Title IV - Development Code

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Chapter 401. General Provisions

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Section 401.010. Overview

A. **Title**. These regulations shall be referred to as the Parkville Development Code. References to "this code", "the development code," or "these regulations" shall be considered a reference to the Parkville Development Code, and references to "zoning ordinance" or "subdivision regulations" may be interpreted as references to specific parts of the development code.

B. **Authority and Jurisdiction**. The development code is enacted pursuant to the authority granted in Chapter 89 RSMo, as amended, and apply to all structures and land within the incorporated area of the City of Parkville, as depicted on the official zoning map, and other maps accompanying the City's plans and policies. It shall be unlawful to conduct any development or use of land until any applicable development review and processes have been followed, all applicable standards have been applied, and all applicable approvals, permits or other authorizations have been issued.

C. **Purposes.** This Development Code is adopted to promote the public safety, health and general welfare of residents and visitors to the City of Parkville. More specifically, the regulations have the following general purposes:

1. Implement the comprehensive Master Plan, and other plans and programs authorized under the guidance of the Master Plan;

2. Promote health and general welfare throughout the city;

3. Promote planning and urban design that emphasizes distinct places and unique elements of community character documented throughout Parkville;

4. Provide park, civic and open spaces that help organize development and contribute to a valuable public realm;

5. Secure proper arrangement and design of streets to support abutting land uses, provide access and circulation, coordinate with existing and planned streets, and strengthen investment in the public realm of the city;

6. Divide the city into zones and districts that promote the relationships and development patterns of the Master Plan;

7. 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;

8. Secure adequate provisions for water, drainage, sanitary sewer facilities and other public improvements based upon City, State, and Federal requirements; and

9. Provide for coordinated development of Parkville consistent with established policies of the City;

D. **Severability.**

1. If any court of competent and final jurisdiction declares any part of this development code to be invalid that ruling shall not affect any other provisions of this development code not specifically included in that ruling.

2. If any court of competent and final jurisdiction declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or projects with different circumstances.

3. No provision of this Code shall enable any circumstance in which is unlawful under superseding federal or state law. If any section, subsection, sentence, clause, phrase, or portion of this Code is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

Section 401.020. Interpretation

A. **Rules of Construction.** The following rules shall apply to the application and interpretation of these regulations, unless the context clearly indicates otherwise:

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. 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.
5. “Shall” or “must” is mandatory; “should” or “may” is permissive, but recommended as a way to best meet the standard or achieve the intent of the standard.
6. 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.
7. 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.
8. References to a person shall include individuals, partnerships, agencies, corporations or other legal entities.

B. **Conflicts.** In case of a conflict between these regulations and any other adopted regulation of the City, the more restrictive standard shall apply. In making a determination of which standard is more restrictive the official may consider which is more specific; which is more consistent with the Master Plan; which is more consistent with the purposes, intent and objectives of these regulations; and which best promotes the public health, safety and welfare.

C. **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:

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 four 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.

Figure 401-1 Building Height and Building Stories
Non-residential and residential buildings are depicting the measurement of building height from the average grade at the front building line to the top of the roof. Story heights are also illustrated demonstrating the typical story heights of stories depending on their use.

b. *Building Height.* Building height, when expressed as a dimension, 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 a grading plan approved with development review. 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.

c. *Building Setbacks.* 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.

d. *Story.* 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) Eight feet to 12 feet, generally;
(2) The first story for residential buildings should be nine feet to 14 feet;
(3) The first story in non-residential buildings should be 12 feet to 20 feet;
(4) Any story that has less than four 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.

e. *Story, Half.* The space under a sloping roof that has a line of intersection of the roof and wall face not more than two feet above the floor level and in which the possible floor area with head room of five feet or more is greater than 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.

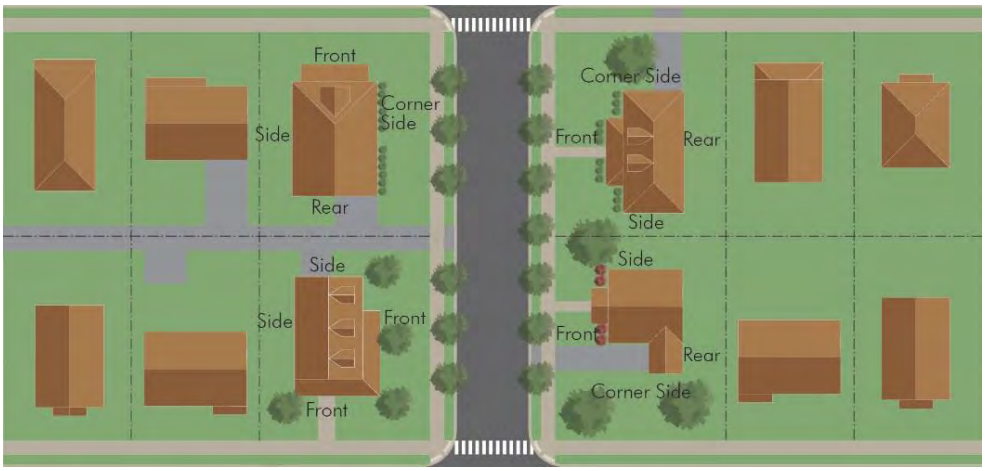

Figure 401-2 Corner Lot Orientation
Corner Lots are unique in that they are able to front on two different streets or in some cases both. The figure illustrates the different options for property owner to face their building and how this effects the setbacks used.

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:

(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 both streets, with the front setback and frontage design applying on both street sides. The two remaining sides are treated as side setbacks and there is no rear setback.

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

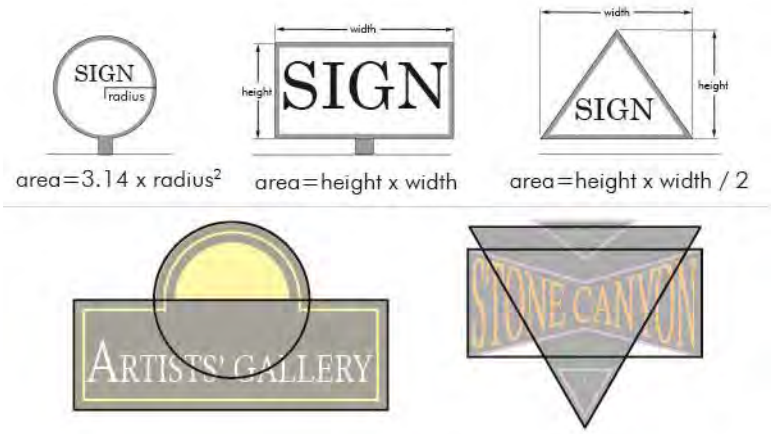

Figure 401-3 General Sign Area
Signs are measured based upon the basic shape types or a combination or multiple shapes. Displayed are examples of how a sign is measured and real examples of signs and how they could be measured.

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.

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.

Figure 401-4 Building -mounted Signs
Building-mounted signs can be measured as one sign or two depending on the distance between the two. If the sign distance exceeds two times the height of the sign it is measured at two signs.

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.

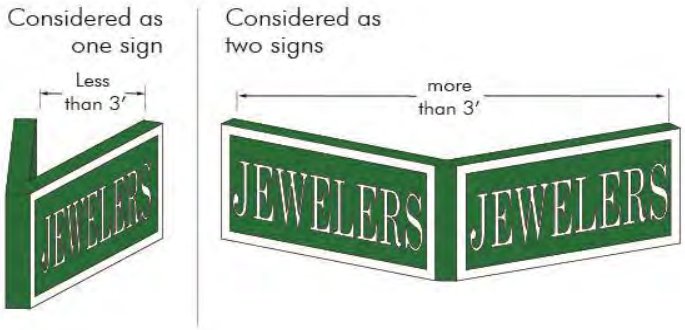

Figure 401-5 Double-faced Signs
Signs that have two facing sides have the potential to be recognized as two separate signs. The figure illustrates that if a gap between the two faces exceeds three feet then it is considered two signs.

d. *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.

D. **Computations of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:
1. The day of the act that commences a time period shall not be counted.
2. 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.
3. Whenever any time period is expressed for a formal submittal to the City, the time period shall end at 4:00 P.M. on the last day of that time period.
4. Any time period expressed in years shall include a full calendar year from the act that commences the time period.

E. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Where boundaries are indicated to approximately follow streets or other rights of way or water bodies, the centerlines or extension of these centerlines shall be the boundaries.
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.

F. **Non-regulatory Provisions.** Intent statements, graphics and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards. 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. **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 Master 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 Development Department. Use of these guides shall only be to the extent that it is 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.

Section 401.030. Administration & Review Bodies

A. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.

1. *Community Development Director.* The Community Development Director (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 their plans, policies and programs that impact the Master 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.

2. *Director of Public Works.* The Director of Public Works shall be responsible for regulating and reviewing the engineering design, construction, operation and maintenance of all public improvements specified under these regulations. The Director of Public Works shall advise the Community Development Director on any technical specifications and engineering designs that impact implementation of the Master Plan, and may make any final administrative decisions referred to the Director of Public Works under the procedures and standards of these regulations.

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 Master 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.

C. **Board of Aldermen.** The Board of Aldermen is the elected body of the City responsible for all legislative decisions that affect implementation of the Master Plan. In addition to other general authority authorized by law, the Board of Aldermen shall have the appeal authority and final decision authority referred to the Board of Aldermen under the procedures and standards of these regulations.

D. **Board of Zoning Adjustment**. The Board of Zoning Adjustment for the City of Parkville was created under the provisions of RSMo. Chapter 89. The Board is hereby continued with the following provisions.

1. *Membership.* The Board of Zoning Adjustment shall consist of five members who shall be residents of the City. Three alternate members shall be appointed to serve in the absence, abstention or the disqualification of the regular members. Members and alternates shall be appointed by the Mayor and approved by the Board of Aldermen in accordance with the provisions of Chapter 110, Section 110.040, and Chapter 152.
   a. All members and alternates shall serve without compensation.
   b. Each Board of Zoning Adjustment member shall be appointed for a five-year term. Terms shall be staggered in accordance with Section 89.080 RSMo. Each alternate shall serve for a term designated by the Board of Aldermen. There shall be no limit to the number of terms that may be served.
   c. Vacancies shall be filled by appointment by the Mayor with approval by the Board of Aldermen for the unexpired term.
   d. Any member may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

2. *Officers.* The Board of Zoning Adjustment shall elect a Chairperson, Vice Chairperson and Secretary from among its citizen members. The term of the Chairperson, Vice Chairperson and Secretary shall be for one year with eligibility for reelection. Unless otherwise absent or disqualified, the Chairperson shall preside over all meetings of the Board of Zoning Adjustment. In the absence or disqualification of the Chairperson, the Vice Chairperson shall preside. In the absence or disqualification of both the Chairperson and Vice Chairperson, the Secretary shall preside.

3. *Quorum.* Attendance by a quorum of three Board of Zoning Adjustment members or alternates shall be required for a meeting to be held.

4. *Meetings.* The Board of Zoning Adjustment shall hold regular meetings and special meetings, as necessary. Regular meetings shall be held on a regularly scheduled date as adopted by the Board of Zoning Adjustment. Additional meetings may be held at the call

of the Chairperson and at such other times as the Board may deem appropriate. Any meeting of the Board of Zoning Adjustment may be omitted, if in the sole discretion of the Chairperson there are too few items on the agenda to justify the expense of holding the meeting. Any meeting of the Board of Zoning Adjustment may be rescheduled, as may be necessary.

5. *Rules and Bylaws.* The Board of Zoning Adjustment shall adopt rules and bylaws in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo.

6. *Records.* The Board of Zoning Adjustment shall keep a record of its proceedings in accordance with RSMo. Chapter 610, and the following. At a minimum, the Board shall keep minutes of its proceedings, which shall show the vote of each member upon questions, or, if absent or failing to vote, indicating this fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk, and shall be a public record. All testimony, objections, and rulings shall be taken down by a reporter employed by the Board for that purpose.

7. *Powers and Duties*. The Board of Zoning Adjustment shall have and perform all powers and duties authorized by RSMo. Chapter 89, as provided in Chapter 403, including:
   a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this code.
   b. To hear and decide special exceptions to the terms of the development code where specifically stated and authorized.
   c. To authorize upon appeal in specific cases a variance from the terms of this code.

Section 401.040. 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. It shall be the duty of the Director, all officers and employees of the City, and of all members of the Police Department to assist the Director by reporting any seeming violation.

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. Upon presentation of proper credentials, the Director may enter at reasonable times any building, structure, or premises in the City or perform any duty imposed upon him by these regulations. If the owner or occupant shall refuse to allow entry to the Director, the Director may apply to a court of competent jurisdiction for a search warrant or take any legal action necessary for the purpose of securing entry.

C. **Penalty.** Any person violating any of the provisions of this code shall be guilty of a misdemeanor, each day constituting a separate offense, and any owner or other person employed in connection with a violation shall be guilty of a separate offense. Each offense shall be punished by a fine established by the Board of Aldermen by resolution in the Schedule of Fees. The City of Parkville 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 or remedy violations including revocation of any permit authorized under this code.

Section 401.050. Nonconformances

A. **Intent.** The general policy of the City is 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 nonconforming situations, and promote investment consistent with the Master Plan and these regulations.

B. **Nonconforming Uses.** 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 provided no structural changes are needed.
2. Any new activity that triggers specific site design standards shall require full compliance of the site design standards in order for the nonconforming use to continue.
3. A use that is discontinued for one year or more shall lose its nonconforming 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.

C. **Nonconforming Structures**. Structures that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this Code may continue to exist subject to the following:
1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or 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. If destroyed by fire, natural disaster, accident, or any other cause by less than 50% of its fair market value, the structure may be restored to its original condition if the restoration is started within one year. If destroyed by 50% or more of the fair market value, or if not restored within one year, then the right to maintain the nonconformance shall terminate.
3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this Title, and the cost of improvement or restoration is 50% or more of the fair market value of the structure, then the right to maintain the nonconformance shall terminate.

D. **Nonconforming Site Conditions.** 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 fair market 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.

4. To promote infill development or adaptive reuse of existing sites and buildings, administrative adjustment procedures in Article 3 may account for nonconforming site conditions.

