min. separation except as controlled by Frontage Types for any particular building in Article 6<br>75' + corner<br>250' + signalized intersection |
| <b>Non-Residential****</b> | 200' min. separation<br>200' + corner<br>250' + signalized intersection | 150' min. separation<br>125' + corner<br>250+ signalized intersection  | 100; min. separations<br>75' from lot corner<br>150' + signalized intersection   |

- \* Direct access to an arterial street shall be permitted only when the subject property has no other reasonable access to the street system, and only if the Director of Public Works determines that the proposed access point is safe and is subject to the limits of this table.
- \*\* The Director of Public Works may allow averaging of the separation of access points along any block face provided there are no adverse impacts on the transportation network, and the Intent of this section is equally or better served.
- \*\*\* No more than 35% of the front yard may be covered with driveways or as otherwise controlled by Frontage Types for any particular building in Article 6. No parking area other than driveways shall be allowed in the front yard of any lot located in a residential district.

2. **Width.** Driveway widths shall generally be limited based on Table 7-2, with consideration of the streetscape design, development pattern, and degree of travel patterns in and around the site for all modes of transportation. Where application of the width limits or these spacing standards appears to constrain access, different driveway configurations identified in Section 7.02B shall be used.

**Table 7-2: Driveway Width**

|                          | <i>Functional Class</i> |                  |  |
|--------------------------|-------------------------|------------------|--|
|                          | <i>Arterial</i>         | <i>Collector</i> | <i>Local</i>   |
| <b>Residential</b>       | 24' maximum*            | 24; maximum*     | 24' maximum, except as controlled by Frontage Types for any particular building in Article 6 |
| <b>Non-Residential**</b> | 24' – 36'               | 24' – 36'        | 24'  |

- \* Residential driveway access for residential lots on arterial or collector streets may be designed as a circle drive or one-way entrance/exits with a maximum of 12' wide, and any access to 20 or more dwelling units may be designed as an internal access street per Article 3.
- \*\* Any non-residential access point wider than specified shall be designed as an internal access street according to Article 3, and may require cross-walk treatments and median separation based on the streetscape and context. Non-residential access on Activity Streets shall require greater limits based on the streetscape standards and Frontage Design standards in Article 6'. Industrial property or any use that requires frequent truck or large vehicle access may have wider driveway access as authorized by the Director of Public Works and the Director of Community and Economic Development.

3. **Setbacks.** Except for where shared or common access is permitted and executed through easements, driveways shall be set back from all lot lines based on Table 7-3: Driveway Side Setbacks:

**Table 7-3: Driveway Side Setbacks**

| <b>Access Type</b>  | <b>Side Setback</b> |
|---|---------------------|
| Residential Access: < 6 dwelling units                              | 3' minimum          |
| Residential Access: 6 – 12 dwelling units                           | 6' minimum          |
| Non-residential access or Residential access for 13+ dwelling units | 10' minimum         |

4. **Sight Distances.** All driveways and parking entrances to public streets or internal access streets shall meet sight distance requirements as measured by Section 3.01.D.

- B. **Internal Access Streets.** Any single block, lot or site greater than five acres shall provide a system of internal access streets that establish access and circulation within the site. Internal Access Streets:

1. Shall be laid out to organize the site into smaller internal blocks between one and four acres.
2. Shall be designed to mimic public street cross sections in Article 3, including sidewalks, landscape amenities, on-street parking and travel lanes.
3. May be treated as public streets for determining the proper location, orientation and design of sites and buildings within the project.

- C. **Sidewalks.**

1. **Generally.** Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided by vehicles. Sidewalks connect public entrances and sites, in the most direct manner possible, with the following:
  - a. Sidewalks in the public streetscape or along internal access streets.
  - b. Parking areas, and any walkways or cross-walks within the parking areas
  - c. Any civic open space designed for active use.
  - d. Adjacent sites, where pedestrian connections through public streetscapes or internal access is remote.
2. **Sidewalk Width.** Internal sidewalks shall meet the following requirements:

**Table 7-4: Internal Sidewalk Widths**

| <b>Location</b>   | <b>Minimum Width</b>   |
|---|--|
| <i>Generally</i>  | 5'   |
| <ul style="list-style-type: none"> <li>• Along any building façade abutting a parking area;</li> <li>• Along any parking with vehicle overhangs; OR</li> <li>• A primary route between the street or parking area and the building entrance.</li> </ul> | 8'   |
| <i>Along any building façade with a primary entrance</i>  | 10'  |
| <i>Along any internal access street</i>   | Width based on the specifications for the most applicable street cross-section in Article 3. |

3. **Pedestrian Amenities.** Site plans shall include amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches. Sidewalks and internal circulation shall be separated from moving vehicles to the extent feasible with curbs, landscape buffers, curbside parking, and limited cross-walks.
  4. **Crossings.** All driveways and alleys shall generally intersect with sidewalks on the perimeter of the block at the sidewalk grade, and the material and construction of the sidewalk shall continue across the drive. For drive aisles and internal access streets, the vehicle grade may interrupt the sidewalk. Where the pedestrian crossing exceeds 24 feet, cross-walks or other features to identify pedestrian crossings may be required. Design features such as bump outs, raised crossings, medians or other landscape and urban design amenities that emphasize the pedestrian crossing and shorten the distance pedestrians cross dedicated vehicle ways may be considered.
- D. **Traffic Impacts.** Wherever the Director of Public Works determines that the above requirements will adversely impact the function of the transportation network in the vicinity of the site, either due to traffic impacts of the proposed use, or the design of the access in relation to the street scape, alternative access standards may be required to better meet the intent of this section. In addition, any specific access management study or plan for a portion of the city may alter the application of these standards and guidelines.

### 7.03 PARKING

- A. **Vehicle Parking Rates.** Table 7-5: Parking Guidelines provides suggested minimum parking rates of all similar uses. Where the classification of the use is not determinable from the table, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, function and operation. The follow criteria shall be used in interpreting the table:
1. A rate based on employees shall consider maximum number of employees likely to be on-site at one time.
  2. A rate based on square footage shall consider the service area open to the public or patrons, or leasable floor area. Where this number is not easily or readily determined, 85% of gross floor area may be used.
  3. A rate based on seating shall consider total number of seats. Where this number is not easily or readily determined, or is otherwise flexible it may be based on capacity of common formats and layouts of buildings based on industry standards.
  4. A rate based on capacity shall be the maximum permitted under public safety and building codes
  5. Where a rate results in a fraction, round up to highest whole number.
  6. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component calculated under most applicable rate.

**Table 7-5: Parking Guidelines**

| Residential Dwellings  |   |
|--|---|
| Boarding or Rooming House  | 1 per bedroom                                       |
| Hotel or Motel   | 2 per unit  |
| Mobile Home Parks  | 2 per unit  |
| Nursing Homes, Rest Homes  | 1 per 5 beds  |
| Single Family Home   | 2 per unit  |
| Multi-Unit Residential   | 2 per unit  |
| Civic / Institutional  |   |
| Religious Institutions   | 1 per every 6 seats                                 |
| Elementary, Junior High and Equivalent Parochial and Private Schools   | 2 per classroom                                     |
| High Schools, Colleges, Universities and Other Similar Public or Private Institutions of Higher Learning                                 | 8 per classroom                                     |
| Hospitals  | 1 per every 1.5 beds                                |
| Nursery Schools and Day Care Centers, Public or Private  | 1 per employee; AND<br>1 per 500 sq. ft. floor area |
| Fraternal Associations   | 1 per every 4 seats                                 |
| Commercial / Industrial  |   |
| Automobile, Truck, Recreational Vehicle and Mobile Home Sales and Rental Lot   | 1 per 3,000 sq. ft. lot                             |
| Automobile Salvage Yards   | 1 per employee AND;<br>10,000 sq. ft. storage area  |
| Laundromats  | 1 per every 2 machines                              |
| Financial, Business, and Professional  | 1 per 400 sq. ft. gross floor area                  |
| Bowling Alleys   | 4 per bowling lane                                  |
| Cartage, Express, Parcel Delivery and Freight Terminal Establishments  | 1 per 2 employees* AND;<br>Vehicles maintained      |
| Automobile Wash  | 3 per washing stall                                 |
| Funeral Homes and Mortuaries   | 1 per 4 seats                                       |
| Furniture and Appliance Stores, Household Equipment or Furniture Repair Shop   | 1 per 400 sq. ft. floor area                        |
| Adult Entertainment Uses   | 1 per every 2 occupants                             |
| Manufacturing, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing or Repairing of Goods, Materials, or Products | 1 per 3 employees                                   |
| Medical and Dental Clinics or Offices  | 1 per 400 sq. ft. floor area                        |
| Restaurants, Private Clubs and Taverns   | 1 per 4 seats                                       |
| Retail Stores and Shops  | 1 per 400 sq. ft. floor area                        |
| Service Stations   | 1 per employee                                      |

**Table 7-5: Parking Guidelines**

|  |                              |
|--|------------------------------|
|  | 2 per service bay            |
| Theaters, Auditoriums, and Places of Assembly with Fixed Seats       | 1 per 4 seats                |
| Warehouse, Storage and Wholesale Establishments                      | 1 per 4 employees            |
| All Other Business and Commercial Establishments Not Specified Above | 1 per 400 sq. ft. floor area |

B. **Maximum Parking.** No use shall provide more than 20% more than the minimum suggested parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 20% shall require mitigating potential impacts of more parking through one or more of the following strategies:

1. Provide shared parking for other uses on the block or adjacent blocks according to Section 7.03.D.
2. Design all parking areas over the minimum as dual purpose space, such as plazas, playgrounds, event areas for regular use of the space during non-peak times (see civic space design standards).
3. Use alternative surface areas designed to infiltrate stormwater.
4. Provide additional buffers and site open spaces to screen parking and provide more active usable outdoor spaces for people in relation to the streetscape, of at least a 10% increase in the open space or buffers and at least a 25% increase in the amount of landscape material required for the parking.