E. **Nonconforming Lots.** 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.

F. **Nonconforming Signs.** 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 nonconforming sign shall not be:
   a. Changed to another type or shape of nonconforming 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 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 fair market value.
2. Nonconforming signs that are destroyed or damaged by 50% or more of the signs fair market 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, which shall be a question of fact decided by the Board of Adjustment.

Chapter 402. Definitions

Section 402.010 Definitions

Section 402.010. Definitions

A. **Defined Terms.** 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

Accessory Building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Title) located on the same lot as the main building or principal use of the land.

Accessory Dwelling. A permitted independent dwelling unit established in conjunction with, clearly subordinate to and located within or attached to a detached house on the same lot and not otherwise subdivided or segregated in ownership from the principal dwelling.

Accessory Use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Title) on the same lot as the principal use of the premises.

Adult Uses, Generally. All terms in Section 410.030 Adult Uses shall have the meaning given in Title VI, Chapter 650, Section 650.005.

Alley. A public way which affords means of access to property as an alternative to access from the street or through the lot frontage.

Alternative Communication Tower Structure. Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animated Signs. Signs that include animation or effects simulating animation, including those that employ flashing or blinking; intermittent or changing illumination creating a fading, dissolving, traveling, scrolling, dropping, pixilation or other similar transitional effect; video; sound emission; flapping, blowing, spinning, rotation or other movement; pyrotechnics; visible moving parts; or any device or illumination or other effect creating the illusion of motion. [Ord. No. 2530 §1, 3-16-2010]

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a household.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, or an area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

Awning. An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

Base Flood or 100-Year Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half (1/2) of its height below grade, except for the purpose of floodplain regulations it shall include any area of the structure having its floor subgrade (below ground level) on all sides.

Billboard. A pylon or freestanding sign of two hundred (200) square feet or more in area.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

Building Line. A line on a plat between which line and a street no building or structure may be erected.

Building, Main or Principle. Any building which is not an accessory building.

Campus. A contiguous area of land typically greater than ten acres making up the grounds of a public or private institution containing the main buildings or within the main enclosure in a coordinated and comprehensive design; provided however, that for the purpose of this definition the contiguity of any land area involved shall not be deemed to be destroyed by the presence of any public rights-of-way.

Canopy. A canopy shall include any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting over a thoroughfare.

Cul-de-sac. A minor street with only one outlet and culminated by a turnaround.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dumpster, Temporary. A large container designed and used for storage of items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris for a period of time corresponding to a particular task or project. Such container is typically rented or leased to owners or occupants of property for their temporary use and is typically delivered and removed by truck. This tem shall not be interpreted to refer to a trash can, trash container or a dumpster that is stored on a more permanent manner on the property and from which trash is collected on a recurring basis.

Dwelling. Any building or portion thereof, designed or used for residential purposes.

Dwelling Unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by an individual or household.

Easement. A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.

Electronic Message Sign. Any electronically activated changeable copy sign. Included are signs that use changing lights to form a message and holographic displays. [Ord. No. 2530 §1, 3-16-2010]

Elevated Building. For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

Existing Manufactured Home Park of Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1. The overflow of inland; and/or 2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM). An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

Flood Elevation Study. An examination, evaluation and determination of flood hazards.

Flood Fringe. The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or Flood-prone Area. Any land area susceptible to being inundated by water from any source (see "Flooding").

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway or Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway Encroachment Lines. The lines marking the limits of floodways on Federal, State and local floodplain maps.

Floor Area. 1. Commercial business and Industrial buildings or buildings containing mixed uses. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: a. Attic space providing headroom of less than seven (7) feet; b. Basement space not used for retailing; c. Uncovered steps or fire escapes; d. Accessory water towers or cooling towers; e. Accessory off-street parking spaces; and six (6) accessory off-street loading berths. 2. Residential buildings. The gross horizontal areas of the several floors of dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Frontage. 1. Street Frontage. All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. 2. Lot Frontage. The distance for which the front boundary line of the lot and the street line are coincident.

Garage. A portion of the principle building or an accessory building designed for storage, parking or other entrance and enclosure of vehicles.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is: 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. By an approved State program as determined by the Secretary of the Interior; or b. Directly by the Secretary of the Interior in States without approved programs.

Household. An individual or couple and their children and no more than two other persons related directly to the individual or couple by blood or marriage, occupying a single housekeeping unit used on a non-profit basis. A household may include not more than two additional persons, not related to the by blood or marriage, provided that such additional person(s) may be provided with sleeping accommodations but not separate kitchen facilities.

Loading Space. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot. A parcel of land which may include one (1) or more platted lots, occupied or intended for occupancy by a use permitted in this Title having its principal frontage upon a street or upon an officially approved place.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot Line. The boundary line of a lot.

Lowest Floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

Major Thoroughfare. A street designated as a major thoroughfare in the Major Thoroughfare Plan for Parkville, Missouri.

Manufactured Home. A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. MAP The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Materials, Building. Materials which are generally essential to the construction of buildings or structures, including lumber, concrete, bricks, roofing materials, siding, plumbing, heating and electrical equipment, windows, doors, insulation, landscaping supplies, and similar materials customarily associated with building construction.

Mean Sea Level. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

Minor Street. A street not designated as a major thoroughfare in the Major Thoroughfare Plan for Parkville, Missouri.

Native Plants. Plant species that are indigenous to the Kansas City metropolitan area and require little maintenance, as they are naturally adapted to the region's climate.

Natural Stormwater Mitigation Practices. Stormwater management practices that aim to reduce the amount of stormwater runoff and prevent or control the discharge of pollutants into local bodies of water by utilizing natural materials.

New Construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community. NFIP The National Flood Insurance Program (NFIP).

Portable Storage Container. Any portable container designed and used for personal property or similar storage. A portable storage container is typically rented or leased to owners or occupants of property for their temporary use and is typically delivered and removed by truck, but shall include any and all portable containers regardless of ownership, delivery or removal method.

Premises. A lot, together with all buildings and structures thereon.

Recreational Vehicle. A vehicle which is: 1. Built on a single chassis; 2. Four hundred (400) square feet or less when measured at the largest horizontal projections; 3. Designed to be self-propelled or permanently towable by a light-duty truck; and 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Sign. Any sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee or street clock, including any announcement, declaration, display illustration or insignia used to advertise or promote the interest of any person when the same is placed out of doors in view of the general public, including any borders, and trim or structural members, exclusive of upright supports.

Start of Construction. Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage. The placement of goods, materials or personal property for more than two consecutive days or any part of two consecutive days.

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street Line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Anything, other than a fence, constructed or erected, which requires location on the ground or attached to something having a location on the ground, including but not limited to advertising signs, billboards, and posterboards.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground (at least 51% of the actual cash value of the structure, less land value, is above ground), as well as a manufactured home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Structural Alterations. Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition). 1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or 2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure," or 3. Any improvement to a building.

Substantial Improvement. Any combination of reconstruction, alteration, or improvement to a building, taking place during a 10-year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work done. The term does not apply to: 1. any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or 2. any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." Or 3. any building that has been damaged from any source or is categorized as repetitive loss.

Substantially Improved Existing Manufactured Home Park of Subdivision. SUBDIVISIONS Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alterative tower structures, and the like.

Utilitarian Areas. Areas utilized for loading and unloading trucks, service areas and areas possessing mechanical equipment or trash receptacles.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplain.

Yard. An open space other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.

Yard, Front. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, if the front door faces the corner. Otherwise, the front yard shall be considered the yard which the front door faces.

Yard, Rear. A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance-ways.

Yard, Side. A yard between the main building, or any projection thereof, and the side line of the lot.

B. **Description of Uses.** This section contains general descriptions associated with the use of land and buildings organized by Categories and Types, and enabled by zoning districts in Table 405-2. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most relatively equivalent described use considering (1) the similarity of the use in terms of scale, impact and operations to other described uses; (2) the typical building formats and site designs associated with the use from existing examples; and (3) the potential contribution of the use and typical formats to the intent of the zoning district. Any use that may not be interpreted as relatively equivalent to a use described in this Section or the Use Table are not anticipated by these regulations and may only be allowed by a Text Amendment.

Residential

The Residential 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:

Detached House. A residential building designed for one primary dwelling unit in a neighborhood, suburban setting. Variants of this type are based primarily on lot size and context.

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 Detached 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.

3-/4-plex. A residential building designed to accommodate up to four primary or accessory dwelling units in a neighborhood or suburban setting. Units are arranged to maintain an outward design and appearance as a Detached House.

Row House (3-8 units; 2- to 3-story) A multi-unit residential building designed for three to eight dwelling units within an urban and sometimes suburban context. Row Houses abut one another sharing an adjoined party wall. These units are conjoined however, each unit has its own private entry. Unites may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.

Walk-up Apartment (3-12 units; 2- to 3-story) A small scale, multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use stetting. The building is accessed by a common lobby entrance at building frontage, and arranged to integrate into the block structure of a neighborhood.

Apartment Complex. A grouping of small-scale apartment buildings in a common development arranged around an internal system of streets/internal access, walkways and common open space.

Mixed Use (apartment over commercial / service). A residential use in a building designed primarily for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

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.

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 – Limited. 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 250 people at maximum occupancy. Examples include a neighborhood association club houses, meeting hall, or small religious facility.

Assembly – Small. Places of public assembly designed and located to serve community or civic needs of neighborhoods in the vicinity with regular or periodic organized services or events, and typically designed for 250 – 500 people. Examples include a small event hall or, moderate 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 501 – 1,000 people. Examples include a community center, 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 1,000 or more. Examples include an auditorium, large event hall or major worship hall.

Education - Neighborhood School. A small public or private institution for primary or secondary education and typically serving up to 600 students on less than 10 acres, 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.

Education - Campus. A large public or private institution for primary or secondary education and typically serving more than 600 students on more than 10 acres and targeted to the broad vicinity, including neighborhoods beyond 1 mile.

Education – Extension. A public or private institution for a wide variety of academic, vocational, or professional training and education services, but which provides services in a more mixed-use or commercial setting utilizing sites and buildings within that context.

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 404.020 for more specific types)*

Community 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, public safety, post office or recreation centers.

Retail

The Retail category is the use of land and buildings for the sale of goods and/or food and beverages directly to the consumer, where these goods are available for immediate purchase or order, and where goods can be immediately removed from the premises, or immediately consumed on the premises by the purchaser, and where frequent interaction of patrons or consumers occurs 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.

Retail – Limited. A small scale retail use less than 2,500 square feet.

Retail – Small. A small-scale retail use at least 3,500 but less than 8,000 square feet.

Retail – General. A retail use at least 8,000 but less than 50,000 square feet.

Retail – Large. A large-scale retail use at least 50,000 but less than 100,000 square feet.

Retail – Warehouse. A large scale retail use at least 100,000 square feet.

Retail - Outdoor Sales, Limited. The accessory display and sale of merchandise on an exterior private area of a site associated with an otherwise permitted non-residential use, where merchandise may be kept out doors or where a portion of the site or area is designed and dedicated to facilities to support the display and sale. Examples include a garden center, nursery, or holiday event sale associated with general retail uses.

Retail - 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 nursery, a lumber yard, or a vehicle or equipment sales.

Restaurant – Micro/ Mobile. A food and beverage retail use utilizes any motorized or non-motorized vehicle, trailer, or other device designed to be small scale and portable and not permanently attached to the ground for preparing and selling food and beverages for on or off premise consumption.

Restaurant – Limited. A small scale food and beverage retail use that typically includes seating for under 100 patrons and may include accessory off-premise consumption through carry-out services.

Restaurant - General. A food and beverage retail use that typically includes seating for 100 or more patrons and may include accessory off-premise consumption through carry-out or drive-through services, and may also include limited areas dedicated to consumption of alcoholic beverages and/or accessory indoor entertainment.

Restaurant – Drive-in/Drive-thru. A food and beverage retail use where 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.

Restaurant – Bar / Tavern. A food and beverage retail use where the primary portion of the business and premises is for consumption of alcohol and entertainment.

Restaurant – Micro-brewery/Winery. A food and beverage retail use where beer, wine, alcohol or similar beverage is brewed and fermented on the premises, includes tasting or consumption on the premises, and is packaged for retail sales and distribution for consumption off of the premises. Production is limited to 10,000 barrels per year for beer, 15,000 gallons per year for alcohol, and 2,000 barrels per year for wine.

Grocery – Convenience / Market. A retail use selling food and produce or specialty food products for household consumption in a small-scale format under 5,000 square feet. Examples include a corner market, butcher shop, produce stand or similar food store.

Grocery – Store (5K – 40K). A retail use selling food, produce and other household products for household consumption in a small-scale format at least 6,000 but less than 40,000 square feet. Examples include a small grocery store that may serve as the anchor to a small-scale walkable center.

Grocery – Supermarket (40K+). A retail use selling food, produce and household products for household consumption in a large-scale format, at least 40,000 square feet. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Outdoor Sales – Limited. 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 1 week with at least 4 weeks between consecutive events. Examples include a sidewalk sale or farm truck / produce stand.

Outdoor Sales – General. A retail use selling merchandise that can only be displayed or permanently stored outside, and where these sales are a primary and routine source of business. Examples include a nursery, lumber yard, machine or equipment sales or rentals, or vehicle sales or rentals.

Gas Station – Limited (1-4 pumps). 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 4 fueling stations and no more than 2 garage service bays. Examples include a small, neighborhood gas and service station.

Gas Station – General (5 -16 pumps). 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 16 fueling stations and no more than 4 garage service bays. Examples include a small convenience center or large gas station.

Gas Station- Large (16+ pumps). 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 may include more than 16 fueling stations. Examples include large convenience stores, gas stations or truck stops and travel centers.

Office / Service

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

Office. An employment use focusing on the administrative and management aspects of business or professional services, typically do not have a high rate of exchange with general public, consumers, or patrons, but may involve regular interaction with clients or other business activities. This use type is broken into the following sub-classes based on scale and intensity:

Office - Home Occupation. An office use 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.

Office – Limited. An office use where the total gross leasable area is less than 10,000 square feet.

Office – General. An office use where the total gross leasable area is at least 10,000 square feet, and may include more than one building.

Service. 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:

Service – Limited. A personal service use where the gross leasable area is under 2,500 square feet. Examples include a neighborhood barber shop or hair salon, a small professional office (lawyer, accountant, or travel agent), small bank, small child-care center, dry cleaners or tailor.

Service – General. A service use where the gross leasable area is at least 2,500 square feet. Examples include a large spa or beauty complex, child-care center, large bank, equipment repair shop, tattoo shop, a copy center, large post office or mail center, or laundry mat.

Animal Care or Clinic – Limited. A service use for the medical care of small domestic animals where treatment rooms, cages or pens are completely enclosed and soundproof, and where any boarding of animals is accessory to the principle use, and where the gross leasable area is under 2,500 square feet. Examples include a small veterinary office, small pet day care or grooming facility.

Animal Care or Clinic – General. A service use for the medical care of small domestic animals where outdoor pens or kennels are only used for exercise and recreational purposes, and no animals are kept outside. Examples include large veterinary offices, large grooming facilities, animal hospital, commercial kennels.

Lodging – Bed & Breakfast (up to 5 rooms). A lodging use in a residential building type that has up to 5 guest rooms and a resident manager for accessory meals, operations and cleaning services.

Lodging – Inn (up to 20 rooms). A lodging use in a small commercial building that accommodates up to 20 rooms which may include limited accessory services such as a small restaurant or lounge.

Lodging – Hotel/Motel. A lodging use in a large commercial building or complex designed for more than 20 guest rooms, as well as associated restaurant, event and conference services.

Recreation– 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– Indoor, Limited (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– Indoor, General (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– 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 – Outdoor, Limited. Examples include driving range, miniature golf, golf course, swimming pool, tennis, batting cage, small band shell or amphitheater.

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

Residential Care – Limited. 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 group homes or co-housing, retirement village, independent living or assisted living apartment communities.

Residential Care – General. 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, hospice home, or other similar care facilities.

Residential Care – Institutional. A facility offering short or 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, homeless shelters, or other facilities with a high intensity of care or supervision.

Vehicle Service/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 Service/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 Service/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:

Manufacturing –Artisan. A small-scale Industrial use where activities produce little or no byproducts such as smoke, odor, dust or noised 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 for purchase or viewing to the general public. Uses typically occupy buildings or spaces under 5,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery, 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 dying plants, asphalt or cement production, animal processing or other heavy or hazardous manufacturing operations.

Storage and Warehousing – Indoor, Limited. Storage of consumer products or small scale commercial products inside a small commercial building where only ordinary traffic and little or no truck traffic occurs. Examples include mini-warehouses where all storage areas including those leased or rented to individual customers are accessed from inside the principal building.

Storage and Warehousing– Indoor, General. Storage of commercial products inside a large building where regular shipments and distribution will occur by commercial vehicles. Examples include large warehouses, or distribution and processing centers, and mini-warehouses where all storage areas including those leased or rented to individual customers are accessed from outside the storage buildings.

Storage and Warehousing– Outdoor. Storage of consumer commercial products or large scale machinery on an outdoor lot. Examples include contractor's yard, mini-storage warehouses, boat or RV storage, towing service storage yard, or similar large-scale storage lots and facilities.

Storage and Warehousing– Outdoor, Junkyard. An outdoor storage use where discarded or inoperable items are stored for sale, salvage or further processing as waste or other byproducts.

Chapter 403. Applications & Procedures

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Table 403-1: Procedures Summary

	Eligible Applicants				*Pre-application Meeting*	*Notice*			*Review Body*				
	Owner	*Staff*	*PC*	*BOA*		*Post*	*Publish*	*Mail*	*Staff*	*PC*	*BOA*	*BZA*	*Protest Permitted*
Subdivision – Administrative Plat	■				☑				D				
Subdivision – Preliminary Plat	■				☑				R	D	A		
Subdivision – Final Plat	■				☑				R	R	D		
Subdivision Waiver	■				☑				R	D	A		
Zoning Map Amendment	■	■	■	■	☑	☑	☑	☑	R	R/PH	D		☑
Preliminary Development Plan	■		■	■	☑	☑	☑	☑	R	R/PH	D		☑
Final Development Plan	■								D	A			
Conditional Use Permit	■				☑	☑	☑	☑	R	R/PH	D		
Site Plan – Minor	■				☑				D	A			
Site Plan - Major	■				☑				R	D	A		
Variance	■				☑	☑	☑	☑	R			D/PH	
Appeal of Administrative Decision	■	■	■	■		☑	☑	☑				D/PH	
Text Amendment		■	■	■			☑		R	R/PH	D		

☑ = Required
■ = Authorized
PC = Planning Commission
BOA =Board of Alderman
BZA = Board of Zoning Adjustment

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

Section 403.010 Common For All Applications

A. **Applications and Fees.**

1. *Forms.* Applications required under this code shall be submitted to the Community 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 Board of Aldermen. 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 Board of Aldermen.

3. *Eligible Applicants.* Table 403-1 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. *Board of Aldermen.* The Board of Aldermen 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 403-1. 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 for the 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 Master 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. *Notification of Incomplete Application*. If the Director determines that an application is incomplete within, the Director shall notify the applicant of the specific ways in which the application is deficient within 15 days of submittal, and no further processing of the application shall occur until the deficiencies are corrected. If the application is not completed within 30 days of the notice, the incomplete application is deemed rejected.

2. *Scheduling.* The Director shall 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. *Staff Report.* The Director shall prepare a staff report in light of the appropriate policies, plans and regulations. The Director shall provide a copy of the report to the review body and to the applicant before the scheduled meeting.

E. **Notice.** Notice shall be provided for each application as indicated in Table 403-1, which shall provide the time, place and general nature and location of the application. Required notice shall be based on the following requirements.

1. *Published*. Where published notice is required, at least 15 days, but not more than 30 days prior to the public review notice shall be published in a newspaper in general circulation in the City.

2. *Posted*. Where posted notice is required, the applicant shall post notice on property that is the subject of the application within public view at least 15 days before the scheduled review. The City will furnish the sign(s) for posting.

3. *Mailed.* Where mailed notice is required, the applicant shall provide names and addresses all owners of record within 185 feet, excluding existing rights-of-way, of the boundaries of the property. At the expense of the applicant, the Director shall mail notice of the time, place and nature of the hearing by certified mail at least 15 days prior to the public review. 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.

F. **Public Hearings.** Where a public hearing is required by Table 403-1, the following procedures apply:
1. The hearing shall be conducted and a record of the proceedings shall be preserved, as the specific review body may prescribe by rule.
2. Any interested person or party may appear and be heard in person, by agent, or by attorney.

3. The review body may request a report on the application from any government official or agency, or any other person, firm or corporation with information pertinent to the application. A copy of any requested report shall be made available to the applicant and interested parties, and shall be available for review in the office of the Community Development Department.
4. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter provided that the continuance is set for a specific date, time and location announced at the original public hearing.

G. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 403-1. A review body may take any action on the application consistent with notice given or criteria in this Chapter, 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.
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 403-1, the following appeal procedures apply:
1. Appeals shall be filed with the Director within 15 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 that is the subject of 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.

I. **Technical Studies.** The Director, on behalf of any public official, department, or agency, the Planning Commission or the Board of Aldermen may require applicants for development or permit approval to submit technical studies as may be necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

J. **Successive Applications.** In the event that the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from the advertised review date. The Director, upon petition by the applicant, may permit a refiling of the application no sooner than 180 days after the scheduled review date when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity or a

significant development code text amendment has been adopted. There shall be no time limitation on a substantially different application.

Section 403.020 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. Plat applications may be initiated by the owners or agents of any property affected. In addition to the general requirements in Table 403-1 and Section 403.010 the requirements in this Section are specific to plat applications. Specifically plats shall apply to:

1. Any division of land where any resulting parcel is less than five acres;
2. Any adjustment of previously platted lots that alter the legal boundaries or potential ownership patterns, other than those by operation of law, acquisition by a public entity, or by court order; and
3. Any development on previously unplatted property where access or connections to public infrastructure or public streets will be required.

B. **Types of Plats and Applications.** Plat applications are classified and processed as one of three types:

1. 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 are larger divisions of land that enable 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 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 and meeting these criteria 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 Platte County Recorder's Office. The applicant shall be responsible for all recording fees.

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 403-1 and applicable in Section 403.010.

1. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria:
   a. The application is in accordance with the Master 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 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 Master 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. The applicant may request that a denied preliminary plat be submitted to the Board of Aldermen and the Planning Commission shall submit all information to the Board of Aldermen which can make a determination consistent with these regulations.

3. *Term of Expiration.* The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-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. A final plat shall be processed according to the following criteria and specific procedures in addition to those identified in Table 403-1 and applicable in Section 403.010.

1. *Review Criteria.* A final plat shall be reviewed according to the following criteria:
   a. The layout and design of the final plat is substantially consistent 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 Master 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.* If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Board of Aldermen with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities.

3. *Dedication of Land.* The Board of Aldermen shall accept or reject the dedication of land for public purposes within 30 days after the first meeting of the Board of Aldermen following submission of the recommendation of the Planning Commission. The Board of Aldermen may defer action for an additional 30 days for allowing modifications to comply with the requirements established by the Board of Aldermen. If the Board of Aldermen 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, park land dedication or fee en lieu, and payment of the excise tax if applicable, authorizes the filing of the plat with the Platte County Recorder's Office. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Board of Aldermen 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.

F. **Subdivision Waiver.** Through the preliminary or final plat process, the Planning Commission may waive certain subdivision requirements in Chapter 404, provided it finds the following:

1. Applying the standard to the specific site and application will not meet the intent of the standard.

2. Rather than meeting the standard, the applicants proposed design and any additional designs proposed to mitigate not meeting the standard, will equally or better meet the indent of the standard.

3. Meeting the standard is not necessary to meet any of the public goals associated with the standard when considering the application in a broader and long-range context.

4. Waiver of the standard will not be detrimental to any adjacent property owners or any future development opportunities on adjacent property.

Section 403.030 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 Board of Aldermen, the Planning Commission, or the owners or authorized agents of any property affected. In addition to the general requirements in Table 403-1 and Section 403.010, the following requirements are specific to zoning map amendment applications.

B. **Review Criteria**. A zoning map amendment shall be reviewed according to the following criteria:
1. The application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan, and in particular the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.
2. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.
3. The application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, and in particular the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.
4. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.
5. The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.
6. The effect of approval on the condition or value of property in the city or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Master Plan.
7. The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.
8. The recommendations of professional staff or other technical reviews associated with the application.

C. **Protest by Petition.** If a written protest against a proposed zoning change is filed in the office of the City Clerk within 15 days of the date of the conclusion of the Planning Commission public hearing, signed by the owners of record of thirty percent or more of any real property proposed to be rezoned, or by the owners of record of thirty percent or more of the total area required to be notified by this Code of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a 2/3 vote of all of the members of the Board of Aldermen.

D. **Board of Aldermen Review.** The Board of Aldermen shall not consider a request prior to the lapse of the 15 day protest period. When the Planning Commission submits a recommendation of approval or disapproval of a Zoning Map Amendment, the Board of Aldermen may:
1. Adopt such recommendation by ordinance;

2. Return such recommendation to the Planning Commission with a statement specifying the basis for the Board of Aldermen's failure to approve or disapprove; or
3. Reject or modify the Planning Commission's recommendation, specifically citing the reasons for such decision and based on the same criteria in Section 403.030.B.

E. **Effect of Decision.** Amendments to the official Zoning Map (rezoning) shall be approved by the Board of Aldermen 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.

Section 403.040 Master Planned Development

A. **Applicability.** The master planned development process is intended for development concepts that require a higher degree of specific planning based on the complexity of the project, the relationship of the site to the context, and the ability to meet or exceed the purpose, intent and objectives of this code through more flexible application of the standards. A master 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 specific master development plan. The planned development process involves at least two steps – the preliminary development plan, and the final development plan. In many cases land will need to be subdivided in order to carry out a development plan. The subdivision process is a separate process and may run concurrently with or following the planned development process. Planned development applications may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 403-1 and Section 403.010, the following requirements are specific to master 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. A preliminary development plan shall include a minimum of five acres, or at the Director's discretion it may include less if the plan affects property at the scale of a block depending on the specific context. 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, and where relationships and transitions between these elements occur within the plan. 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. *Public Input Summary.* A summary of the type, extent and outcomes from any public or community engagement regarding the plan and future development.

5. *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.

6. *Illustrative Plan.* The preliminary development 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 Master 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 or a single project.
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 Master 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 Board of Aldermen may require conditions that must be met before an applicant submits a final development plan.

1. *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-1 base zoning districts for the preliminary development plan, the future zoning of each area shall be R-3-P and B-1-P respectively.)

2. *Protest by Petition.* If a written protest against a proposed preliminary development plan is filed in the office of the City Clerk within 15 days of the date of the conclusion of the Planning Commission public hearing, signed by the owners of record of thirty percent or more of any real property in the plan, or by the owners of record of thirty percent or more of the total area required to be notified by this code of the proposed preliminary development plan, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a 2/3 vote of all of the members of the Board of Aldermen.

3. *Duration of 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.

E. **Final Development Plan.** 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.

F. **Final Development Plan Review Criteria.** A final development plan shall be reviewed according to the criteria for Site Plan and Design Review in Section 403.060, with the additional criteria that the final development plan is substantially consistent with the approved preliminary development plan.

G. **Effect of Final Development Plan Approval.** Approval of a final development plan shall be the same for that of Site Plan and Design Review in Section 403.060.

Section 403.050 Conditional Use Permit

A. **Applicability.** A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses. Due to the varying design and operational characteristics of the use or due to conditions in the area where the use is proposed, these uses may not be appropriate in that district, but require a case-specific review to determine the compatibility in a specific context and location. Conditional use permits may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 403-1 and Section 403.010, 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 application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan.
2. Compliance of any proposed development with the requirements of this code.
3. 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, or mitigate any other potential impacts that are specific to the proposed use.
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. The adequacy of drainage, utilities and other public facilities.
6. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
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. Whether a limited time period for the permit is reasonable necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.
9. The application will not prevent development and use of the neighboring property in accordance with the applicable development regulations.

10. 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.
11. The recommendations of professional staff or other technical reviews associated with the application.

C. **Effect of Decision.** Approval of a conditional use permit by the Board of Aldermen shall authorize the applicant to apply for a building permit, and other applicable permits. Approval shall be valid for two years, and the Board of Aldermen 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.