C. **Parking Reductions.** The parking suggested by Table 7-5 may be reduced depending on context, and according to the following strategies:

1. *Walkable Commercial Contexts.* In the B-1 and B-2 districts, any use under 2,000 square feet is exempt from providing on-site parking, and all other uses in the B-1 and B-2 districts may reduce the required on-site parking by 30% provided the project is designed in a compact, walkable format with smaller blocks and walkable streets as specified in Article 3.
2. *On-street Parking Credit.* All on-street parking within 600 feet of any lot frontage shall count towards the parking requirement at a rate of one space for every three on-street spaces. However, any on-street parking in front of residential lots shall not count for non-residential uses in the area.
3. *Bicycle Parking Credit.* All on-site bicycle parking designed and located according to Section 7.03.E may reduce the required vehicle parking at a rate of one space for every four bicycle parking spaces up to a maximum of 15% of the required vehicle parking.
4. *Public Parking Credit.* Any site within 600 feet of a public parking area may reduce the required vehicle parking at a rate of one space for every two public parking spaces.
5. *Deferral of Parking Space Requirements.* A portion of the required parking may remain unimproved until the Planning Commission or the Governing Body deems it necessary to adequately serve parking demand. The Planning Commission or Governing Body, whichever is charged with granting final approval, shall determine that the initial occupancy of the premises will be adequately served by the lesser number of spaces and a site plan shall indicate the location, pattern and circulation to and from the deferred parking spaces. Any approval shall specifically indicate what event will trigger the construction of any deferred parking. The area reserved for future parking shall be

brought to finished grade and shall be landscaped, and it shall not be used for any permanent purpose or structure unless a revised site plan and parking plan is approved.

- D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-6. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues. A reduction program that differs from Table 7-6 may also be approved in association with the agreement upon preparation of the joint parking study for the sites and uses.

**Table 7-6: Shared Parking**

| Use                        | Percentage of Required Parking by Time Period |              |              |              |             |
|----------------------------|---|--------------|--------------|--------------|-------------|
|                            | Weekday                                       |              | Weekend      |              | All         |
|                            | 6 AM to 5 PM                                  | 5 PM to 1 AM | 6 AM to 5 PM | 5 PM to 1 AM | 1 AM to 6AM |
| Employment                 | 100 %   | 10 %         | 5 %          | 5 %          | 5 %         |
| Retail or Service          | 75 %  | 75 %         | 100 %        | 90 %         | 5 %         |
| Restaurant                 | 50 %  | 100 %        | 75 %         | 100 %        | 25 %        |
| Entertainment & Recreation | 30%   | 100 %        | 75 %         | 100 %        | 5 %         |
| Church                     | 5 %   | 25 %         | 100 %        | 50 %         | 5 %         |
| School                     | 100 %   | 10 %         | 10 %         | 10 %         | 5 %         |
| Dwellings                  | 25 %  | 90 %         | 50 %         | 90 %         | 100 %       |
| Lodging                    | 50 %  | 90 %         | 75 %         | 100 %        | 100 %       |

- E. **Bicycle Parking.** All non-residential or multifamily uses within 1,000 feet of a designated bicycle route or trail shall provide bicycle parking spaces according to Table 7-7. For convenience and security, bicycle parking facilities shall be located near building entrances, shall be visible from the land uses they serve, and shall not be in remote automobile parking areas.

**Table 7-7: Bicycle Parking**

| Activity                                  | Required Spaces   |
|---|---|
| Primary or secondary School               | 25% of the number of students; AND 10% of number of employees |
| Retail or office uses                     | 10% of the suggested vehicle spaces.                          |
| Other Institutional or Entertainment uses | 5% of the suggested vehicle spaces.                           |
| Industrial Uses                           | 3% of the number of employees.                                |
| Residential                               | 0.5 per dwelling unit   |

**7.04 PARKING LOT DESIGN**

**A. General Standards**

1. All minimum suggested parking shall be reserved and used for that purpose except for what may be permitted through a Conditional Use Permit or Temporary Use Permit.
2. All required parking shall be on-site except as specifically provided in Credits or Shared parking sections. Additionally, the Planning Commission may allow for a portion of required parking to be located off-site through a site plan review, provided it is within 300 feet of the subject site, it is in a comparable zoning district, and an agreement demonstrating rights and control of the off-site property is provided.
3. All on-site parking lots shall provide a sufficient amount of barrier free accessible spaces, meeting the Americans with Disabilities Act guidelines for quantity, design and location.
4. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters and inlets, or any other drainage strategy approved by the Director of Public Works to support best management practices to minimize runoff and encourage infiltration of storm water.
5. All parking and access lighting shall meet the site design standards in Article 7.
6. In areas zoned other than A-1, R-1, or R-2, all parking areas and driveways shall be surfaced with a permanent bituminous or Portland cement concrete pavement meeting the standards and specifications of the City of Lansing.
7. In areas zoned A-1, R-1, or R-2, and not a part of a platted subdivision, all parking areas and driveways with one of the following options:
  - a. A permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Lansing.
  - b. Not less than a 4-inch-thick layer of compacted rock or gravel, however the first 50' adjacent to any public roadway is required to be surfaced with a permanent bituminous or portland cement concrete pavement, and all areas must meet the standards and specifications of the City of Lansing.
8. The Director of Public Works may approve alternate surfaces that demonstrate superior stormwater management performance and sufficient durability and long-term maintenance is demonstrated, for any area of the city.

**B. Location.** On-site parking shall be designed and located in a manner that mitigates negative impacts on streetscapes and adjacent property. Table 7-8 provides general location, size and landscape requirements. These requirements may be modified by specific standards applicable to specific zoning districts in Article 5 and Article 6.

**Table 7-8: Parking Location, Size, and Landscape Requirements**

| <b>Spaces per Block</b> | <b>Front</b>  | <b>Side</b>  | <b>Rear</b>  |
|-------------------------|---|--|--|
| <i>200 or more</i>      | * Must be broken into smaller parking blocks.   | * Must be broken into smaller parking blocks.                | 10% Internal Landscape Islands; AND<br>12' Perimeter Buffer. |
| <i>150 - 199</i>        | * Must be broken into smaller parking blocks  | 10% Internal Landscape Islands; AND<br>12' Perimeter Buffer. | 8% Internal Landscape Islands; AND<br>10' Perimeter Buffer.  |
| <i>100 - 199</i>        | 8% Internal Landscape Island<br>10' Perimeter Buffer; AND<br>20' Front Setback Buffer   | 8% Internal Landscape Islands; AND<br>10' Perimeter Buffer.  | 5% Internal Landscape Islands; AND<br>8' Perimeter Buffer    |
| <i>50-99</i>            | 8% Internal Landscape Islands;<br>10' Perimeter Buffer; AND<br>20' Front Setback Buffer | 5% Internal Landscape Islands; AND<br>8' Perimeter Buffer    | 8' perimeter buffer  |
| <i>20-49</i>            | 5% Internal Landscape Islands; AND<br>8' Perimeter buffer;                              | 5% Internal Landscape Islands; OR<br>8' Perimeter Buffer     | No requirement other than 6' setback                         |



|                 |  |                                      |                                      |
|-----------------|--|--------------------------------------|--------------------------------------|
| <i>Under 20</i> | 5% Internal Landscape Islands; OR<br>8' Perimeter Buffer | No requirement other than 6' setback | No requirement other than 6' setback |
|-----------------|--|--------------------------------------|--------------------------------------|

\* Where individual sites require or provide parking requirements larger than the maximum size, parking lots shall be broken into “parking blocks” meeting the size, location, and landscape requirements of this table. These “parking blocks” shall be arranged around Internal Access Streets meeting the standards of Section 7.02.B.

Independent of any landscape buffer required by Table 7-8, the following parking front setbacks apply to specific districts:

**Table 7-9: Parking Lot Front Setback**

| <i>Front Setback</i>   |  |
|------------------------|--|
| <b>Residential</b>     | 25', except parking permitted in driveways of detached houses, duplexes or town houses shall not count as a parking lot.   |
| <b>Non-residential</b> | 20'  |
| <b>B-1; B-2</b>        | In compact, walkable formats or on Activity Streets specified in Article 3, parking shall be behind the front building line if applicable; or at least 30' back for all others |

C. **Landscape & Buffers.** Landscape areas required by Table 7-8 shall be arranged to achieve the following results:

1. Parking pods of no more than 40 spaces without landscape islands either through end caps or center strips.
2. No landscape island shall be less than eight feet in any dimension and no smaller than 150 square feet.
3. The maximum distance in any direction between landscape areas and surrounding parking block edges or buffers shall be 180 feet.
4. All buffers and islands shall have the property allocation of landscape materials required by Article 7, and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement and screen parking from adjacent streets and property.
5. Any parking otherwise permitted within 15 feet of any right of way or district shall be screened with a continuous hedge, or decorative wall or fence compatible with the design of buildings, or a combination of both. The hedge, wall, or fence shall provide a continuous screen between two and one-half and four feet high, except at access points or pedestrian entrances.
6. Any non-residential parking permitted within 30 feet of a residential lot, or any parking area greater than 10 spaces located within 30 feet of property zoned R-3 or a lesser district shall be screened with a combination of a landscape buffer and 6-foot high solid fence or decorative wall.

- D. **Specifications.** Parking areas shall be designed to meet the dimension specifications in Table 7-10: Parking Dimensions.

**Table 7-10: Parking Dimensions**

| <i>Parking Angle</i> | <i>Width</i> | <i>Length</i> | <i>Depth to Curb</i> | <i>Curb Width</i> | <i>Aisle Width – One-way</i> | <i>Aisle Width – Two-way</i> | <i>Bumper Overhang*</i> |
|----------------------|--------------|---------------|----------------------|-------------------|------------------------------|------------------------------|-------------------------|
| 0°                   | 8.0'         | 22'           | 8.0'                 | 22'               | 12'                          | 20'                          | n/a                     |
| 30°                  | 8.5'         | 20'           | 18'                  | 17'               | 15'                          | 20'                          | 1.5'                    |
| 45°                  | 8.5'         | 20'           | 20'                  | 12'               | 15'                          | 20'                          | 1.5'                    |
| 60°                  | 9.0'         | 19'           | 21'                  | 10.5'             | 18'                          | 24'                          | 2.0'                    |
| 90°                  | 9.0'         | 19'           | 19'                  | 9.0'              | 20'                          | 24'                          | 2.0'                    |

\* Amount of Depth to Curb dimension that may overhang landscape area or expanded sidewalk area or other wheel stop block.