Section 403.060 Major Site Plan

A. **Applicability.** The major site plan process coordinates development projects with the public realm and with adjacent sites, and specifically demonstrates how new projects meet the development and design standards of this code regarding compatible arrangement of buildings, pedestrian and vehicle access, site design, lighting and landscaping. Site plans may be initiated by the owners or authorized agents of the property. In addition to the general requirements in Table 403-1 and Section 403.010, the following requirements are specific to major site plan applications. The major site review process specifically applies 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 major 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.
   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 of the zoning district or 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. **Administrative Adjustments.** The Planning Commission may grant administrative adjustments through a major site plan review to provide flexibility where it is clear that an alternative design approach or a minor modification will equally or better meet the intent or design objective of the standard that is deviated from and the Review Criteria in this Section. Specifically, administrative adjustments apply to:

1. Altering a building standard such as the height, setback or area by 5% or less.
2. Reducing a site design standard such as a landscape requirement, parking requirement or open space dimension by 10% or less.
3. Deviating from a design standard by proposing an alternative design that equally or better meets the intent of the design standard or any performance criteria associated with the standard.

D. **Effect of Decision.** Approval of a major site plan shall authorize the applicant to apply for a building permit, and other applicable permits. The Director may approve minor amendments to approved major site plans without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative adjustment, or any change that is different from any condition of approval of the major site plan. An approved major 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 Planning Commission may grant an extension for up to one additional year.

Section 403.070 Minor Site Plan

A. **Applicability.** The minor site plan process ensures that routine development projects meet the development and design standards of this code, and all other standards applicable to the property. Minor site plans may be initiated by the owners or authorized agents of the property. In addition to the general requirements in Table 403-1 and Section 403.010, the following requirements are specific to minor site plan applications. The minor 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 minor site plan process. These applications must be reviewed through the full site plan and design review process.

B. **Review Criteria.** A minor 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.
   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 of the zoning district or 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 a minor site plan shall authorize the applicant to apply for a building permit, and other applicable permits. An approved minor 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.

Section 403.080 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 the property. In addition to the general requirements in Table 403-1 and Section 403.010, the following requirements are specific to variance applications.

B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
2. The granting of 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 for which the variance is requested will constitute unnecessary hardship or practical difficulties 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. Granting the variance would not be opposed to the general spirit and intent of this Code.

C. **Effect of Decision.** Findings of fact identifying and evaluating all factors relevant to the application shall be made part of the public record. The concurring vote of at least four members

of the Board of Zoning Adjustments is necessary to approve a variance. Any person, official or governmental agency dissatisfied with any order or determination of the Board may bring an action in the circuit court within 30 days of the final decision.

Section 403.090 Appeal of Administrative Decision

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 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 Adjustment, 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. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record.

C. **Notice.** Notice of the appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit to the Board of Zoning Adjustment all papers constituting the record upon which the action appealed is taken within 30 days of receipt of such filing of the appeal.

D. **Action and Review Criteria**. The Board of Zoning Adjustment 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 Adjustment 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 Adjustment shall have the same effect as a decision made by the administrative official. The concurring vote of at least four members of the Board of Zoning Adjustment is necessary to approve an appeal and override an administrative official's decision or interpretation. Any person, including any City Official or City Council, 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.

Section 403.100 Text Amendments

A. **Applicability.** Text amendments to these regulations may be initiated by the Board of Aldermen or the Planning Commission, or by Staff on behalf of these entities.

B. **Specific Procedures.** In addition to the general procedures in Table 403-1, and Section 403.010, applications for text amendments shall be processed according to the following specific procedures:

1. *Public Hearing.* The Planning Commission shall hold a public hearing on all proposed amendments.

2. *Recommendations.* Upon the conclusion of the 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 Board of Aldermen.

3. *Action by the Board of Aldermen.* When the Planning Commission submits a recommendation of approval or disapproval of such amendment the Board of Aldermen may:
   a. Adopt: Adopt such recommendation by ordinance;
   b. Override: Override or otherwise disapprove the Planning Commission recommendation; or
   c. Return: Return such recommendation to the Planning Commission with a statement specifying the basis for the Board of Aldermen's failure to approve or disapprove.

4. *Effective Date.* If the Board of Aldermen approves an application, it shall adopt an ordinance to that effect and the ordinance shall become effective on the date specified in the ordinance.

Chapter 404. Subdivision Regulations

Section 404.010 Street Networks and Design
Section 404.020 Civic and Open Space System
Section 404.030 Block and Lot Arrangement
Section 404.040 Required Improvements & Engineering Specifications

Section 404.010. Street Networks and Design

A. **Intent.** The intent of this Section is to:
1. Plan and coordinate street networks to ensure the proper arrangement of blocks and lots for long-range development goals.
2. Increase connectivity, improve options for access in the community, and allow greater variety of street designs on different street segments.
3. Provide for efficient and safe movement of all potential users of the streets, including pedestrians, bicycles, automobiles, and trucks or transit, and balance street designs so the interests of a single mode does not compromise other modes.
4. Emphasize street design as a key determinant of community character and design of the public realm, as identified in the Master Plan and other specific plans.
5. Use streetscape design to call attention to differing contexts, including opportunities to implement green infrastructure policies.

B. **Applicability.** The standards in this section apply to:
1. All land division platting new streets.
2. Any land division or platting along an existing street, where a specific street type has been approved.
3. Any land division of more than 5 acres where internal access streets may be proposed or that abuts existing streets.

C. **Network and Connectivity.** Arterial, collector and local streets shall generally be laid out according to the policies of the Master Plan in a manner that follows terrain, minimizes impact on the environment, limits dead-end streets, and provides non-vehicular networks where connectivity is not possible.

1. *Block Sizes.* Except where more specific guidance is provided by detailed plans, streets shall generally be laid out to provide a network of blocks and streets based on the planning context and development pattern as identified in Table 404-1:

Table 404-1: Block Sizes

Planning Context	*Block Length*	*Block Area*	*Cul-de-sac Limits*
Walkable / Compact *Downtown, core areas of commercial centers, and abutting blocks adjacent to walkable places.*	250' min. 500' max.	2.5 – 5 acres	Prohibited
General *Traditional neighborhoods, near downtown areas, and areas supporting commercial corridors.*	350' min. 800' max	4 to 8 acres	250' max.
Suburban *Areas more removed from walkable centers, commercial corridors or large scale projects arranged around a campus plan.*	500' min. 1,000' max.	5 to 8 acres	500' max.

2. *External Connections.* Street network plans shall provide for the continuation of streets in adjacent subdivisions and to future growth areas at intervals that meet these standards and shall be constructed to the subdivision boundary.

3. *Exceptions.* The following are exceptions to the block and connectivity standards:
   a. *Natural Features and Civic Spaces.* Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the Open and 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.

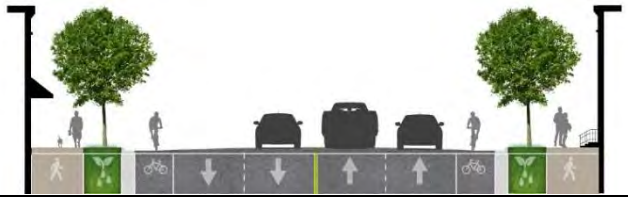
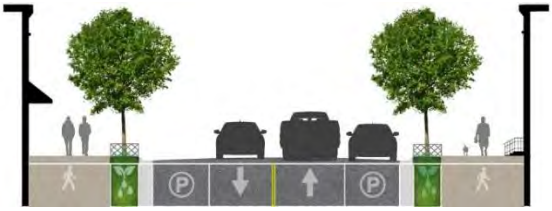
4. *Dead End Streets.* In any case where streets are not required to connect by these standards, dead end streets shall be limited as specified in Table 404-1. Turn-around shall be required with a back of curb radius of at least 39 feet. Alternative designs such as loops or closes are preferred over dead ends and cul-de-sacs.

5. *Walkways and Passages.* 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 or Board of Alderman may require pedestrian walkways through blocks or at any dead end streets. In general, any block longer than 750 feet should be considered for additional walkways and passages.

D. **Street Design.** Streets shall be designed to reinforce the character of the area and the anticipated development patterns, land uses and designs of projects fronting the street.

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 404-2 identifies which design types are most appropriate for different contexts and different functional classes of streets.

Table 404-2: Street Design Types & Functional Classification

Street Type		*Arterial (A)*	*Collector (C)*	*Local (L)*
	Standard *A basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types.*	■	□	□
	Activity *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.*	□	■	■
	Neighborhood *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.*	■	■	■
	Natural *A "green" street type appropriate where streets cross or align with natural features, particularly to emphasize the open space and environmental themes of a particular context. It is characterized by, slow to moderate speeds, and informal and natural landscape edges, and the incorporation of trails or other open spaces.*	□	■	■

■ Preferred Type

□ Limited Type, based on street network plan and surrounding development context and natural characteristics.

2. *Context Appropriate Street Design Standards.* The Context Appropriate Street Design Standards in Appendix A provide a framework for assembling cross sections for each specific street type. The standards and guidelines in Appendix A shall be used to create specific cross sections for a specific context, or to adjust the typical street cross sections provided in this Section.

E. **Intersection Design.**

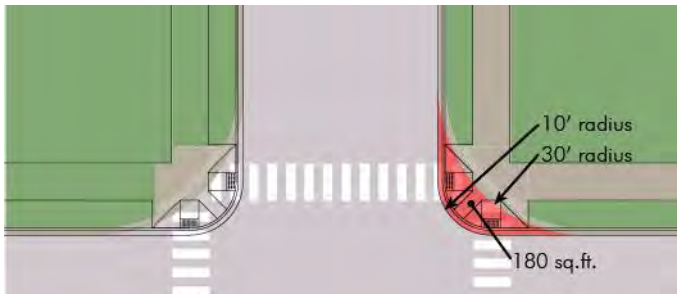


Figure 303-2 Corner Radii Comparison
Two curbs with differing radii – 10 ft. & 30 ft. – overlap with a red shaded area highlighting the difference in vehicular space, pedestrian space and crossing distances.

1. *Corner Radii.* Corner radii of intersections 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 specific context. Table 404-3 establishes the base requirements. In areas where large vehicles will make frequent turning movements, the Commission may require greater turning radius. In areas where slower speeds are desired or walkability is important the Commission may require tighter corner radii.

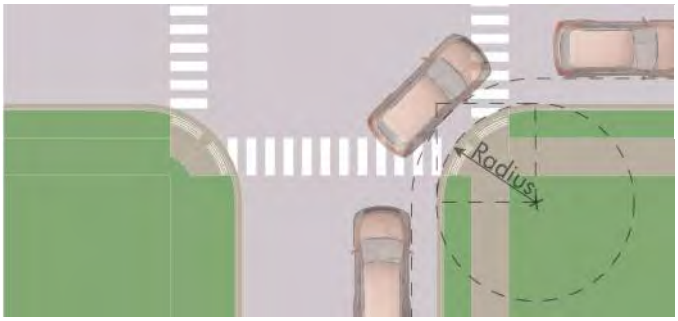


Figure 303-3 Corner Radii Measurement
The figure demonstrates the typical method for measuring a corner radius at the intersection

Table 404-3 Corner Curb Radius

Intersection Type	*Curb Radius*
Local / Local	5' to 15'
Local / Collector	10' to 20'
Local / Arterial	15' to 20'
Collector / Collector	10' to 20'
Collector / Arterial	20' to 30'
Arterial / Arterial	25' to 30'

2. *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 404-4.

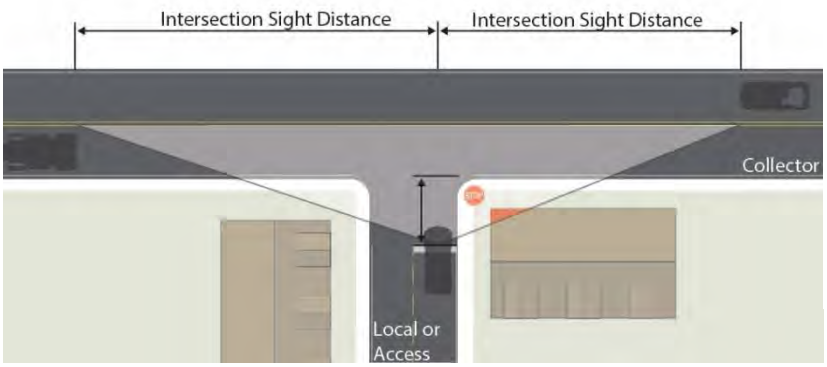


Figure 303-4 Clear Sight Distance
A clear line of sight must be maintained at a specific distance depending on the design speed of the roadway, and the stop point and control type on the intersection. This grants drivers appropriate warning on incoming vehicles.

Table 404-4: Clear Sight Distance

Design Speed of Intersecting Street	*Intersection Sight Distance (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’

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets.*

a. 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 20 feet to the intersecting right-of-way line.

b. 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 Public Works Director.

Section 404.020. Civic and Open Space System

A. **Intent**. The intent of this section is to:
1. Emphasize open space as an important part of community character and design of the public realm, as identified in the Master Plan and specific plans.
2. Plan and integrate park, civic and open spaces as an extension of street networks, shaping important public and civic spaces.
3. Value the design, function, and appropriate application of different types of open space, rather than solely the quantity of space.

4. Promote different types of open spaces appropriate to the development context, recognizing the different ecological, recreation, aesthetic and urban design functions of these spaces.
5. Integrate natural systems into the design of common or public open spaces, and use major natural features to create distinct places.
6. Locate civic and open spaces within easy walking distance of the people they intend to serve, and design them in a manner to encourage social interaction.

B. **Applicability.**

1. *Generally.* These standards apply to all divisions of land or platting 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, or buffer requirements in this code, however effective site design can allow areas to meet multiple standards.

2. *Exceptions.* 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:
   (a) it is public; or
   (b) 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.

C. **Open Space Types.** Table 404-5 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 404-5: Civic & Open Space Types and Context

Planning Context	*Natural Area*	*Park*	*Trail / Greenway*	*Green*	*Square*	*Plaza / Courtyard*	*Pedestrian Enhanced Streetscape*
Walkable / Compact *Downtown, core areas of commercial centers, and abutting blocks adjacent to walkable places.*	□	□	□	■	■	■	■
General *Traditional neighborhoods, near downtown areas, and areas supporting commercial corridors.*	□	■	□	■	■	■	□
Suburban *Areas more removed from walkable centers, commercial corridors or large scale projects arranged around a campus plan.*	□	■	■	■	□	□	□

■ Preferred Type

□ Limited Type, based on opportunities corresponding with the context or more specific plan

D. **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 404-6.

Table 404-6: Required Open Space

Zoning District	Amount Required
R-1	5%
R-2, R-3, R-4	10%
R-5	15%
OTD, B-1	5 %
P-EC, B-2, B-4	12%
B-P	20%
I-1, I-2, I-3, U-1	n/a, required Buffers and Screening addresses open space
PLCD	n/a, Open and civic space is primary use

The amounts required in Table 404-6 may be reduced:

1. Based on a plan through the planned development process that meets or exceeds the intent of this Section;
2. To the point where any lesser percentage of open space will clearly meet both the service area and level of service targets identified in sub-section F. below; or
3. 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 based on subsection H.

E. **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 civic and open 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 the intended function.
   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.

F. **Design Standards.** Civic and open space shall be designed according to the specific type, and the standards below for each different type.

Natural Area

The size, location, and design of Natural Areas shall be dependent on the planning context, the presence of natural amenities and ecological functions 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 to coordinate with at least 5 acres of contiguous preserved area; and ideally up to 40 or more acres. However, the actual sizes of specific components of natural areas shall be dependent on environmental and aesthetic benefits and importance to larger-scale natural systems.

Service Area:
N/A

Level of Service: 12 ac. Per 1,000 people

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 of these areas to maximize intact areas that provide valuable ecosystem services for the community, support preservation goals or enhance the aesthetics and amenities of the area.

Park

Size
0.25 – 1 acre (Mini Park)
0.25 – 10 acres, 5+ acres ideal (Neighborhood)
10 - 50 acres; 10 + acres ideal (Community)
50 acres min. for passive uses or structured recreation fields or Regional

Service Area
¼ - ½ mile (Neighborhood)
½ mile – 3 miles depending on size (Community)

Level of Service
12 ac. Per 1,000 people

Note: public dedication and acceptance of parks is dependent on other parameters of the Parkville Park Master Plan

Design Elements
Parks shall generally be at least 300' wide in all directions, except that mini-parks may be as narrow as 100'.
One large tree for every 40' of street frontage 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, treed areas, garden, lawns or other landscape amenity.

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, with connections to other supporting facilities and the ability to link important destinations for those on foot or on bicycle, such as parks, schools and community centers or other civic destinations.

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

Level of Service
12 ac. Per 1,000 people

Note: public dedication and acceptance of a trail/greenway is dependent on other parameters of the Parkville Parks Master Plan

Design Elements
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 large tree for every 40' of trail length; and 1 large or small tree for every 25' of trail length.
Trails / Greenways located along rights of way may be designed and incorporated into the street cross-section design to create the optimal multi-modal design for the street and trail.

Green

Size
½ to 3 acres

Service Area
2,000 feet

Level of Service
5% to 10% of non-Right-of-Way land area;
OR
2 ac. Per 1,000 people.

Design Elements
Greens shall be at least 100' 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 and outdoor seating areas to activate the space.
One large tree for every 25' of street frontage; and one large or small tree for every 2,000 square feet.
At least 10% of the area shall be designed for formal gathering such as seating areas and other areas of concentrated amenity that serve as a focal point of the Green.
At least 70% of the area shall be allocated to ground cover, treed areas or other landscape amenity.

Square

Size
5,000 s.f. to 1 acre

Service Area
1,000 feet

Level of Service
5% to 10% of non-Right-of-Way land area;
OR
1 to 2 ac. Per 1,000 people.

Design Elements
Squares shall be at least 70' 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 street.
One large tree for every 40' of street frontage; and one large or small tree for every 1,000 square feet.
At least 50% of the area shall be designed for formal gathering such as seating areas and other concentrated amenity.
At least 25% of the area shall be allocated to planter beds, seasonal plantings foundation plants, garden, lawns or other landscape amenity.

Plaza / Courtyard

Size
500 s.f. to 5,000 s.f.

Service Area
On block or immediately abutting blocks

Level of Service
5% to 10% of non-Right-of-Way land area;
OR
½ to 1 ac. Per 1,000 people.

Design Elements
Plazas / courtyards shall be at least 20' 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 windows and entrances to activate the space.
One large tree for every 40' of street frontage; and one large or small tree for every 1,000 square feet.
At least 20% of the area shall be allocated to planter beds, seasonal plantings or foundation plants.

Enhanced Pedestrian Frontage

Enhanced pedestrian streetscapes are an area along the street frontage that may be common or dedicated to the public as part of the right-of-way standards. It includes pedestrian enhancements beyond those required by the Street Type standards to support buildings fronting directly on the streetscape.

Size
8' – 10' along the frontage, designed as an extension of the streetscape. Any street designed with sidewalks 16' or wider can count this area towards the 8' requirement.

Service Area
On block or immediately abutting lots

Level of Service
N/a.

Design Elements
Buildings shall provide direct pedestrian access to enhanced pedestrian streetscape.
One small tree for every 25' or one large shade tree for every 40'; plus ornamental planting in conjunction with the overall streetscape design, particularly at building entrances. (Street trees planted in the right-of-way per street types specification may count to this requirement)
Outside seating should be provided, either through seating areas associated with the building use or through street furniture or other type of street amenity designed for pedestrian use.
Facades fronting on the streetscape should have high permeability with frequent windows and entrances to activate the space.

G. **Ownership and Management.** Required Civic Open Space shall be designated on the final plat as a separate tract. 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.

All Civic and Open Space shall require documentation recorded with the final plat that demonstrates the ongoing maintenance, administrative and financial management of the space according to these standards. Dedication to the City or other public entity is subject to acceptance by and at the sole discretion of the City or other public entity.

H. **Park Land Dedication.**

1. *Dedication.* Subdivision plats shall show dedication of land for park uses at locations designated in the comprehensive plan, or the official parks plan adopted by the Board of Aldermen, or as otherwise determined through the plat review process and applying the Open and Civic Space standards in this Section. When the required dedication is less than four acres, the Board 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. In all cases, the developer will dedicate such approved park land to the City of Parkville as a condition of final subdivision approval, and shown on an approved final plat as "dedicated to Parkville, Missouri for park and recreation purposes.

2. *Required Area.* The required area of the dedication shall be based on the number of dwelling units and the acres per person formula as follows:
   a. Detached Houses: Number of units x 3.7 persons per unit x 0.006 acres.
   b. Duplexes: Number of units x 3 persons per unit x 0.006 acres.
   c. Multi-unit Buildings: Number of units x 2 persons per unit x 0.006 acres.

3. *Cash in Lieu of Land Dedication.*
   a. If the applicant and the Board are unable to agree upon the location of the land to be dedicated, then as a condition of final subdivision approval, the Board may choose to accept payment of cash in lieu of park land.
   b. If the required dedication is less than two acres, then the City at its option elected at any time prior to the approval of the preliminary plat as a condition, or the applicant prior to approval of final plat, may choose to accept payment of cash in lieu of park land.
   c. When the payment of cash in lieu of dedicating open space is approved, the applicant shall deposit with the City Treasurer a cash payment without recourse or the right of recovery prior to recording the subdivision plat. The amount shall be the required dedication multiplied by seven thousand dollars ($7,000.00) per acre, less a credit that any land actually dedicated for park purposes. The funds shall be used for the acquisition, development or improvement of a public park as determined solely by the Board.

4. *Private Development and Operation of Park-Recreational Open Space.* The applicant may comply with the requirements of this Subsection by providing an area equal or greater than the required area as private open space meeting the standards and criteria of this Section 404.020, including legal review of the Ownership and Management arrangements of 404.020.G.

5. *Additional Recreational Reservations.* The provisions of this Section are minimum standards. None of the Subsections above shall be construed as prohibiting a developer from dedicating or reserving other land for recreation purposes in addition to the requirements of this Section.

Section 404.030. Block and Lot Arrangement

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 civic and open 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.

B. **Applicability.** The standards in this section apply to any division of land or platting involving new blocks or lot, to the extent the division impacts any of the standards.

C. **Block Arrangement.** In general, all blocks shall be arranged to have two tiers of lots, each fronting on a public street. Double-frontage lots or lots backing to streets are generally prohibited, unless dictated by over-riding development patterns outside of the control or impact of the project

such as intervening natural features, parcels platted parts of the Civic and Open Space Systems, or other exceptions noted in the connectivity standards in 404.010.B.

1. *Access and Frontages*. 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.

2. *Utility Easements.* All blocks shall include easements for all required improvements necessary to serve each lot, granted to the City or appropriate utility.
   a. Where alleys are not provided, easements at least five feet wide shall be platted at the rear of all lot lines, and where necessary on the side lot lines.
   b. Larger widths may be required, or easements not along lot lines may be necessary for the extensions of main sewers or other utilities.
   c All easements shall be accessible from the public right of way in some manner for each block.

3. *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 existing topography as nearly as possible to reduce drainage problems.
   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 Director of Public Works.

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. Any lot not served by public sanitary sewer shall be of sufficient additional area to properly accommodate a suitable private sewage disposal device. The City Planning Commission will determine the required lot size upon report of appropriate tests and adequate determination and recommendation of the County Health Officer or State Board of Health.

2. *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.

3. *Lot Access and Frontages.* 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. *Lot Lines.* Generally the side lines shall be at right angles to straight street lines or radial to curved street lines, 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.

5. *Building Lines.* Building lines conforming to zoning regulations shall be shown on all lots within the platted area.

Section 404.040. Required Improvements and Engineering Specifications

A. **Intent.** The intent of this Section is to insure 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.
   1. Coordinate the design and construction of infrastructure for lots and projects with surrounding systems.
   2. Promote specifications and installation of infrastructure that supports planning and urban design policies for the City and specific areas.
   3. Ensure that all lots are served with necessary improvements prior to or in association with the issuance of building permits.

B. **Applicability.** The standards in this section apply to any division of land or platting involving new blocks or lot, to the extent the division impacts any of the standards.

C. **Generally.** The 1997 or the latest consecutive edition of the American Public Works Association (APWA) Standard Specifications and Design Criteria shall be the governing specifications and design criteria for the City of Parkville, which may be supplemented by the Director of Public Works policy statements. However, where any of the planning and urban design standards in this Chapter require or recommend a different physical arrangement of spaces, the construction and the engineering specifications of the APWA manual shall be applied within the planning and urban design standards of this Chapter.

D. **Streets and Sidewalks**. Except as altered for particular contexts by application of the street Design Types and Context Appropriate Street Design Standards in Section 404.010 and Appendix A, all streets and sidewalks shall be constructed to the following Standard Specifications and Design Criteria, APWA 1981:
   1. *Arterials.* Standard Drawing ST-3
   2. *Collectors.* Standard Drawing ST-2
   3. *Local*. Standard Drawing ST-1.
   4. *Sidewalks.* SW-2. Sidewalks shall be constructed at the time of street construction along arterial and collector streets, but may be deferred until building permits are issued on local streets provided the developer enters into an agreement of with the City to construct all sidewalks within 3 years for the date of acceptance of the street, and record the agreement with the final plat. The agreement shall provide that upon notification by the City to the property owner that sidewalks shall be built within 60 days, weather

permitting. Should sidewalks not be completed with that time period the City may proceed with sidewalk construction and by ordinance levy a special assessment against the property for the cost of construction.

5. *Street Lights.* Street lights shall be constructed as specified in the Standard Specifications and Design Criteria, APWA 1982.
6. *Grades.* In general, streets shall be so arranged that grades shall not exceed10 percent for major thoroughfares and 15 percent for minor streets. The City Planning Commission may permit variation from these grades where it deems modifications advisable to adjust to topographic situations.
   a. Gutter grades on paved gutters shall not be less than one-half of one percent
   b. All changes in street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility.
   c. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding five percent and for a distance of generally not less than 100 feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible, permitting proper drainage.
7. *Street Names.* Street shall use the names of other existing and named streets in alignment. Names of new streets or streets not in alignment with others shall show the names on the final plat and shall not duplicate or sound similar to existing street names. The City shall determine the street names and lot numbers.
8. *Driveway Approaches.* Driveway approaches shall conform to the design specified in APWA 1997 Edition Standard Drawing D-1. Approaches must conform to one-quarter (¼) inch to one-half (½) inch max slope within the right-of-way. Colored concrete or decorative driveway approaches may be installed to the curb with the following conditions:
   a. Owner must pay for the special improvement and must be otherwise installed according to APWA standards.
   b. Owner agrees to have continuing responsibility for contracting and installation of all such approaches requiring repairs due to utility, street, sewer or other such work; however, said utility, contractor or municipal contractor shall pay the amount of a standard APWA approach replacement to said owner; or if the owner does not want a decorative driveway any longer, a standard replacement approach will be installed in the affected drive by the said contractor.

E. **Water and Sanitary Sewer.**
1. Where a public water main is reasonably accessible, connections between each lot and the water main shall be made in accordance with City standards.
2. Where a public sanitary sewer is reasonably accessible, connections between each lot and the sanitary sewer shall be made, sewer systems within the subdivision to make sanitary sewer accessible to each lot. Sewer systems shall be approved by the Board of Aldermen and the Missouri Department of Natural Resources.
3. Where sanitary sewers are not available, other facilities, as approved by the Board of Aldermen and the Platte County Health Department, must be provided for the adequate disposal of sanitary wastes.

F. **Storm Drainage.** Culverts, storm sewer inlets, rip-rap slopes, stabilized ditches and other improvements shall be installed to handle storm water adequately. Such improvements may be a part of a benefit district, may be installed by the applicant prior to building permit issuance on abutting land, or installation may be guaranteed by performance as may be negotiated with the Governing Body. All storm drainage facilities shall meet the specification and standards of the City, and be planned and designed according to the site design standards in Section 408.050.