**7.05 LOADING**

**A. General Standards.**

1. *Location.* Loading and unloading space shall be provided off-street, unless the principal building is located within a zoning district designed to promote pedestrian activity. The loading and unloading space or spaces shall be located so as to avoid undue interference with public use of streets, alleys and walkways.
2. *Mixed-Use Buildings or Districts.* In any area, project or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted, which may include sharing of loading spaces among multiple smaller tenants, using side streets or alleys – particularly during off hours for loading or deliveries, or other similar strategies that avoid designing sites simply for large vehicle access.
3. *Loading, Storage and Service Areas.* No off-street loading, storage or service areas shall be provided adjacent to the same wall containing the main building entrance. In cases where a building abuts multiple public streets and contains entrances on two sides, off street loading, storage or service areas may be located between the building and the secondary abutting street.

- B. Loading Requirements.** Off-street loading spaces shall be provided according to Table 7-11. The total number of loading spaces provided shall be limited to not more than 10% above that which is required, without exhausting all opportunities to share loading areas or otherwise configure sites in efficient ways. For buildings in compact, walkable formats or on Activity Streets per Article 3, at least two loading areas may be accounted for through on-street parking or other similar access, where uses demonstrate the ability to manage loading for low-peak times.

**Table 7-11: Off-Street Loading**

| <i>Use or Use Category</i>  | <i>Floor Area</i>              | <i>Required Loading Spaces</i> |
|---|--------------------------------|--------------------------------|
| Retail, restaurant, wholesale, warehouse, general service, manufacturing or industrial uses | 2,000 – 10,000 s.f.            | 1                              |
|   | 10,000 – 20,000 s.f.           | 2                              |
|   | 20,000 – 40,000 s.f.           | 3                              |
|   | 40,000 – 60,000 s.f.           | 4                              |
|   | Each 50,000 over 60,000 s.f.   | 1 additional                   |
| Apartment, hotel, office, institution and public assembly                                   | 5,000 – 10,000 s.f.            | 1                              |
|   | 10,000 – 100,000 s.f.          | 2                              |
|   | 100,000 – 200,000 s.f.         | 3                              |
|   | Each 100,000 over 200,000 s.f. | 1 additional                   |
| Funeral home or mortuary  | 2,500 – 4,000 s.f.             | 1                              |
|   | 4,000 – 6,000 s.f.             | 2                              |
|   | Each 10,000 over 6,000 s.f.    | 1 additional                   |

- C. Design Standards.** Loading areas shall be at least 12 feet by 35 feet with vertical clearance of at least 14 feet, except that loading spaces for funeral homes may be reduced to 10 feet by 25 feet with eight feet vertical clearance.

## ARTICLE 8. SIGN STANDARDS

- 8.01 INTENT & APPLICABILITY
- 8.02 EXEMPT SIGNS
- 8.03 SIGN TYPES
- 8.04 SIGN ALLOWANCES
- 8.05 STANDARDS APPLICABLE TO ALL SIGNS
- 8.06 STANDARDS APPLICABLE TO SPECIFIC SIGN TYPES
- 8.07 PLANNED DISTRICTS

### 8.01 INTENT & APPLICABILITY

- A. **Intent.** The intent of this section is to:
1. Enhance the visual quality of the community reflected in the visual priority of buildings, open spaces, streetscapes, and landscape.
  2. Preserve the unique character of the city as reflected in distinct areas and districts within the City by ensuring signs contribute to an appropriate sense of place.
  3. Ensure safety of pedestrians, motorists or other users of the public rights-of-way and open spaces by ensuring signs are maintained and structurally safe, and do not distract or reduce the effectiveness of public safety signs.
  4. Promote economic viability by assuring that the city will be a visually pleasant place to visit, conduct business, and live.
  5. Provide effective and efficient identification and communication for businesses without excessive competition for visual attention.
  6. Encourage the innovative use of design; to promote both renovation and proper maintenance.
  7. Protect property values by minimizing adverse effects of signs on adjacent property, which can occur from conditions such as light trespass, obstructing the views and access, or visual blight.
- B. **Applicability.** All new signs and replacement of existing signs visible to the public shall require a sign permit demonstrating compliance with these sign standards. Ordinary maintenance, care or repair of existing signs or change of copy without altering the essential construction elements of an existing sign shall not require a permit for zoning and design standards, but any electrical or building code issues may require permitting.

### 8.02 EXEMPT SIGNS

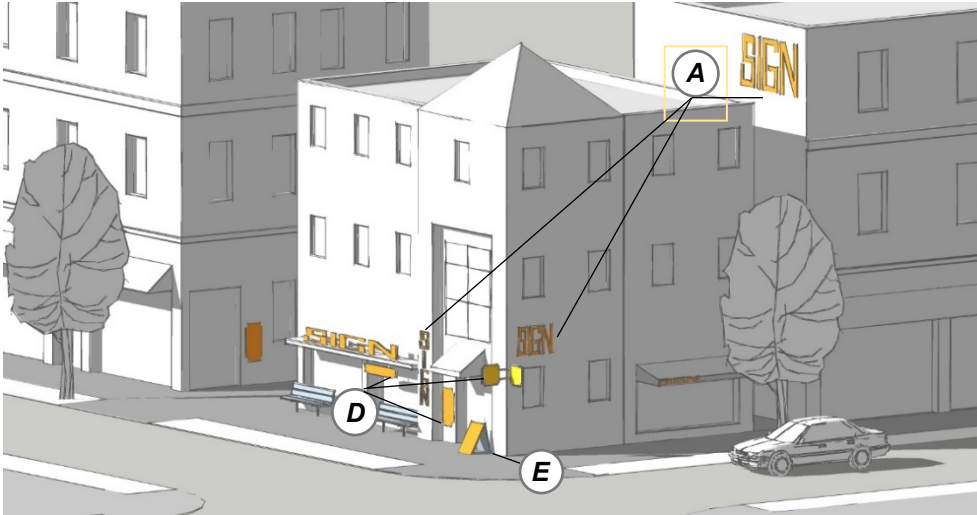
The following signs are exempt from the permit process provided they meet all other applicable requirements of this Code, and unless specifically noted do not count towards the size allocation standards in this ordinance.

- A. **Address or Memorial Signs.** Signs clearly indicating the property address, and/or dates of assembly and/or professional name plate, are encouraged to enhance the ability of public safety and emergency services personnel to locate the property. One wall per address up to four square feet each, provided the following standards are met.
- a. Address signs on buildings shall be mounted between four feet and nine feet high to enhance visibility.
  - b. Freestanding address signs shall be located at the primary access point and shall be no more than three and one-half feet high to minimize sight obstruction.

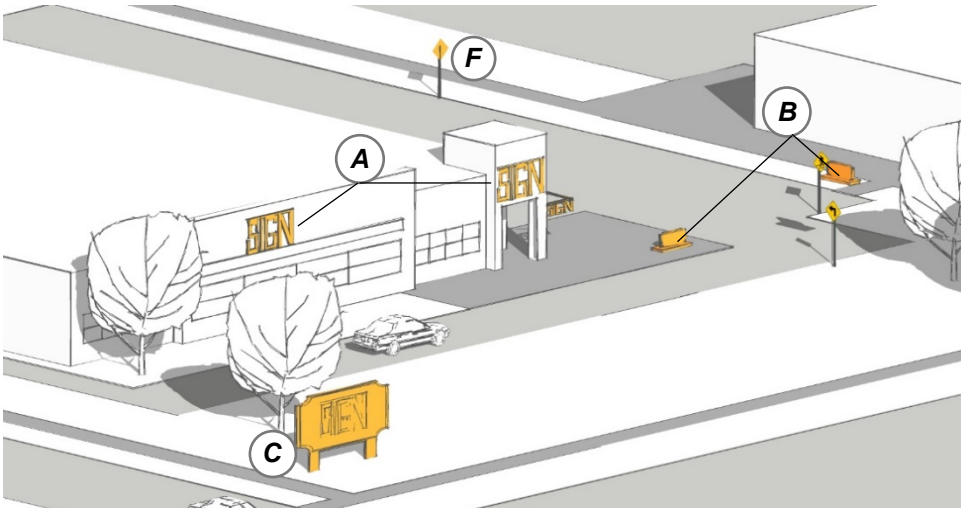
- B. **Public Safety or Traffic Control.** Signs not exceeding eight square feet in area designed and located to control internal traffic movement and safety of vehicles and pedestrians according to the Manual of Uniform Traffic Control Devices standards, or otherwise required to support any official action of a federal, state or local government.
- C. **Flags.** Up to three non-commercial flags per lot, mounted to the building and below the building height or mounted on a permanent pole subject to the height restrictions of the zoning district and setback from the property line a distance equal to the height. Total flag area per property shall not exceed 120 square feet and no more than 60 square feet per flag. Flags exceeding this may be permitted subject to sign standards and permits.
- D. **Window Signs.** Signs mounted to the interior of any first-floor windows in non-residential districts, provided the sign does not exceed more than 33 percent of all first floor window area measured between 2 feet and 10 feet above the first floor elevation, and at least 50 percent of the entire window area remains clear of any visual obstructions including the sign area.
- E. **Temporary Signs.** Temporary signs not exceeding 8 square feet in residential districts and 16 square feet in non-residential districts are exempt from the sign permit, but do count toward the total size allocation per lot for all temporary signs. These signs are exempt from permits, but do count toward the total size allocation per lot for all temporary signs.
- F. **Minor Signs.** Signs less than two square feet intended to convey messages to internal users of the site, and generally not visible from or intended to convey messages to people in the right-of-way, such as parking instructions, security warnings, or other similar minor signs that are accessory to the use of the site and building. Grouping or arranging minor signs to have the effect of a larger permitted sign makes these signs ineligible for this exemption.
- G. **Agricultural Business Signs.** Business signs no larger than 350 square-feet in size located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
- H. **Home Occupation Signs.** Wall signs not exceeding 4 square-feet pertaining to permitted business uses in a residential district.
- I. **Construction Signs.** Signs associated with a temporary construction project and erected to promote public safety or public information regarding the scope and nature of the project may be exempt from these standards if limited to:
1. One sign per public street frontage;
  2. No more than 32 square feet per sign;
  3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall include a lattice or similar base material to give the appearance of a monument base and limited to no more than 10 feet high; and
  4. The duration shall only be during a valid permit associated with the project.
- J. **Grand Opening.** Temporary signs associated with the opening of a new business are exempt from the sign permit for up to 30 days (1 month), but do count toward the total size allocation per lot for all signs.