G. **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.

H. **Permitting, Inspection and Acceptance**. No work on required improvements shall be done unless the following regulations and provisions have first been complied with:

1. Plans and specifications for the private construction or repair of improvements, including but not limited shall be submitted to the Public Works Director for approval, along with the specified improvement permit fee.
2. A permit shall be obtained from the Public Works Director authorizing the construction according to plans and specifications submitted.
3. Following the issuance of the permit, construction shall not be started until the Public Works Director has been notified as to the time, location, and scope of the construction. All construction work may be stopped at any time by the Public Works Director, when in the opinion of the Public Works Director the workmanship, materials used, or procedures of work do not meet the requirements or comply with the City Code, ordinances, specifications and procedures for such work.
4. All permitted work shall be subject to final inspection for City maintenance by the Public Works Director who shall recommend action to the Mayor and Board of Aldermen. No building permit shall be issued prior to the official acceptance of streets and sewers necessary to adequately serve such building.
5. Before acceptance by the City of streets or sewers, the owner shall post a maintenance bond, cash or irrevocable letter of credit satisfactory to the Board of Aldermen and in accordance with City policies and Public Works procedures, guaranteeing against defects in construction for a period of two years.
6. Any private improvements such as landscape islands, benches, trash cans, landscaping or subdivision monuments approved within the right-of-way shall have a Right-of-Way Maintenance Agreement signed by the developer and assigning responsibility to an association of property owners or any specific lot or property owner.

Chapter 405. Zoning Districts & Use Standards

405.010 Zoning Districts Established
405.020 Zoning Districts & Uses
405.030 General Bulk, Height and Area Standards
405.040 Standards Specific to Uses
405.050 Conditional Uses

Section 405.010 Zoning Districts Established

For the purpose of regulating and restricting the use and development of land and buildings, the following districts are established, with the intent given for relationship to the Master Plan.

A. **Zoning Districts and Intent Statements.**

"R-1" Single-Family Residential. The R-1 Single-Family Residential District provides residential living in a low-density neighborhood setting and relatively spacious and natural character, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used for residential neighborhoods where integration of open and natural features are desired.

"R-2" Single-Family Residential. The R-2 Single-Family Residential District provides residential living in a low-density neighborhood setting and open character, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used generally for a variety of residential neighborhoods throughout the city.

"R-3" Single-Family Residential. The R-3 Single-Family Residential District provides residential living in a moderate-density neighborhood setting and more community character, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used generally for a variety of residential neighborhoods throughout the city.

"R-4" Mixed-Density Residential. The R-4 Mixed-Density Residential District provides residential living in a medium-density neighborhood setting and compact, walkable character. The district provides primarily detached houses and integrates a range of small-scale, civic and multi-unit building types at strategic locations. This district should have strong connections to a broad range of amenities, retail needs and support services to promote walkable patterns. This district should be used in older central sections of the City or new mixed-use areas.

"R-5" Multi-Family Residential. The R-5 Multi-Family Residential District provides residential living in a higher density pattern in planned apartment complexes or other large-scale multi-dwelling building formats. The uses and buildings proved a transition between neighborhoods and more intense uses, where a concentration of residences have high level of accessibility to public amenities and support services.

"B-1" Neighborhood Business District. The B-1 Neighborhood Business District provides small-scale retail, service and employment uses in a compact and walkable format that are well-integrated with

residential neighborhoods or other supporting uses that serve the needs of neighborhoods. This district should be used to create destinations in close proximity to residential neighborhoods.

"B-2" General Business District. The B-2 General Business District provides a wide range of retail, service and employment uses that are not easily integrated with neighborhoods or are at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility. This district should be used generally for commercial and service uses that cannot be easily integrated or in close proximity to neighborhoods.

"B-4-P" Planned Business District. The B-4-P Planned Business District provides a wide range of retail, service and employment uses in a more integrated and master planned setting that creates effective transitions to supporting and compatible uses in other adjacent districts. This district should be used to create a better mixture of large and small commercial uses and improved transitions and compatibility with adjacent uses.

"OTD" Old Town District. The OTD Old Town District District provides a broad range of retail, entertainment and civic uses, and supporting accessory office, service, and residential uses, in a compact and walkable format. This district preserves the scale and character of original Parkville as the focal point of the community, and reinforces a high level of civic design and small scale urban patterns that keep downtown Parkville vibrant.

"BP" Business Park District. The BP Business Park district provides for a mixture of office, research and development, warehousing, distribution, light industrial and limited retail and service uses in a planned business park setting with an emphasis on quality buildings relating to integrated open spaces. Retail sales and services are allowed provided they would support other businesses within the park. This district should be used to concentrate employment uses and associated smaller scale commercial and service uses.

"P-EC" Planned Educational Campus District. The "P-EC" Planned Educational Campus District is intended to promote unified development through master planning of public and private institutions for teaching and learning in a campus setting, including: elementary and secondary schools; colleges, universities and seminaries; and technical and trade schools. This district is established to allow for design flexibility, to encourage efficient use of land and public services and to ensure high quality design. These regulations are intended to allow innovative development that is integrated within a campus setting and compatible with historic character and patterns of nearby development.

"I-1" Light Industrial District. The I-1 Light Industrial District provides manufacturing, service and business uses which do not require intensive land coverage, generate large volumes of vehicular traffic, or create obnoxious sounds, glare, dust or odor, and which may provide employment opportunities close proximity to other supporting and compatible commercial or neighborhood uses. This district should be used where smaller scale employment and manufacturing is complimentary to other commercial uses.

"I-2" Light Industrial District. The I-2 Light Industrial District provides manufacturing, service and business uses relatively free from noise, dust, and odor within buildings and on well-landscaped sites. This district should be used to provide employment and manufacturing uses that won't have significant impact on adjacent uses.

"I-3" Heavy Industrial District. The I-3 Heavy Industrial District provides industrial uses which are generally not compatible with residential and/or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of supporting access and infrastructure required of the business. This district should be used where larger scale and more intensive uses need to be remote from potentially incompatible uses.

"U-1" Underground District. The U-1 Underground District is a planned district that accommodates the reasonable utilization of underground space for post-mining, subsurface land uses whose traffic and other surface impacts are compatible with the surrounding surface uses and are safe for human occupation of the underground or surface above or surrounding the underground use. This district should be used where geology and topography permit uses to occur with no immediate or long-term impact on adjacent uses or future surface uses.

" PLCD" Parkland and Conservation District. The Parkland and Conservation District provides public recreation activities, preserves important open lands for aesthetic and ecological purposes, and provides parks, open and civic spaces that improve the image of Parkville. This district should be used to preserve unique features and shape the public realm of Parkville.

B. **Relationship to Master Plan.**

The Future Land Use element of the Master Plan provides a general framework for implementing the plan– it is not intended to predetermine specific land uses or zoning for individual parcels. The following table is a general guide showing the relationship of zoning districts to each other and to the land use categories of the Master Plan. It is intended to ensure compatibility and effective transitions among different zoning districts and allow creation of places where projects and zoning districts add up to a larger and greater whole as envisioned in the plan.

Table 405-1: Master Plan & Zoning Districts

Future Land Use Category	Typically Applicable Zoning Districts
Parks and Open Space	PLCD; or integrating specific parts of the Open and Civic Space systems in Chapter 404 associated with development
Conservation Overlay	PLCD; or R-1 in a planned conservation pattern or very large lots, or agriculture / undeveloped lands.
Residential Neighborhood	R-1; R-2; R-3; but R-4 can be mixed in a planned pattern integrated around mixed-use or commercial areas.
Moderate Density Residential Mix	R-3; R-4
Mixed Use Residential Neighborhood	Predominantly R-4; but R-3 or R-5 can be mixed in a planned pattern integrated around mixed-use or commercial areas
Mixed Use	Predominantly B-1; R-4; but B-2, B-4, and R-5 can be mixed in a planned pattern with a well-integrated mix of compatible uses and designs
Office	BP; or B-1
General Commercial	B-2; B-4-P; BP; or I-1 if in a planned pattern integrated with surrounding areas.
Office/Business Park	BP; B-1; I-1 if in a planned pattern and integrated with surrounding uses; or U-1 in a planned pattern designed to not impact principle and future land uses
University	P-EC; or U-1 in a planned pattern designed to not impact principle and future land uses

Nothing in this table or the plan would preclude the finding that a different application of the zoning districts is also consistent with the Future Land Use element of the Master Plan, or other more specific plans if the context of a specific application, and the goals, policies and strategies of the plan support that finding.

Section 405.020 Districts & Uses

A. **Permitted Uses.** In order to implement the intent of each zoning district 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 405-2 indicates permitted uses (P) subject to general district and building type standards or any specific use standards, and conditional uses (C) subject to the discretionary review process in Section 403.050. Use categories, general uses and specific types of uses are more specifically described in Chapter 402. This table enables general use categories. More specific types of uses within these categories may be subject to additional standards in Section 405.040, Standards Specific to Uses, or be subject to conditional review processes indicated in Section 405.050, Conditional Uses.

Table 405-2: Use Table

P = Permitted Use C = Use allowed through conditional review blank = use not allowed	R-1	R-2	R-3	R-4	R-5	OTD	B-1	B-2	B-4-P	BP	P-EC	I-1	I-2	I-3	PLCD	U-1
Residential Uses																
Detached house	P	P	P	P			P	P								
Duplex				P			P	P								
3- / 4-Plex				C	P		P	P								
Row House (3-8 units; 2- to 3-story				C	P		P	P								
Walk-up Apartment (3- 12 units; 2- to 3-story)				C	P		P	P								
Apartment Complex (garden apartment – density based)					P		P	P								
Mixed-use (residential above or behind street level commercial)						P	P	P								
Accessory Dwelling	C	C	C	C			C	C								
Civic / Institutional Uses																
Assembly – Limited (under 250)	P	P	P	P		P	P	P								
Assembly – Small (251- 500)	C	C	C	C		C	P	P								
Assembly – Large (501- 1000)							C	P	P	P		P				
Assembly – Event Venue (1,000 +)								C	P	P		P				
Education – Neighborhood School (<10 acres)	P	P	P		P											
Education - Campus (> 10 acres)	C	C	C		C				C	C	P					
Education – Extension						P	P	P	P			P	P			P
Library, museum or art gallery	C	C	C		C	P	P	P	P	P	P				P	
Open / Civic Space (various types - see design standards 404.020)	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Community and Public Service (post office, fire, police, rec center)	P	P	P	P		P	P	P	P	P	P	P	P		P	P
Retail																
Retail – Limited (under 2.5K)						P	P	P	P	P						

Table 405-2: Use Table

P = Permitted Use C = Use allowed through conditional review blank = use not allowed	R-1	R-2	R-3	R-4	R-5	OTD	B-1	B-2	B-4-P	BP	P-EC	I-1	I-2	I-3	PLCD	U-1
Retail – Small (2.5K - 8K)							P	P	P	P						
Retail – General (8K -50K)								P	P							
Retail – Large (50K – 100K)								P	P							
Retail – Warehouse (over 100K)								P	P							
Retail – Outdoor Sales, Limited								P	P			P				
Retail – Outdoor Sales, General								P				P				
Restaurant – Micro/Mobile						C	C	C	C	C	C	C	C	C	C	
Restaurant – Limited						P	P	P	P	P						
Restaurant – General								P	P							
Restaurant – Drive-in/Drive-thru							C	P	P							
Restaurant - Bar/Tavern						P	P	P	P	P						
Restaurant – Micro-brewery/winery						C	C	C	C			C	C			
Grocery – Convenience/ Market (under 5K)						P	P	P	P	P						
Grocery – Small Store (under 40K)							P	P	P							
Grocery – Large Store (over 40K)								P	P							
Gas Station – Limited (4 pumps or less)							P	P	P	P		P	P	P		
Gas Station – General (5 to 16 pumps)								P	P	P		P	P	P		
Gas Station – Large (more than 16 pumps)								C	C			P	P	P		
Office / Service Uses																
Office – Home Occupation	P	P	P	P			P	P								P
Office – Limited						P	P	P	P	P		P	P	P		P
Office – General								P	P	P		P	P	P		P
Service – Limited						P	P	P	P	P		P	P	P		P
Service – General								P	P	P		P	P	P		P
Animal Care or Clinic - Limited							P	P	P	P		P				

Table 405-2: Use Table

P = Permitted Use C = Use allowed through conditional review blank = use not allowed	R-1	R-2	R-3	R-4	R-5	OTD	B-1	B-2	B-4-P	BP	P-EC	I-1	I-2	I-3	PLCD	U-1
Animal Care or Clinic - General									P	P		P				
Lodging – B&B				C		P	P	P	P							
Lodging – Inn						P	P	P	P	P						
Lodging – Hotel / Motel								P	P	P						
Recreation – Indoor, Limited							P	P	P	P						P
Recreation – Indoor, General								P	P	P						P
Recreation – Outdoor, Limited						C		P	P	P						
Recreation – Outdoor, General								P	P							
Residential Care – Limited					P		P	P								
Residential Care – General					C		C	P								
Residential Care – Institutional Living								P								
Vehicle Service / Repair – Limited							P	P	P	P		P	P	P		
Vehicle Service / Repair – General								P	P	P		P	P	P		
Vehicle Service / Repair - Heavy												C	P	P		
Industrial																
Manufacturing – Artisan						P	P	P	P	P		P	P	P		P
Manufacturing – Light								C	P	P		P	P	P		P
Manufacturing – General													P	P		P
Manufacturing - Heavy														P		
Storage and Warehousing – Indoor, Limited								P	P	P		P	P	P		P
Storage and Warehousing – Indoor, General												P	P	P		P
Storage and Warehousing – Outdoor													P	P		P
Storage and Warehousing – Outdoor, Junkyard														P		

405.030 Standards Applicable to All Districts

A. **Height, Area and Bulk Standards.** The height, area, and bulk requirements for the various districts are established by Table 405-3.