### 8.03 SIGN TYPES

The following sign types are distinguished for the purposes of the sign requirements in this Section.



*Traditional Development (Walkable Contexts)*



*Conventional Development (Suburban Contexts)*


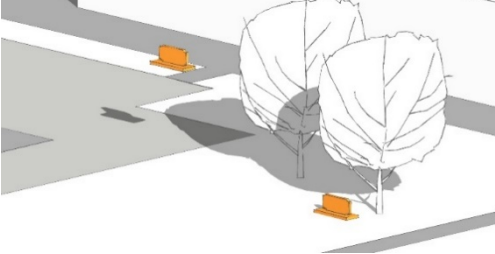
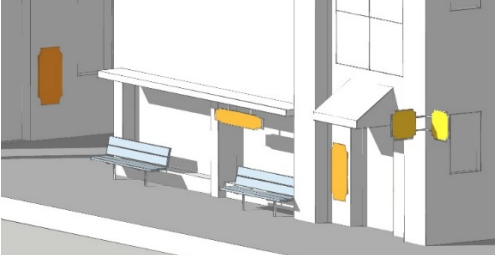
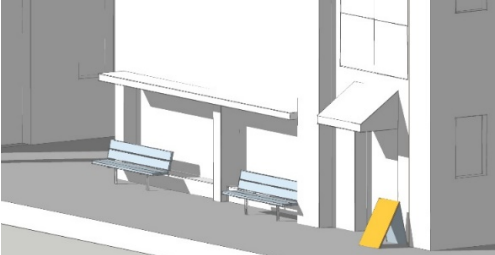
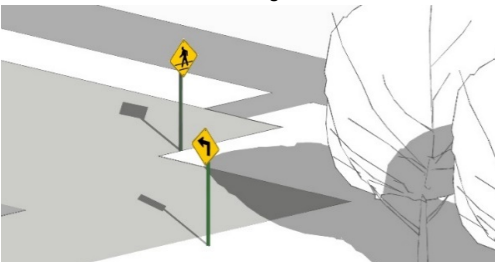
#### Sign Types

- A. Wall Sign
- B. Freestanding Sign
- C. Entrance Sign
- D. Pedestrian Sign
- E. Temporary Sign
- F. Internal Ground Sign

#### **Figure 8-1 Sign Types in Development Contexts**

*Particular sign types or arrangements are often associated with the development context of a site. For example, pedestrian signs may be most prominent in compact, walkable places; whereas entrance signs and monuments signs are typically desired for large suburban centers.*

**Table 8-1: Sign Types**

| Type  | Description  |
|---|--|
| <p><b>A. Wall Sign</b></p>               | <p>A sign painted, printed or attached to the exterior surface of a building, awning, canopy or other fixed building surface in a permanent manner with a scale and design legible to vehicles in the public right-of-way or pedestrians at a distance from the building. Wall signs must not extend more than 12 inches from the face of the building.</p>  |
| <p><b>B. Freestanding Sign</b></p>       | <p>A detached sign that is mounted to the ground independent from any building with a scale and design legible primarily to vehicles in the public right-of-way. Free-standing signs encompass two specific sign types:</p> <p><i>Monument Sign:</i> A type of Free-standing Sign mounted on an enclosed, solid base or ornamental surface structure.</p> <p><i>Pole Sign:</i> A type of Free-standing sign constructed on one or more columns, poles or similar structures so the bottom edge of the sign surface is elevated above the ground.</p> |
| <p><b>C. Pedestrian Signs</b></p>       | <p>A sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, or to be legible to individuals internal to a site containing multiple buildings. Pedestrian signs may be located in a permanent manner hanging below a canopy or awning, projecting from a wall, mounted on a wall, door or window, or free-standing.</p>   |
| <p><b>D. Temporary Sign</b></p>        | <p>A portable sign which is not permanently embedded in the ground or permanently affixed to a building or structure, and designed or intended to be used for a brief period of time. Does not include permanent signs with temporary or changeable messages.</p>  |
| <p><b>E. Internal Ground Sign</b></p>  | <p>A sign with a design and scale to be legible to pedestrians or vehicles navigating the internal portions of a site.</p>   |



### 8.04 SIGN ALLOWANCES

The following sign allowances apply to zoning districts or groups of zoning districts as the basic standard. Other restrictions in this Section, or other regulations may operate to further reduce the basic sign allowances within each zoning district.

**Table 8-2: Sign Allowances**

|                           | <b>A-1 and R-1 - R-5/6</b>  | <b>B-1 and B-2 compact, walkable formats</b>   | <b>B-1, B-2, B-3, I-1 &amp; I-2</b>   |
|---------------------------|---|--|---|
| <b>Wall Signs</b>         | <p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> <li>Number: 2 per façade.</li> <li>Total Area: Allowance: 5% of façade area maximum.</li> <li>Size: 24 s.f. per sign maximum.</li> </ul>  | <ul style="list-style-type: none"> <li>Number: 1 sign per tenant with exterior entrance (multi-tenant building) – otherwise 3 signs per façade maximum.</li> <li>Total Area Allowance: 2 s.f. for each 1 linear foot of building frontage.</li> <li>Size: 32 s.f. per sign maximum.</li> </ul> | <ul style="list-style-type: none"> <li>Number: 2 signs per tenant with exterior entrance (multi-tenant building) – otherwise 3 per façade maximum.</li> <li>Total Area Allowance: 10% of façade area maximum.</li> </ul>  |
| <b>Freestanding Signs</b> | <p>For permitted non-residential uses, or any residential project over 5 acres:</p> <ul style="list-style-type: none"> <li>Number: 1 monument sign per street frontage for non-residential uses OR per entrance for residential projects over 5 acres.</li> <li>Size: 24 s.f. per sign maximum at the minimum of 10' from property line. Additional 8 s.f. per each additional 10' setback, to maximum of 48 s.f. per sign.</li> <li>Height: Monument design required; 6' high maximum.</li> </ul> <p><i>Exception:</i> any residential project more than 10 acres may allocate this allowance into multiple signs, 8 s.f. or less, provided it is part of streetscape plan / public amenity program with signs integrated into streetscape structures in common areas at intersections throughout neighborhoods.</p> | <ul style="list-style-type: none"> <li>Number: 1 per lot.</li> <li>Size: 25 s.f. maximum.</li> <li>Height: Monument design required; 6' high maximum.</li> <li>10' minimum setback from all right-of-way and lot lines.</li> </ul>   | <ul style="list-style-type: none"> <li>Number: 1 sign per each 200' section of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.</li> <li>Maximum size per sign: 150 s.f. (and subject to Total Area Allowance based on setbacks below) <ul style="list-style-type: none"> <li>Pole sign setback distances and their allowable sign sizes and heights: <ul style="list-style-type: none"> <li>10' setback – signs up to 25 s.f.; up to 20' high</li> <li>20' setback – signs 26 to 50 s.f.; up to 25' high</li> <li>30' setback – signs 51 to 100 s.f.; up to 30' high</li> <li>40' setback – signs 101 to 150 s.f.; up to 35' high</li> </ul> </li> <li>Monument sign setback distances and their allowable sign sizes and heights: <ul style="list-style-type: none"> <li>10' setback – signs up to 25 s.f.; up to 6' high</li> <li>15' setback – signs 26 to 50 s.f.; up to 8' high</li> <li>20' setback – signs 51 to 100 s.f.; up to 10' high</li> <li>25' setback – signs 101 to 150 s.f.; up to 15' high</li> </ul> </li> </ul> </li> <li>K-7 Highway Exception: <ul style="list-style-type: none"> <li>Pole signs may be up to 300' s.f., provided they are setback at least 40', no higher than 35', and only if used in lieu of one other Wall or Freestanding Sign</li> <li>Monument signs may be up to 300 s.f., provided they are setback at least 25', no higher than 15', and if integrated into landscape features or structures associated with a site entrance.</li> </ul> </li> </ul> |