TABLE 405-3: HEIGHT, AREA AND BULK STANDARDS

	Lot Size			*Building Standards*			
Zoning District	*Min. Area*	*Min. Width*	*Min. Depth*	*Front Setback*	*Side Setback*	*Rear Setback*	*Max. Height*
R-1 Single-Family Residential	20,000 s.f.	100'	150'	40'	10'	50'	35' / 2.5 stories
R-2 Single-Family Residential	10,000 s.f.	75'	100'	25'	10'	30'	35' / 2.5 stories
R-3 Single-Family Residential	7,500 s.f.	60'	100'	25'	10'	25'	35' / 2.5 stories
R-4 Mixed-Density Residential	See section 406.020 for development standards specific to the Mixed-Density Residential District.						
R-5 Multi-Family Residential [a]	1 ac.	200'	200'	30'	20'	20'	45' / 3 stories
B-1 Neighborhood Business	2,500 s.f.	25'	80'	25' [b]	10' [b]	20'	35' / 2.5 stories
B-2 General Business	7,500 s.f.	60'	100'	25'	20'	20'	45' / 3 stories
OTD Old Town District	See section 406.010 for development standards specific to the Old Town District.						
B-P Business Park	See section 406.030 for development standards specific to the Business Park District.						
B-4-P Planned Business	All development standards for the B-4-P district shall be set through the Master Planned Development Process in Section 403.040						
P-EC Planned Educational Campus	All development standards for the P-EC district shall be set through the Master Planned Development Process in Section 403.040						
PLCD Parkland and Conservation District	All development standards for the PLCD are subject to the Open and Civic Space design standards in Section 404.020. Any public structures built shall be subject to the standards for the most similarly applicable zoning district or building type.						
I-1 Light Industrial	1 ac.	150'	200'	40'	15' / 50' total	10'	30' / 2 stories
I-2 Light Industrial	1/2 ac.	100'	150'	25'	15' / 50' total	10'	45' / 3 stories
I-3 Heavy Industrial	1 ac.	150'	200'	40'	30'	30'	125'
U-1 Underground District	All development standards for the U-1 district shall be set through the Master Planned Development Process in Section 403.040						

[a] R-5 has a minimum lot area of 5,445 s.f. per dwelling unit (8 units per acre) for any lot with multiple principle dwelling units.
[b] B-1 has a required front setback of 0' to 10' for any lot fronting on an Activity Street meeting the streetscape design standards in Section 403.010. Side setbacks may be reduced to 0' for any buildings constructed with a party wall.

B. **Exceptions and Supplemental Standards.**

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.
   d. Any other structure that has a specific height limit that different from the generally applicable height limit.

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. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional, hotel or motel purposes, there may be more than one main building on the lot when such buildings are arranged around a courtyard meeting the design standards of Section 404.020; provided, however,
      (1) The courtyard between buildings that are parallel or within 45° of being parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three-story buildings, and in no case may such buildings be closer to each other than 15 feet;
      (2) Where a courtyard having direct street access is more than 50% surrounded by a building, the minimum width of the court shall be at least 30 feet for one- story buildings, 40 feet for two-story buildings, and 50 feet for three-story buildings.
   d. Within any residential district, the least dimension of a yard upon which the principal entrances or exits of a multiple dwelling face, shall be 20 feet.
   e. 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. *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.

a. *Generally.* All accessory buildings shall be at least 10 feet from the principal building.

b. *Small Sheds.* Accessory buildings 120 square feet and less and less than 12 feet tall shall be limited to one per lot, located behind the rear building line of the principal building, and be no closer than five feet from the rear or side property line.

c. *Detached Building.* Accessory buildings over 120 square feet shall meet the following:

(1) No more than one per lot.

(2) Located behind the front building line.

(3) Be at least five feet from the rear or three feet from the 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. On any rear lot line abutting a street detached buildings over 120 square feet shall meet the required rear yard setback.

(4) Be no more than one and one-half stories, or no higher than the principal building, whichever is less. However, any portion of an accessory building facade that is more than 15' high, such as a dormer, gable or similar façade component, shall be at least 10' from any lot line.

(5) Be limited to no more than 35% of the rear yard, or 576 square feet, whichever is less.

(6) Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal structure.

(7) Detached buildings may be attached to the principle building by a breezeway or roofed structure provided it remains entirely open except for support columns.

4. *Front Yards.*

a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

b. On through lots, the required front yard shall be provided on each street.

c. Except in the "B-2" General Business District, where a lot is located at the intersection of two or more streets, there shall be a front yard of 15 feet on the side street; provided, however, that the buildable width of a lot of record at the time of passage of this Title shall not be reduced to less than 32 feet.

d. Open, unenclosed front entry features which do not extend above the level of the first floor of the building, may project into the front and side yard up to 10 feet, but no closer than five feet to any side lot line

e. Where 25% or more of the street frontage, or 25%or more of the street frontage with 400 feet of the property in question, is improved with buildings that have a front yard (with a variation of six feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than 50% in excess of the depth of the required front yard in the district in which the lot is located, shall not be required. Where 40% or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

5. *Side and Rear Yards.*

a. Where dwelling units are erected above business structures in business districts, no side yards are required except such side yard as may be required in the

district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.

b. For the purpose of the side yard regulations, a duplex or a multiple-unit building shall be considered as one building occupying one lot.

c. The minimum depth side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of that yard shall be as required for the district in which the building is located.

d. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

e. In Zoning Districts "R-1" and "R-2", on a lot with an irregularly shaped rear property line or when the residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of the building parallel to the sides, and a perpendicular measurement shall be taken from the rear of the building to the furthest point of the lot. The average of these three measurements shall equal at least 30 feet. However, in no case shall the building or structure be located less than 10 feet perpendicular from any property line. (A sketch illustrating how to measure for rear lot averaging shall be on file in the City offices).

f. Swimming pools and home barbecue grills may occupy a rear yard; provided both side and rear yards conform to the side yard requirements for the district in which they are located.

6. *Building Area.* The minimum floor area for dwellings shall be 1200 square feet in "R-1" District; 1000 square feet in "R-2" District; 900 square feet in "R-3" and “R-4” Districts; and 600 square feet per living unit in "R-5" District.

405.040 Standards Applicable to Specific Uses

In addition to the general use and development standards applicable to all districts, the following standards are specific to particular uses. These standards shall be met whether the use is a generally permitted use or a conditional use according to Table 405-2. The uses in this section may involve more specific types or formats of the uses generally enabled in Table 405-2

A. **Accessory Uses, Generally.** All principal uses shall include accessory uses and structures that are clearly incidental to and customarily associated with the principal use. These uses and 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 design and development standards applicable to the property.

B. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

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 principle 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. One additional parking space shall be provided on site, although this provision may be waived if the context and circumstances of each dwelling unit prove the space unnecessary.
5. The property owner shall occupy either the principal or accessory dwelling as their permanent residence.
6. Occupancy of the accessory or principal unit is limited to family members related by blood, marriage or adoption or persons providing nursing or domiciliary care of assistance to the owner in exchange for lodging.
7. The homeowner shall obtain an occupancy permit from the City every three years so that the accessory dwelling unit can be reviewed for compliance. Issuance of the occupancy permit shall be contingent on the homeowner filing a notarized affidavit by stating that the accessory dwelling unit complies with all standards and any all conditions of approval of any conditional use permit.
8. 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.

C. **Home Occupation.** Home occupations shall meet all of the following standards:
1. Home occupations shall be entirely contained within the interior of a structure. A home occupation shall use no more than 30 percent of the total dwelling unit floor area.
2. No person outside the family shall be employed at the location.
3. No visible evidence of the business shall be apparent from the street or surrounding area. Signage shall be permitted per the requirements of Chapter 409. There shall be no outdoor storage or display of products, equipment, or merchandise other than of a type and quantity characteristically found at a single residential dwelling. The appearance of a dwelling shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation.
4. No traffic shall be generated by any home occupation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation. If parking for a home occupation occurs in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best handled in a commercial district rather than as a home occupation.
5. A home occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration, glare or bright lighting which would be over and above that created by a single residential dwelling.
6. Any business that provides care or instruction to children shall be limited to no more than two children at one time that are not members of the household.
7. Home occupations that do not clearly meet all of these standards may only be permitted through a conditional use permit.

D. **Temporary Storage.** Portable storage containers and temporary dumpsters may be permitted in conjunction with a building or construction permit. Where no building or construction permit is

required, portable storage containers and temporary dumpsters may be permitted subject to the following limitations.

1. Only for a period reasonably necessary to complete the associated project or task, not to exceed 30 days or other time associated with a specific project or task and previously approved by the Community Development Director or Public Works Director in writing.
2. All portable storage containers and temporary dumpsters shall be delivered and maintained in good condition free from rodents, insects, graffiti, vulgar and/or offensive words or pictures.
3. Portable storage containers and temporary dumpsters shall not be placed on public property or within the City's right-of-way without prior approval of a right-of-way permit. Where permitted, no portable storage container or temporary dumpster shall be located in an intersection sight triangle.
4. Portable storage containers and temporary dumpsters shall be placed on a paved surface. The placement of portable storage containers shall not encroach onto adjoining properties and shall not block or hinder access to or from any ingress, egress or emergency exit. Should existing site conditions not allow for the placement in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the Community Development Director or the Public Works Director in writing.
5. Upon removal of a permitted portable storage container or temporary dumpster, any portion of the site disturbed by the container or dumpster shall be returned to an original or better condition, including at minimum seeding or sodding any vegetative areas disturbed.

E. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:

1. The storage area shall be located behind the front building line of the principal building.
2. The storage area shall be fully screened from residential property or public spaces according to the standards and design requirement of Section 407.030, and no materials shall be stacked higher than the screening.
3. The storage area shall not be located closer than 15 feet to any street or right-of- way.
4. The storage area shall be paved per the requirements for parking lots.
5. Alternative surfaces, locations or screening can only be approved by the Planning Commission through site plan review procedures in Chapter 402.

F. **Outdoor Display and Service Areas.** Accessory outdoor display and service areas for merchandise are subject to the following conditions:

1. Outdoor display and areas shall be located on the same lot as the principal use.
2. The display area shall be located in an area abutting the principal structure, and shall not be located in a required parking space, drive lane, loading area, or the public right-of-way.
3. Display and service areas shall not be arranged where they will interfere with pedestrian or building access or clear vision areas. At least 5' clear or at least 50% of any sidewalk, whichever is greater, shall be maintained on all sidewalk display areas.
4. Except for furnishings, all merchandise shall be brought indoors during non-business hours.
5. Outdoor display of merchandise shall be limited to three events per location per year, and each limited to no more than seven consecutive days.
6. Televisions or other electronic audio or visual devices or means of producing amplified sound shall not be permitted within an outdoor display or service area that is within 100 feet of a residential use or district.

7. Outdoor display and services not meeting these standards may only be approved through a temporary event permit or by the Planning Commission through the site plan review in Chapter 402.

G. **Restaurant – Micro/Mobile.** Restaurants – Micro/Mobile shall meet the following additional standards:

1. Any vendor shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.
2. Shall comply with all other applicable federal, state, county and City regulations and obtain all applicable permits or licenses.
3. The customer service area for mobile food vending units shall be on the side of the street that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving lane side of the truck or vehicle.
4. Mobile food vending units parked on public streets shall conform to all applicable parking regulations and shall not hinder the lawful parking or operation of other vehicles.
5. Mobile food vending units shall not operate on public property within one block of a City-sanctioned or authorized street fair, public festival, farmer's market or event being conducted without authorization from the event sponsor.
6. Mobile food vending units shall not be parked within 300 feet of an existing brick and mortar restaurant during the hours when such restaurant is open for business to the public, unless written permission is first obtained from the restaurant owner.
7. Besides signage that is physically part of the mobile food vending units, only one portable pedestrian sign is allowed in accordance with Chapter 409.
8. Mobile food vending units shall be subject to all noise, odor, hour of operation or other requirements and limitations of other businesses in the same or similar vicinity, and any other conditions placed on it at the time of permitting to ensure such conditions are maintained through all operations.

H. **Restaurant – Drive-in/Drive-thru.** Where accessory drive-thru facilities are permitted, all of the following standards shall be met:

1. The service area shall use the same entrance and exit from the site as the principal use.
2. No access shall be provided on any street designed to the Activity Street standards in Section 404.010. Use of alleys, internal access and the back sides of buildings for drive-through services is required to preserve the urban design context of these areas.
3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property or other sensitive land use and urban design characteristics of the context. Additional screening or buffers may be required beyond the standards of Section 407.040 in order to ensure compatibility.
4. No service area or pick up window shall be located within 100 feet of any residentially zoned property.
5. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building both from public streets and from internal streets or parking areas. Design elements such as raised cross-walks or other elements that distinguish walkways from vehicle surfaces may be required to express pedestrian priority where conflicts occur.
6. Signs, service windows or other noise or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property. Additional screening or buffers may be required beyond the standards of Section 407.040.
7. Any drive-through service area that does not clearly meet these criteria shall only be approved by the Planning Commission through a Conditional Use Permit in Chapter 402.

l. **Restaurant – Microbreweries/Winery.** Microbreweries, micro-distilleries and micro-wineries shall meet the following additional conditions.

1. Retails sales, restaurant, tasting rooms, pubs, and outdoor service areas shall be permitted as allowed by the design and performance standards of the applicable district, or as specifically modified in a conditional use permit.
2. Supplies, processing, and byproducts shall be managed in a way the no impacts on adjacent uses and property are produced other than what ordinarily may occur from other allowed uses in the district.
3. Processes or equipment to remove or treat byproducts or wastes, regulate temperature or other operating procedures shall be in place to eliminate impacts on sewer and water systems.
4. When permitted in the OTD, B-1, B-2 and B-4 districts, the following shall apply unless specifically modified through the conditional use permit:
    a. Retail sales on-site shall be a specific component of the business plan, and retail sales shall begin within 12 months of approval of the permit.
    b. At least 25% of the product shall be sold for on-site consumption or retail sale on site.
    c. Outdoor storage is prohibited.
    d. The total indoor floor area of the facility, including production and retail areas, shall no exceed 8,000 square feet.
    e. Accessory retail sales of related items, consumer products and food is encouraged.

405.050 Conditional Uses

In addition to the general uses enabled by Table 405-2 as permitted or conditional uses, the following specific uses are conditional uses enabled through the discretionary review process in Section 403.050. For example, use categories that are designated as a “C” in Table 405-2, all specific types of uses in that category need a conditional use permit even though they are not on the list below; use categories designated as a “P” in Table 405-2 are generally permitted, but if a more specific type of that category is listed below it needs a conditional use permit. The uses in this section may involve more specific types or formats, or include more specific performance criteria than the uses generally enabled in Table 405-2, and due to their typical scale, intensity and potential impacts require special and site specific review different from generally enabled uses.