**Table 8-2: Sign Allowances**

|                             | <b>A-1 and R-1 - R-5/6</b>   | <b>B-1 and B-2 compact, walkable formats</b>  | <b>B-1, B-2, B-3, I-1 &amp; I-2</b> |  |
|-----------------------------|--|---|-------------------------------------|--|
| <b>Temporary Signs</b>      | <ul style="list-style-type: none"> <li>▪ <i>Freestanding</i> –               <ul style="list-style-type: none"> <li>○ <i>Total Area Allowance:</i> 1 s.f. for each 5 linear feet of frontage.</li> <li>○ <i>Size:</i> 9 s.f. maximum per sign.</li> <li>○ <i>At least 25'</i> between signs.</li> </ul> </li> <li>▪ <i>Wall</i> -               <ul style="list-style-type: none"> <li>○ <i>Number:</i> 2 per façade.</li> <li>○ <i>Total Area Allowance:</i> 5% of façade area maximum.</li> <li>○ <i>Size:</i> 8 s.f. maximum per sign.</li> </ul> </li> <li>▪ <i>Total combined display time 90 days per calendar year per lot.</i></li> </ul> <p><i>Exemption from permit:</i> 8 s.f. maximum, but still counts to sign allowance and must meet all other temporary standards.</p> | <ul style="list-style-type: none"> <li>▪ <i>Freestanding</i> -               <ul style="list-style-type: none"> <li>○ <i>Total Area Allowance:</i> 1 s.f. for each 5 linear feet of lot street frontage.</li> <li>○ <i>Size:</i> 32 s.f. maximum per sign.</li> <li>○ <i>At least 70'</i> between signs.</li> </ul> </li> <li>▪ <i>Wall</i> –               <ul style="list-style-type: none"> <li>○ <i>Number:</i> 2 per façade.</li> <li>○ <i>Total Area Allowance:</i> 5% of façade area maximum.</li> <li>○ <i>Size:</i> 32 s.f. maximum per sign.</li> </ul> </li> <li>▪ <i>Total combined display time 90 days per calendar year per lot.</i></li> </ul> <p><i>Exemption from permit:</i> 16 s.f. maximum, but still counts to sign allowance and must meet all other temporary standards.</p> <p><i>Exception:</i> Temporary signs may exceed these limits if it is in place of any other permitted sign to allow for a new business during an interim period not to exceed 90 days, and subject to all other limits of the substituted sign type.</p> |                                     |  |
| <b>Pedestrian Sign</b>      | <p>For permitted non-residential use</p> <ul style="list-style-type: none"> <li>▪ <i>Number:</i> 1 per public entrance</li> <li>▪ <i>Height:</i> 6' high maximum and within 30' of entrance, if mounted on the ground</li> <li>▪ <i>Size:</i> 6 s.f. maximum</li> </ul>  | <ul style="list-style-type: none"> <li>▪ <i>Number &amp; Size:</i> 1 for each public building entrance up to 8 s.f. and within 20 feet of entrance.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>▪ <i>Number &amp; Size:</i> 1 for each 25 linear feet of building frontage; 6 s.f. max</li> </ul> <p><i>Exemption:</i> Portable pedestrian signs or any pedestrian sign mounted on a building that projects into the right-of-way are exempt from right-of-way prohibition in B-1 and B-2 district on any street designed to Activity Street standards per Article 3. Portable pedestrian signs shall meet Section 8.06.B.</p>   |                                     |  |
| <b>Internal Ground Sign</b> | <p>Not applicable</p>  | <ul style="list-style-type: none"> <li>• <i>Number:</i> 1 for each 5,000 square feet of lot;</li> <li>• <i>Size:</i> 4 square feet maximum; up to 12 square feet for lots or parcels over 5 acres and if set back at least 50' from public right-of-way or lot lines.</li> <li>• <i>Height:</i> 3' maximum height; up to 5' for lots or parcels over 5 acres and if set back at least 50' from the right-of-way or lot lines</li> </ul>   |                                     |  |

**8.05 STANDARDS APPLICABLE TO ALL SIGNS**

- A. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the applicable road authority or where specifically exempt from the right-of-way prohibition by this Section.
- B. No sign shall be erected without the property owner's permission.
- C. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
- D. No sign shall be placed in any sight triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of Section 3.01D.
- E. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the primary purpose of the sign is to deviate from the standards or criteria of this Section.

- F. No sign attached to any building shall extend vertically above the highest portion of the roof line or parapet, whichever is less.
- G. Any sign projecting over a walkway or other active area in front of a building or other active area where people may walk shall maintain at least 8' vertical clearance.
- H. No sign shall include balloons, streamers, pennants or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means, except as authorized through any temporary use or special event permit. This limit shall not apply to pedestrian signs, provided any animated element shall apply to the overall pedestrian sign allowances.
- I. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The light from an illuminated sign shall not flash or oscillate, or create a negative impact on residential uses in direct line-of-sight to the sign.
- J. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
- K. Any sign with a business message shall be located on the site of the business activity.

## 8.06 STANDARDS APPLICABLE TO SPECIFIC SIGN TYPES

### A. Monument Signs

1. Monument signs shall be located within a landscape area as required by the site design standards of this code, OR shall include at least three feet of landscape area on all sides of the sign base.
2. Monument signs shall have a base at least 75% of the width of the widest part of the sign.
3. The base and sign shall include ornamental architectural details and materials that complement the overall design of the site and building.

### B. Portable Pedestrian Signs. Portable pedestrian signs ("A frame", "sandwich board" or "T-frame") may be placed in the public right-of-way for retail and service uses in the B-1 and B-2 district, provided:

1. The sign is placed within 20 feet of the main entrance of the building.
2. The sign is no larger than eight square feet and no taller than four feet high.
3. The sign is placed on or near a sidewalk, and maintain at least six feet clear passage for pedestrians on the sidewalk, and is otherwise not put in any location that creates visual obstructions or safety hazards for users of the right-of-way.
4. The sign is removed and brought inside during non-business hours.
5. The sign is designed with durable materials and quality aesthetics for use on a recurring basis. Although changeable copy can be included as part of the design, such as chalkboards, signs designed as "temporary signs" are not eligible as a portable pedestrian signs, and the allowance for signs in the right-of-way specifically does not apply to any temporary sign.

### C. Electronic Message Signs. Electronic message signs are subject to the following additional limitations:

1. Limited to B-3, I-1 and I-2 districts, or for a permitted institutional or civic use in all other districts.
2. Limited to one per lot.
3. The visible sign face shall be setback at least 250 feet from any adjacent residentially zoned property.
4. The electronic portion shall be limited to no more than 50% of the allowable sign area.

5. Automatic dimming controls shall limit the illumination to no more than 500 nits at the sign surface at night or during low light times, and no more than 5,000 nits at the brightest daylight period.
  6. Only static display is permitted with at least 10 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur.
- D. **Changeable Message.** Any sign may be designed with a manual changeable message portion, provided the changeable portion is limited to no more than 50% of the sign area.
- E. **Temporary Signs.** Temporary signs are subject to the following additional limitations:
1. It shall be the responsibility of the person who causes the temporary sign to be erected to see that the temporary sign placed with the permission of the property owner is removed when the display time has exceeded the applicable regulatory time limit.
  2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
  3. Temporary signs shall be constructed of rigid material, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) which are secured by a support or frame to avoid distraction of flapping may be used as a freestanding temporary sign if set back at least 30 feet from the pavement edge of the fronting roadway.
  4. The Director or Code Enforcement Officer shall be authorized to extend the duration of display time for temporary signage pertaining to the sale of that property once per calendar year, until such time as the property is sold.
  5. The Director or Code Enforcement Officer shall be authorized to require the removal of any temporary sign that pertains to an expired event.
- F. **Pole Signs**
1. Pole signs shall be located within a landscape area that is at least equal to the area of the sign, and which is in addition to any landscape area required by the site design standards of this Code.
  2. The additional landscape area shall be included in the calculation for minimum planting specifications and planted with materials required by the landscape section.

## 8.07 PLANNED DISTRICTS

Projects proposed and approved through the planned district process may propose a specific sign package. The sign package shall be based on the intent, types of signs, and standards of this Article, but the City may approve deviations to these standards through the review process and criteria of planned districts. Any planned district not proposed and approved with a sign plan noting specific deviation shall be subject to these standards.

## ARTICLE 9. DEFINITIONS

---

All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this Code.

### A

*Accessory building:* A subordinate building having a use customarily incident to and located on the same lot occupied by the main building. A building having an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

*Accessory use:* A use of building or land which is customarily incident to and located on the same lot or premises as the main use of the premises.

*Agricultural use:* The use of a tract of land for the growing of crops, pasturage, nursery, or the raising of poultry, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by the Kansas Statutes Annotated.

*Alley:* A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

*Alteration:* Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered as an alteration.

*Apartment:* A room or suite of rooms in a multiple-dwelling intended or designed for use as a residence by a single family.

*Arcade:* A covered passageway open on one or both sides, especially one with arches along the open side(s). A porch may function as an arcade.

*Architectural element:* Unique details and component parts that together form the architectural style of buildings and structures.

### B

*Basement:* A story of a building having more than one-half of its height below grade and which serves as substructure or foundation for the remainder of the building. A basement is counted as a story for the purpose of height regulation if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.

*Bed and Breakfast:* An existing residential building used for short-term lodging with one or more meals for compensation and shared living space between the primary occupants and patrons.

*Berm:* An earthen mound used for decorative, screening, or buffering purposes.

**Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Codes Administrator shall determine the outline of the block.

**Board of Zoning Appeals:** A board created by the Governing Body having jurisdiction and authority to hear and determine appeals and variances to the zoning regulations.

**Buffer:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.

**Building:** A structure having a roof supported by columns or walls and intended for the shelter or enclosure of individuals, animals, or materials of any kind.

**Building, Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

**Building Inspector:** The person or persons authorized and empowered by the City Administrator to administer the requirements of these zoning regulations.

**Building line:** The line at which the outward most portion of the building is established.

**Building, Principal:** A building in which is conducted the main use of the lot on which it is situated.

**Bulb outs, or Bump outs:** A projection of the curb and pedestrian area of the streetscape at an intersection, or occasionally at mid-block crossings, designed to add landscape or pedestrian amenities, calm traffic turning movements, and shorten pedestrian crossing distances.

## C

**Caliper:** The diameter of a tree, measured at 6 inches above ground level unless otherwise specified.

**Cargo containers, or Storage containers:** An industrial, standardized reusable vessel that was:

- a. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- b. Designed for or capable of being mounted or moved on a rail car; and/or
- c. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer, train or loaded on a ship.

**Cellar:** A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height regulations.

**Centerline:** The center of a street right-of-way as shown on the recorded plat or survey.

**Common Open Space:** An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard court, etc., may be included as common open space.

**Conditional Use:** Uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove

detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within this section.

*Condominium:* A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multiple-family dwelling.

## D

*Disability:* A condition, with respect to a person, which means: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. Such terms do not include current, illegal use of or addition to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

*District:* A section of the city of Lansing for which the regulations governing the use of land and buildings are uniform.

*Dwelling:* Any building or portion thereof designed and used primarily for human habitation. (Ord. 454, Sec. 4)

*Dwelling unit:* One or more rooms designed and intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities for the exclusive use of maintaining a household.

*Dwelling, Single-Family:* A residential building designed for and occupied by one family.

*Dwelling, Single-Family Attached:* A portion of a residential building designed for and occupied by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

*Dwelling, Two-Family:* A residential building designed for and separately occupied by two families. A two-family dwelling is a duplex.

*Dwelling, Multiple:* A residential building designed for and occupied by more than two families, independently, but does not include townhouses.

## E

*Earth Sheltered Residence:* A residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.

*Easement:* An area of land reserved, conveyed, or dedicated for a specialized or limited purpose without the transfer of fee title, generally established in a real estate document or on a recorded plat. Examples of such purposes may include, but are not limited to, utilities, access, and storm water drainage.

*Encroachment:* Any architectural or structural feature which projects into the setback and is measured at grade; i.e., chimneys, balconies, roof overhangs, etc.



**F**

**Façade:** All visible exterior elements of a building that face a common direction, extending across the entire width and height of the building.

**Family:** One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than 4 unrelated persons living together as a single housekeeping unit, plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel, motel or commune.

**Fence:** A protective, confining or decorative barrier separate from any building and not including any living plant material.

**Floor area:** The gross area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following area:

- a. The area of each story of the structure;
- b. The area of any below-grade story or half-story that is used or finished for a principal or accessory use of the building (i.e. not storage or mechanical space).

**Front building line:** The forward most point on a lot at which the principal building has been established, extended across the front to each side.

**Frontage:** The area that establishes the relationship between the building or site and the public realm or street upon which the lot fronts.

**G**

**Garage, Porch or Yard Sales:** All general sales, open to the public, conducted from or on a residential premise in any residential district for the purpose of disposing of personal property. Garage sales shall include "lawn", "yard", "attic", "porch", "room", "back yard", "patio", and "rummage" sales.

**Governing Body:** The Mayor and City Council of Lansing, Kansas.

**Gross Vehicle Weight Rating (GVWR):** The maximum operating weight of a vehicle specified by the manufacturer including the chassis, body, engine, engine fluids, fuel, accessory, drivers, passengers and cargo, but excluding that of any trailers.

**Ground Cover:** A continuous vegetative cover no more than one foot tall that is comprised of living plants that spread across the ground to connect with other similar plants.

**Group Home:** Any dwelling occupied by not more than 10 persons, including 8 or fewer persons with a disability who need not be related by blood or marriage and not to exceed 2 staff residents, who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this State. For purposes of these regulations, group homes shall be considered single-family dwellings.

**H**

**Hedge:** A solid and unbroken visual screen of self-supporting living plant material, typically comprised of closely planted shrubs forming a linear boundary.

*Hospital:* A building, or group of buildings, having room facilities for one or more abiding patients, used for providing services for the inpatient, medical or surgical care of ill or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

*Hotel:* A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not service meals and whether such establishments are designated as a hotel, inn, automobile court, bed and breakfast, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, tourist home, or other similar designation.

*Household:* One or more persons who are related by blood, marriage, or adoption, living together and occupying a single housekeeping unit; or a group of not more than five people living together by joint agreement and occupying a single housekeeping unit.

I

J

K

L

*Landscape area:* An area that is designed and maintained for landscape plantings. Landscape areas may include non-plant landscape features and be surfaced with mulch or rock; however, areas without living plants shall not be considered landscape areas.

*Boarding House:* A dwelling or part thereof where meals and/or lodging are provided for compensation for two or more persons, not transients, and where there are not more than 12 sleeping rooms, nor sleeping spaces for more than 24 people.

*Lot:* An area of land designated by plat, subdivision, or otherwise permitted by law, to be separately owned.

*Lot, Corner:* A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Lot, Double Frontage:* A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

*Lot, Interior:* A lot whose side lines do not abut upon any street.

*Lot line, Front:* The boundary between a lot and the street on which it fronts. In cases where it is not clear on which street a lot fronts, it shall generally be the street of address or street of clear orientation of the building and site. In cases of further uncertainty the Director shall determine the front lot line.

*Lot line, Rear:* The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Director shall determine the rear lot line.

*Lot line, Side:* Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place, or a side street line.

*Lot of Record:* A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Leavenworth County; or a parcel of land described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds prior to the adoption of this regulation.

*Lot, Zoning:* A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

## M

*Manufactured Home:* A factory-built structure that is manufactured or constructed under the authority of 42 U.S.C. 5403, administered by the United States Department of Housing and Urban Development (HUD), and is to be used as a place for human habitation, but which is not constructed or normally equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. (Ord. 495, Sec. 1)

*Manufactured Home Lot:* A plot of ground within a mobile home park which can accommodate one manufactured home, and which provides the necessary utility services for water, sewerage, and electricity.

*Mobile home:* A mobile home shall be defined as a structure, transportable, in one or more sections, which has a body width of 8 or more feet, and a body length of 36 or more feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes, plumbing, heating, air conditioning and electrical systems contained therein. Mobile home does not include any structure which is subject to Federal Mobile Home Construction Safety Standards established pursuant to 42 U.S.C. ' 5403. (Ord. 495, Sec. 1) The term "mobile home" shall not include any trailer home, camp van, or any vehicle lawfully operated on fixed rails. A modular home which can meet local building codes shall not be considered a mobile home.

*Modular home:* A manufactured housing unit that is designed to be located on a permanent foundation and is factory-certified that it conforms to local building, housing, electrical and plumbing codes.

*Motel:* A building or group of buildings including either separate units or a row or rows of units which (1) contain living or sleeping accommodations primarily for transient occupancy, and (2) provide one off-street parking space on the same lot for each individual living or sleeping unit.

## N

*Nonconformance:* A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This shall include, but is not limited to, failure to conform to use, height, area, coverage, or off-street parking requirements.

## O

*Overlay District:* A broad zoning category to which special land use standards and design guidelines shall apply in addition to or in lieu of the land use standards and design guidelines of the underlying district.

**P**

*Parapet:* The extension of the main walls of a building above the roof level.

*Parking Area:* An area devoted to off-street parking on any one lot for public or private use.

*Parking block:* A grouping of parking spaces with edges that are defined by landscape areas. Parking blocks may include a variety of different configurations of parking spaces.

*Parking Space:* An area either within a structure or in the open used for the parking of a motor vehicle.

*Party wall:* A common wall that is a dividing partition between two adjoining buildings or units in a structure that is intended to accommodate separate ownership of each unit and serve as a property boundary.

*Public realm:* The spaces between buildings that are designed to shape the character and appearance of the area and influence the experience of the public or people using and accessing sites and buildings. This area is primarily made up of public lands and rights-of-way, common areas serving as extensions of the public lands, and private lands that serve as transitions from these areas.

**Q****R**

*Rain garden:* A planted depression designed to improve the aesthetics of a site with screening or seasonal color, but which has a primary purpose of allowing rainwater and runoff to infiltrate into the ground.

*Retail:* The sale of goods, commodities or merchandise to the general public.

**S**

*Salvage/Junk Yard:* A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or prepared for recycling, which shall include automobile/salvage yards, but shall not include retail secondhand furniture stores or the purchase and storage of used or salvage materials as a part of manufacturing operation.

*Seasonal:* Relating to or varying in occurrence according to the season, but shall not mean for a period exceeding 180 days (6 months).

*Sexually-Oriented Business:* See “Adult Entertainment Business”

*Sharrow:* An outside lane of a roadway that is designed and marked to allow bicycles and cars to share the lane area for travel.

*Shrub:* Any self-supporting, woody plant of a species which normally grows to an overall mature height of 15 feet or less in this region.

*Sight Triangle:* A triangular area at the intersection of two streets, an alley, drive, etc., in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between 1 ½ feet and 10 feet above the elevation of the curb at the intersection. The area included in the sight triangle shall be bounded by the triangle described as 15 feet back perpendicular from the edge of the curb line of the abutting street, to a point 140 feet along the curb line of the street.

*Sign:* Any device displaying or including any letter, word, model, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business.

*Storage or Stored:* The keeping of items, equipment, vehicles, trailers or materials for a period of time longer than would be involved in the normal day-to-day use or consumption of the same, or the keeping of items, equipment, vehicles, trailers or materials on a regular basis when said items, equipment, vehicles, trailers or materials are not in use.

*Street:* A public or private vehicular corridor which connects to other such vehicular corridors and/or affords principal means of access to property abutting thereon.

*Structure:* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, except customary utility poles, retaining walls and boundary fences.

*Structural Alterations:* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

- Attachment of new front where structural supports are not changed.
- Addition of fire escapes where structural supports have not changed.
- New windows where lintels and support walls are not materially changed.
- Repair or replacement of non-structural members.

*Subdivision:* The voluntary division of a lot, parcel or tract of land into 2 or more lots for the purpose, whether immediate or future, of transfer of ownership or building development, including resubdivision.

*Swale:* A low tract of land designed with vegetation and permeable surfaces to manage water runoff, filter pollutants and infiltrate rainwater.

## T

*Target Speed:* The speed intended for cars on a specific section of a street based on context, streetscape, and surrounding development patterns.

*Tavern:* An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises.

*Townhouse:* A single-family house of two or three stories, usually connected to a similar house by a common sidewall.

*Tree, Large:* A deciduous tree that sheds its leaves annually and typically grows to an overall mature height of more than 50 feet in this region.

*Tree, Medium:* A deciduous tree that sheds its leaves annually and typically grows to an overall mature height between 30 and 50 feet in this region.

*Tree, Small:* A deciduous tree that sheds its leaves annually and typically grows to an overall mature height of 30 feet or less in this region.

*Tree Lawn:* The area between the curb and sidewalk or trail (where they exist) that accommodates planting of street trees.

*Tree Well:* The area beyond the curb but within the sidewalk and amenity area of the streetscape that accommodates planting of street trees.

*Turf:* Grass of a species suitable for a permanent lawn in this region.

**U**

**V**

**W**

**X**

**Y**

*Yard:* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used.

*Yard, Front:* A yard across the full width of the lot extending from the front line of the main building to the front lot line.

*Yard, Rear:* A yard between the rear lot line and the rear line of the main building and the side lot lines.

*Yard, Side:* A yard between the main building and the adjacent side lot line, and extending entirely from a front yard to the rear yard.

**Z**

*Zone or District:* A section of the Zoning Area for which uniform regulation governing the use, height, area, size, and intensity of use of buildings, land, and open space are herein established.

*Zoning Area:* The area to be zoned as set out on the official Zoning District Map filed of record.

*Zoning Regulations:* The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

**LANSING, KANSAS  
UNIFIED DEVELOPMENT CODE  
APPENDICES**

**APPENDIX A - RESOURCES, GUIDES & INDUSTRY STANDARDS**

**APPENDIX B - GREAT TREES FOR THE KANSAS CITY REGION**





---

## **APPENDIX B – GREAT TREES FOR THE KANSAS CITY REGION**

This guide shall be used to choose street tree and landscape materials. This list can be managed and supplemented by City Staff from time to time and administered through more specific landscape, street scape and site design recommendation through the development review process.

*THE TREE LIST*

# GREAT TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

December 2013 revision

Study by Robert Whitman, ASLA, AICP, LEED AP

robert.whitman@gouldevans.com

---

## ABOUT THIS STUDY:

Kansas City area tree experts were asked to provide numerical opinions (0-5 ratings) for 378 trees in four categories (Landscape Value, Street Tree Value, Cultural Adaptability, and Useful Lifespan). These ratings were averaged to determine the highest rated trees for each category.

## PARTICIPANTS:

Michael Dougherty, Tree Management Company (913)894-8733

Dennis Patton, Johnson County Extension Agent

Tory Schwope, KAT Nurseries, (913)856-5288

Alan Branhagen, Director of Horticulture, Powell Gardens

Chris Casebeer, Green Valley Nursery, (913)206-6598

Bob Haines, Arborist, Shade Masters (913)522-1810

Dan Simmons, Show-Me Horticulture, (816)277-6601

Mark Young, Country Club Tree Service (816)333-7220

Chuck Conner, Forester, Missouri Department of Conservation

Kevin Smith, Forester, Johnson County Parks & Recreation (retired)

Cheryl Boyer, Assistant Professor, K-State Extension

Ivan Katzer, Consulting Arborist, (816)765-4241

Tim McDonnell, Forester, Kansas Forest Service

Scott Reiter, Linda Hall Library

Chip Winslow, FASLA, KSU Department of Landscape Architecture

Susan Mertz, Loma Vista Nursery, (913)897-7010

Robert Whitman, Landscape Architect, gouldevans

# GREAT TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

Study by Robert Whitman, ASLA, AICP, LEED AP

December 2013 revision

---

## LARGE TREES FOR THE LANDSCAPE (IN ORDER OF PREFERENCE OUT OF 218 TREES)

---

1. *Quercus alba* **White Oak**
2. *Quercus bicolor* **Swamp White Oak**
3. *Acer saccharum* 'Autumn Splendor' **Caddo Sugar Maple**
4. *Gymnocladus dioica* 'Expresso' **Kentucky Coffeetree**
5. *Acer x truncatum* 'Warrenred' **Pacific Sunset Maple**
6. *Acer saccharum* 'John Pair' **John Pair Caddo Maple**
7. *Ginkgo biloba* 'Autumn Gold' **Autumn Gold Ginkgo**
8. *Acer saccharum* 'Fall Fiesta' **Fall Fiesta Sugar Maple**
9. *Quercus macrocarpa* **Bur Oak**
10. *Quercus muehlenbergii* **Chinkapin Oak**
11. *Acer miyabei* 'Morton' **State Street Miyabe Maple**
12. *Taxodium distichum* 'Shawnee Brave' **Bald Cypress**
13. *Metasequoia glyptostroboides* **Dawn Redwood**
14. *Taxodium distichum* **Bald Cypress**
15. *Acer saccharum* 'Legacy' **Legacy Sugar Maple**
16. *Nyssa sylvatica* **Blackgum**
17. *Taxodium ascendens* **Pond Cypress**
18. *Ulmus propinqua* 'JFS Bieberich' **Emerald Sunshine Elm**
19. *Quercus shumardii* **Shumard Oak**
20. *Quercus rubra* **Red Oak**
21. *Ginkgo b.* 'Princeton Sentry' **Princeton Sentry Ginkgo**
22. *Acer x 'Keithsform'* **Norwegian Sunset Maple**
23. *Tilia tomentosa* 'Sterling' **Sterling Silver Linden**
24. *Quercus x wareii* 'Long' **Regal Prince Columnar Oak**
25. *Tilia americana* 'DTR 123' **Legend American Linden**
26. *Ulmus x 'Frontier'* **Frontier Elm**
27. *Quercus pagoda* **Cherrybark Oak**
28. *Quercus x 'Crimschmidt'* **Crimson Spire Col. Oak**
29. *Tilia tomentosa* **Silver Linden**
30. *Quercus stellata* **Post Oak**
31. *Zelkova serrata* 'Musashino' **Columnar Zelkova**
32. *Acer saccharum* 'Green Mountain' **Green Mt. Sugar Maple**
33. *Carpinus betulus* **European Hornbeam**
34. *Cladrastis kentukea* **Yellowwood**
35. *Ulmus parvifolia* 'Emerald Prairie' **Em. Prairie Lbk. Elm**
36. *Quercus lyrata* **Overcup Oak**
37. *Acer miyabei* **Miyabe Maple**
38. *Quercus prinus* **Chestnut Oak**
39. *Ulmus parvifolia* 'Allee' **Allee Lacebark Elm**
40. *Carpinus caroliniana* **American Hornbeam**
41. *Magnolia x acuminata* 'Butterflies' **Butterflies Magnolia**
42. *Quercus coccinea* **Scarlet Oak**
43. *Ulmus amer.* 'New Harmony' **New Harmony Amer. Elm**
44. *Eucommia ulmoides* **Hardy Rubber Tree**
45. *Ulmus americana* 'Princeton' **Princeton American Elm**
46. *Ulmus americana* 'Valley Forge' **Valley Forge Amer. Elm**
47. *Carpinus betulus* 'Frans Fontaine' **Columnar Hornbeam**
48. *Zelkova serrata* 'Village Green' **Village Green Zelkova**
49. *Maclura pomifera* 'White Shield' **Seedless Osage Orange**
50. *Aesculus x carnea* 'O'Neill's Red' **Red Horsechestnut**
51. *Ulmus parvifolia* 'Athena' **Athena Lacebark Elm**
52. *Zelkova serrata* 'Green Vase' **Green Vase Zelkova**
53. *Acer saccharum* **Sugar Maple**
54. *Tilia americana* 'McKSentry' **American Sentry Linde**
55. *Ulmus x 'Morton Glossy'* **Triumph Elm**
56. *Fagus sylvatica* 'Atropunicea' **Purpleleaf Beech**

# GREAT TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

## LARGE STREET TREES (IN ORDER OF PREFERENCE OUT OF 218 TREES)

1. *Quercus bicolor* **Swamp White Oak**
2. *Tilia tomentosa* 'Sterling' **Sterling Silver Linden**
3. *Tilia americana* 'DTR 123' **Legend American Linden**
4. *Acer miyabei* 'Morton' **State Street Miyabe Maple**
5. *Taxodium d.* 'Shawnee Brave' **Col. Bald Cypress**
6. *Ulmus prop.* 'JFS Bieberich' **Emerald Sunshine Elm**
7. *Ulmus x* 'Frontier' **Frontier Elm**
8. *Ginkgo biloba* 'Autumn Gold' **Autumn Gold Ginkgo**
9. *Acer x trunc.* 'Keithsform' **Norwegian Sunset Maple**
10. *Acer x truncatum* 'Warrenred' **Pacific Sunset Maple**
11. *Gymnocladus dioicus* 'Expresso' **Kentucky Coffeetree**
12. *Quercus shumardii* **Shumard Oak**
13. *Ginkgo b.* 'Princeton Sentry' **Princeton Sentry Ginkgo**
14. *Quercus buckleyi* **Texas Red Oak**
15. *Quercus x wareii* 'Long' **Regal Prince Col. Oak**
16. *Quercus lyrata* **Overcup Oak**
17. *Ulmus americana* 'Princeton' **Princeton Amer. Elm**
18. *Quercus alba* **White Oak**
19. *Ulmus americana* 'New Harmony' **New Harmony Elm**
20. *Acer saccharum* 'Autumn Splendor' **Caddo Sugar Maple**
21. *Quercus rubra* **Red Oak**
22. *Maclura pomifera* 'White Shield' **Seedls. Osage Orange**
23. *Quercus muehlenbergii* **Chinkapin Oak**
24. *Eucommia ulmoides* **Hardy Rubber Tree**
25. *Platanus x acerifolia* 'Bloodgood' **Bloodgood Planetree**
26. *Ulmus a.* 'Valley Forge' **Valley Forge American Elm**
27. *Zelkova serrata* 'Musashino' **Columnar Zelkova**
28. *Zelkova serrata* 'Green Vase' **Green Vase Zelkova**
29. *Quercus x Crimschmidt* **Crimson Spire Columnar Oak**
30. *Ulmus parvifolia* 'Emerald Prairie' **Lacebark Elm**
31. *Quercus texana* **Nuttall Oak**
32. *Tilia americana* 'McKsentry' **American Sentry Linden**
33. *Ulmus parvifolia* 'Allee' **Allee Lacebark Elm**
34. *Ulmus x* 'Morton Glossy' **Triumph Elm**
35. *Ulmus x* 'Patriot' **Patriot Elm**
36. *Taxodium ascendens* **Pond Cypress**
37. *Quercus macrocarpa* **Bur Oak**
38. *Quercus coccinea* **Scarlet Oak**
39. *Gleditsia triacanthos* 'Imperial' **Imperial Honeylocust**
40. *Ulmus parvifolia* 'Athena' **Athena Lacebark Elm**
41. *Acer saccharum* 'John Pair' **John Pair Caddo Maple**
42. *Gleditsia triacanthus* 'Skyline' **Skyline Honeylocust**
43. *Zelkova serrata* 'Village Green' **Village Green Zelkova**
44. *Acer saccharum* 'Fall Fiesta' **Fall Fiesta Sugar Maple**
45. *Acer saccharum* 'Legacy' **Legacy Sugar Maple**
46. *Metasequoia glyptostroboides* **Dawn Redwood**
47. *Quercus prinus* **Chestnut Oak**
48. *Taxodium distichum* **Bald Cypress**
49. *Ulmus x* 'Morton' **Accolade Elm**
50. *Acer miyabei* **Miyabe Maple**

## LOWEST RATED COMMONLY USED TREES (IN ORDER OF LEAST PREFERENCE OUT OF 371 TREES)

1. *Pyrus calleryana* 'Bradford' **Bradford Pear**
2. *Acer saccharinum* **Silver Maple**
3. *Prunus cerasifera* 'Newport' **Newport Plum**
4. *Populus deltoides* **Cottonwood**
5. *Fraxinus* **Green & White Ash**
6. *Acer ginnala* **Amur Maple**
7. *Crataegus viridis* 'Winter King' **Green Hawthorn**
8. *Robinia pseudoacacia* 'Purple Robe' **Black Locust**
9. *Liquidambar styraciflua* 'Rotundiloba' **Sweetgum**
10. *Acer rubrum* **Red Maple**

# GREAT TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

## MOST CULTURALLY ADAPTABLE TREES FOR KC (OUT OF 371 TREES)

1. *Ulmus americana* 'New Harmony' **New Harmony Elm**
2. *Quercus macrocarpa* **Bur Oak**
3. *Ulmus x 'Morton Glossy'* **Triumph Elm**
4. *Quercus bicolor* **Swamp White Oak**
5. *Ulmus propinqua* 'JFS Bieberich' **Emerald Sunshine Elm**
6. *Ulmus x 'Patriot'* **Patriot Elm**
7. *Maclura pomifera* 'White Shield' **Fruitless Osage Orange**
8. *Quercus x wareii* 'Long' **Regal Prince Columnar Oak**
9. *Taxodium d. 'Shawnee Brave'* **Columnar Bald Cypress**
10. *Plataus occidentalis* **Sycamore**
11. *Gymnocladus dioicus* 'Expresso' **Kentucky Coffeetree**
12. *Taxodium distichum* **Bald Cypress**
13. *Ulmus x 'Morton'* **Accolade Elm**
14. *Acer truncatum* **Shantung Maple**
15. *Quercus imbricaria* **Shingle Oak**
16. *Ginkgo biloba* 'Autumn Gold' **Autumn Gold Ginkgo**
17. *Tilia tomentosa* 'Sterling' **Sterling Silver Linden**
18. *Ulmus x 'Frontier'* **Frontier Elm**
19. *Acer x trunc.* 'Keithsform' **Norwegian Sunset Maple**
20. *Acer x truncatum* 'Warrenred' **Pacific Sunset Maple**
21. *Tilia americana* 'DTR 123' **Princeton Amer. Linden**
22. *Acer x freemanii* 'Autumn Blaze' **Autumn Blaze Maple**
23. *Quercus shumardii* **Shumard Oak**
24. *Quercus muehlenbergii* **Chinkapin Oak**
25. *Celtis occidentalis* **Hackberry**
26. *Ginkgo b.* 'Princeton Sentry' **Princeton Sentry Ginkgo**
27. *Platanus x acerifolia* 'Bloodgood' **Bloodgood Planetree**
28. *Acer x freemanii* 'Armstrong' **Armstrong Col. Maple**
29. *Quercus lyrata* **Overcup Oak**
30. *Acer miyabei* 'Morton' **State Street Miyabe Maple**
31. *Malus* **Coral Burst & Adirondack Crabapple**
32. *Quercus buckleyi* **Texas Red Oak**
33. *Euonymus bungeanus* **Winterberry Euonymus**
34. *Taxodium ascendens* **Pond Cypress**
35. *Malus* **Japanese & Professor Springer Crabapple**
36. *Quercus rubra* **Red Oak**
37. *Ulmus a.* 'Valley Forge' **Valley Forge American Elm**
38. *Gleditsia triacanthos* **Honeylocust**
39. *Acer campestre* **Hedge Maple**
40. *Corylus colurna* **Turkish Hazel**
41. *Malus* **Donald Wyman & Mary Potter Crabapple**
42. *Acer saccharum* 'A.S.' **Autumn Splendor Caddo Maple**

## LONGEST LIVED TREES (IN ORDER OF USEFUL LIFESPAN, OUT OF 371 TREES)

1. *Quercus macrocarpa* **Bur Oak**
2. *Quercus muehlenbergii* **Chinkapin Oak**
3. *Quercus alba* **White Oak**
4. *Quercus bicolor* **Swamp White Oak**
5. *Quercus rubra* **Red Oak**
6. *Quercus stellata* **Post Oak**
7. *Juglans nigra* **Black Walnut**
8. *Quercus lyrata* **Overcup Oak**
9. *Taxodium dist.* **Bald Cypress**
10. *Ginkgo biloba* **Ginkgo**
11. *Ulmus americana* **Amer. Elm cultiv.**
12. *Platanus x acer.* **London Planetree**
13. *Platanus occidentalis* **Sycamore**
14. *Maclura pomifera* **Osage Orange**
15. *Quercus prinus* **Chestnut Oak**
16. *Quercus imbricaria* **Shingle Oak**
17. *Quercus shumardii* **Shumard Oak**
18. *Gymnocladus dioicus* **K. Coffeetree**
19. *Metasequoia glyp.* **Dawn Redwood**
20. *Quercus palustris* **Pin Oak**
21. *Quercus coccinea* **Scarlet Oak**
22. *Carya* **Hickory & Pecan**
23. *Quercus pagoda* **Cherrybark Oak**
24. *Quercus robur* **English Oak**
25. *Ulmus X* **Elm Hybrids**
26. *Acer* **Pac. & Nor. Sunset Maples**
27. *Catalpa speciosa* **Northern Catalpa**

# GREAT TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

## SMALL TREES FOR THE LANDSCAPE (IN ORDER OF PREFERENCE OUT OF 153 TREES)

1. *Acer griseum* **Paperbark Maple**
2. *Acer truncatum* **Shantung Maple**
3. *Cornus kousa* **Kousa Dogwood**
4. *Chionanthus virginicus* **White Fringetree**
5. *Aesculus pavia* **Red Buckeye**
6. *Hamamelis virginiana* **Witch Hazel**
7. *Acer palmatum 'Bloodgood'* **Red-leaf Jap. Maple**
8. *Chionanthus retusus* **Chinese Fringetree**
9. *Cercis reniformis 'Oklahoma'* **Oklahoma Redbud**
10. *Syringa reticulata 'Ivory Silk'* **Japanese Tree Lilac**
11. *Acer buergerianum* **Trident Maple**
12. *Acer triflorum* **Three-Flowered Maple**
13. *Malus sargentii* **Sargent Crabapple**
14. *Malus 'Royal Raindrops'* **Royal Raindrops Crab**
15. *Cercis canadensis* **Redbud**
16. *Cornus florida* **White Flowering Dogwood**
17. *Magnolia virginiana* **Sweetbay Magnolia**
18. *Amelanchier 'Autumn Brilliance'* **Apple Serviceberry**
19. *Heptacodium miconioides* **Seven-son Flower**
20. *Cornus controversa 'June Snow'* **June Snow Dogwood**
21. *Parrotia persica* **Persian Parrotia**
22. *Magnolia x 'Jane'* **Jane Magnolia**
23. *Malus 'Adirondack'* **Adirondack Crabapple**
24. *Malus 'Velvet Pillar'* **Columnar Crabapple**
25. *Cornus mas* **Corneliancherry Dogwood**
26. *Ostrya virginiana* **Ironwood/Hophornbeam**

## SMALL STREET TREES (IN ORDER OF PREFERENCE OUT OF 153 TREES)

1. *Acer truncatum* **Shantung Maple**
2. *Zelkova serrata 'Schmidtlow'* **Wireless Zelkova**
3. *Acer buergerianum* **Trident Maple**
4. *Syringa reticulata 'Ivory Silk'* **Japanese Tree Lilac**
5. *Malus 'Velvet Pillar'* **Columnar Crabapple**
6. *Maackia amurensis* **Amur Maackia**
7. *Ostrya virginiana* **Ironwood/Hophornbeam**
8. *Koelreuteria paniculata* **Golden Raintree**
9. *Syringa pekinensis 'China Snow'* **Chinese Tree Lilac**
10. *Acer griseum* **Paperbark Maple**
11. *Malus 'Adirondack'* **Adirondack Crabapple**
12. *Acer tartaricum* **Tartarian Maple**
13. *Parrotia persica* **Persian Parrotia**
14. *Prunus padus 'Drietre'* **Merlot Bird Cherry**
15. *Malus 'Royal Raindrops'* **Royal Raindrops Crab**
16. *Crataegus ambigua* **Russian Hawthorn**

### PARTICIPANTS:

Michael Dougherty, Tree Management Company (913)894-8733  
Dennis Patton, Johnson County Extension Agent  
Tory Schwope, KAT Nurseries, (913)856-5288  
Alan Branham, Director of Horticulture, Powell Gardens  
Chris Casebeer, Green Valley Nursery, (913)206-6598  
Bob Haines, Arborist, Shade Masters (913)522-1810  
Dan Simmons, Show-Me Horticulture, (816)277-6601  
Mark Young, Country Club Tree Service (816)333-7220  
Chuck Conner, Forester, Missouri Department of Conservation

Kevin Smith, Forester, Johnson County Parks & Rec.reation  
Cheryl Boyer, Assistant Professor, K-State Extension  
Ivan Katzer, Consulting Arborist, (816)765-4241  
Tim McDonnell, Forester, Kansas Forest Service  
Scott Reiter, Linda Hall Library  
Chip Winslow, FASLA, KSU Department of Landscape Architecture  
Susan Mertz, Loma Vista Nursery, (913)897-7010  
Robert Whitman, Landscape Architect, gouldevans