The following uses may be approved as conditional uses subject to the review process in Section 403.050:

1. Airports, heliports and landing fields.
2. Circus or carnival grounds, temporary for a specified time period.
3. Dwellings in an Industrial, Special Flood Hazard Area, or floodway.
4. Extraction, processing, and removal of sand and gravel or stone.
5. Fairgrounds.
6. Hospitals.
7. Marina.
8. Public or government buildings or public or governmental use of land.
9. Public utilities or public service uses, buildings, structures, or appurtenances thereto.

10. Sanitary land fill.
11. Sports arena or stadium.
12. Swimming pool, commercial, or private swimming club.
13. Race track.
14. Modular or prefabricated structures.
15. Pawnbrokers in non-residential zoning districts.
16. Office uses of low traffic generation such as real estate, accounting, law, dental, financial services, and those similar in nature in residential districts that front and have access to a State highway.
17. Home occupations that provide care or instruction to more than two children at a time, or which do not otherwise clearly meet the criteria for accessory home occupations in Section 405.040.C.
18. Animal shelters in residential districts.
19. Emergency shelters for homeless or indigent persons and boarding, rooming and lodging houses where not permitted by matter of right.
20. Off-site storage, staging and assemblage of heavy equipment and materials for public utility and infrastructure construction, fronting on or with reasonable access to a State or County highway.
21. Sales and service of vehicular motor scooters with stock muffler and exhaust systems, as defined and regulated in Title III, Traffic Code, of the Parkville Municipal Code, in non- residential districts and subject to limited hours of operation, limited outdoor display or storage, and mitigation of general impacts on the surrounding properties and district on a case-by-case basis.
22. Sales of automobiles, new or used, and subject to limited hours of operation, limited outdoor display or storage, and mitigation of general impacts on the surrounding properties and district on a case-by-case basis.
23. Refined fuel storage, distribution and accessory uses on sites: previously used for the same; zoned "I-3" Heavy Industrial District; containing at least ten (10) and not more than forty (40) contiguous acres; abutting the Missouri River; abutting a State highway; abutting rail; and utilizing pipeline distribution as a primary source of intake delivery, all subject to conditions as necessary to mitigate impacts, if any, to surrounding uses. Said use may not include on-site refinement of petroleum products.

Chapter 406. Special Districts

406.010 Old Town District - OTD
406.020 Mixed-Density Residential – R-4
406.030 Business Park – B-P

Section 406.010 Old Town District - OTD

A. **Building Types.** In order to prioritize the form, scale, and transitions of buildings in this compact, mixed-use downtown, the area, bulk and height standards are regulated by building types. The following building types are enabled in the Old Town District.

TABLE 406-1: HEIGHT, AREA AND BULK STANDARDS

	Lot Size			*Building Standards*			
Building Type	*Area*	*Min. Width*	*Building Coverage*	*Front Setback*	*Side Setback*	*Rear Setback*	*Max. Height*
Small Commercial	1,500 – 4,000 s.f.	20' – 40'	100%	0' -10'	5'; 0' if party wall	0'; 20' if abutting residential	45' / 3 stories
Small Mixed Use	4,000 – 10,000 s.f..	40' – 80'	85%	0' -10'	5'; 0' if party wall	0'; 20' if abutting residential	45' / 3 stories
Large Mixed Use	10,000 s.f. min.	40' – 120'	70%	0' -10'	5'; 0' if party wall	0'; 20' if abutting residential	45' / 3 stories
Small Civic	4,000 s.f.	50' – 200'	70%; 60% if over 20,000 s.f. lot	10' – 25'	10'	20'	45' / 3 stories

Small Commercial

Small building footprints designed to accommodate small retail, commercial, service or office uses, encouraging pedestrian traffic. The front façade is built to engage and provide a comfortable street wall for pedestrians.

Small Mixed Use

A small building footprint similar to small commercial however it allows multiple uses within the same structure. The mix of uses encourages the intermingling of pedestrians. Retail, commercial, and office typically occupy the lower story while residential, or office are on upper floors in this building type.

Large Mixed Use

An expanded version of small mixed use. This building type offers larger lot sizes to accommodate larger uses while still permitting a mix of uses.

Small Civic

Buildings designed to house civic, institutional or public uses on a small lot blending into the surrounding small scale context it is found in. This buildings often enhance the streetscape similar to some commercial frontages.

B. **Building Design.**

1. *Primary Entry Feature* All buildings shall have a primary entry feature on the street and any pedestrian ally or open space. Multi-tenant and larger mixed-use buildings shall have an entrance at least every 50 feet of street frontage. Entry features shall be clearly defined and emphasized with combinations of the following.
   a. Awnings, porticos, or overhangs.
   b. Transoms and/or display windows.
   c. Architectural details such as tile work and moldings, lintels, pediments, pilasters or columns.
   d. Integral planters or wing walls that incorporate landscaping and/or places for sitting, statues, or public art.

2. *Transparency.* The location, orientation, size and proportion of openings establish a relationship of the building to the public realm. All buildings shall meet the following transparency requirements:
   a. Commercial and mixed-use buildings shall have between 60 percent and 90 percent transparency on the first story shall be measured between two feet and eight feet above the street level. Upper stories shall have between 20 percent and 50 percent transparency on front facades measured between the floor level and ceiling of each story.
   b. Civic buildings shall have between 20 percent and 50 percent transparence on each story facing a public street or public space.

3. *Massing.* Massing creates the relationship of the building to the streetscape and public spaces. To ensure human-scale massing large masses shall be broken up to relate better to public spaces.
   a. Free-standing buildings and ground level tenancies of mixed-use buildings shall not exceed 2,500 square feet, except where specifically enabled by this code or

through a Major Site Plan or site plans associated with a Conditional Use Permit in Chapter 403.

b. The first floor shall be level with sidewalk.

c. The first story shall be between 12 feet and 20 feet high. Any upper stories shall be between eight feet and 12 feet high.

d. Buildings greater than two stories or wider than 100 feet should use massing that breaks down the components of the main mass.

e. No single wall plane should be longer than 100 feet without having off-sets of at least one foot to add depth and proportion to the wall.

f, Use structural bays, projections, balconies, cantilevered floors or step backs from the main mass to break up larger wall planes and relate the building scale to nearby buildings.

4. *Articulation.* Articulation is the method of styling different parts of a building in the way that breaks the scale into smaller elements, but unites the building into a complete and compatible mass.

a. Horizontal articulation should establish a base, body and top of all buildings. In general this shall be a distinct foundation, main façade, and an embellished roof structure, such as eaves and facia for pitched roofs, or cornices and parapets for flat roofs. For three-story buildings, the first floor should be clearly differentiated from upper stories through belt courses, cornice lines or similar architectural detailing.

b. Vertical articulation shall distinguish different structural components of the building through changes in material and/or color.

c. 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.

d. 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. *Ornamentation.* Any other blank wall areas larger than eight feet tall by 25 feet wide shall be broken up by ornamental architectural details.

C. **Access & Parking Limits.** Access and parking limits are necessary to maintain the character of the streetscape, ensure the continuity of sidewalks, and ensure that facilities designed for the car are located to the rear of lots or are understated.

1. All onsite parking shall be located to the side or behind the building. Any surface parking within 30 feet of a public street and not otherwise screened by a building shall have a low ornamental wall, using materials compatibly to the principle building extend along the street front at the extension of the front building line.

2. Access to parking shall generally be limited to side streets or alleys, or otherwise limited to maintain the integrity of the streetscape and avoided interruptions to pedestrians. Access to individual lots shall be limited to no more than 15 percent of the lot frontage and no more than 10 percent of the entire block face.

D. **Limitations on Specific Uses**

1. *Non-retail Uses.* Uses that do not create active pedestrian environments should not be located on street fronts. Office uses and service uses do not generate frequent customer traffic shall only be allowed on the upper stories. Office and service uses may be located at street level as an exception approved by the Director subject to the following:
   a. The street-level storefront has been vacant for at least 3 months, and evidence of active marketing and advertisement for lease through brokers or agents, on-line listings, signs or other methods is shown.
   b. The propose use demonstrates an effort to create a more vibrant street-front through either accessory sales, storefront displays or other activities to create street-front interest.

2. *Residential Uses.* Residential uses shall be limited to upper stories. Accessory residential dwelling units may be located on the ground level for any building that contains retail space along the street level.

E. **Design and Performance Criteria.** Buildings and sites shall be designed to meet the following performance standards. Any exceptions or discretionary approvals shall be judged against these design and performance standards.

1. All buildings and sites shall promote vibrant streetscapes with active uses and attractions located in storefronts of buildings, frequent windows, and a repetitive pattern of doors which are the primary entrance.

2. For new construction, a building must incorporate architectural styles, design features, building materials and accents that are compatible with original materials used throughout the surrounding block. For alterations or expansions, the materials and design should be consistent with the original building elements and characteristic of the building period, and should not cover, destroy or otherwise minimize original architectural elements.

3. As a general rule, buildings must maintain similar base courses, cornice lines and horizontal lines of windows complementary to those used in surrounding buildings.

4. Buildings must not have long, monotonous, uninterrupted walls or roof planes visible from the street or other public rights-of-way. Building walls more than 15 feet in length must include elements that add architectural interest and variety such as projections, recesses, offsets, windows, painted features or blank window openings trimmed with frames, sills or lintels.

5, Facades visible from the public right-of-way should be architecturally emphasized through the arrangement of windows, entrance treatments and details.

6, Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the character of the district.

7. Walls and fences should be architecturally compatible with the style, materials and colors of the principal building on the same lot.

8. With the exception of the following, paint color is considered to be a matter of choice, and has no bearing on the preservation of structures.

a. Owners are encouraged to use historically appropriate colors schemes and contrasts, including use of primary building colors with trim, doors, awnings and other accents in complimentary colors.
b. Only traditionally painted materials, such as wood, should be painted.
c. Original materials such as brick and stone that are traditionally left unpainted shall only be painted when already painted prior to the effective date of Ordinance No. 2815 (June 16, 2015), or when expressly approved by the Planning and Zoning Commission, as necessary, to unify disparate parts of a building that have been altered or expanded over time.
d. Inclusion of logos, images, or patterns, including but not limited to stripes, dots, waves, and similar patterns, used primarily to attract attention to a structure shall not be permitted unless approved as signage in accordance with Chapter 410.

Section 406.020 Mixed-Density Residential – R-4

A. **Building Types.** In order to prioritize the form, scale, and transitions of buildings in this mixed-density neighborhood, the area, bulk and height standards are regulated by building types. The following building types are enabled in the Mixed-Density Residential District.

TABLE 406-2: HEIGHT, AREA AND BULK STANDARDS

		Lot Size			*Building Standards*				
Building Type		*Area*	*Min. Width*	*Building Coverage*	*Front Setback**	*Side Setback*	*Corner Side*	*Rear Setback*	*Max. Height*
Detached House – Large Lot	□	½ ac. Or more	70'	20%	25' – 50'	10'	20'	25'	35' / 2.5 stories
Detached House – Neighborhood Lot	■	5K s.f. – ½ ac.	50'	40%	10' – 35'	5'	10'	25'	35' / 2.5 stories
Detached House – Compact Lot	■	3.5K – 6K s.f.	35'	50%	10' – 35'	5'	10'	25'	30' / 2 stories
Duplex	■	5K – 8K 2.5K per unit	50''	40%	10' – 35'	5'	10'	25'	35' / 2.5 stories
3- to 4-Plex	□	5K – 8K 2 K per unit	50''	40%	10' – 35'	5'	10'	25'	35' / 2.5 stories
Row House	□	5K – 8K 1.5K per unit	60' 18' per unit	70%	10' – 25'	5' / 10'**	10'	20'	40' / 3 stories
Walk-up Apartment	□	6K – 10K s.f. 3-12 units per building	50' – 100'	70%	10' – 25'	5' / 10'**	10'	20'	40' / 3 stories
Small Civic	□	6,000 s.f.	50' – 200'	60%	10' – 25'	10'	10'	10'	35' / 2.5 stories

■ = Permitted by right
□ = Permitted by Conditional Use Permit
* Front setbacks may be modified based on averaging of the setback of existing residential buildings on either side of the lot or as otherwise specifically platted and recorded prior to adoption of these standards.
** Walk-up Apartments and Row Houses shall have a 10' side setback when abutting a detached house.

Detached House – Large Lot

A residential building designed for a single dwelling unit within a suburban or rural context. This building is located on a large lot of half an acre and accommodates a variety of home sizes.

Detached House – Neighborhood Lot

A residential building designed for a single dwelling unit within an urban or suburban context.

Detached House – Compact Lot

A residential building designed for a single dwelling unit within an urban context.

Duplex

A multi-unit residential building designed for two dwelling units within an urban and sometimes suburban context. Duplexes share a common wall or floor/ceiling and designed as a single structure. This housing type may be platted as separate lots or as a single lot.

3- to 4- Plex

A multi-unit residential building designed for three to four dwelling units within an urban and sometimes suburban context. Three- and four-plexes share common walls or floors/ceilings and designed as a single structure. This housing type may be platted as separate lots or as a single lot.

Row House

A multi-unit residential building designed for three to eight dwelling units within an urban and sometimes suburban context. Row Houses abut one another sharing an adjoined party wall. These units are conjoined however, each unit has its own private entry. Unites may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.

Walk-up Apartment

A multi-unit residential building designed for three to twelve dwelling units within an urban and in some cases a suburban context. Located on a small to moderately sized lot are often designed for and located in walkable or mixed-use contexts. Units are accessed via a common entry at buildings front.

Small Civic

Buildings designed to house civic, institutional or public uses on a small lot blending into the surrounding small scale context it is found in. This buildings often enhance the streetscape similar to some commercial frontages.

B. **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 size. All buildings shall have an entry feature of a porch or stoop, meeting the following:

1. Porches shall at least six feet deep and covering at least 50 percent of the front façade.
2. Stoops shall be at least eight feet by eight feet and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.
3. Entry features shall be single-story, so that the roof structure and any ornamentation occurs between eight feet and 16 feet above the floor-level of the entry feature.
4. Entry features shall remain unenclosed.
5. All entry features shall have a sidewalk of at least four feet wide directly connecting the entry feature to the public sidewalk or street.
6. Entry features meeting this requirement may encroach up to 10 feet in front of the required front building line.
7. 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:
   a. Different types: such as stoop or porch;
   b. Different roof styles: such as gable, hip, shed, flat or arched;
   c. Different locations and extent: such as centered, shifted, wrapped; and half or full.

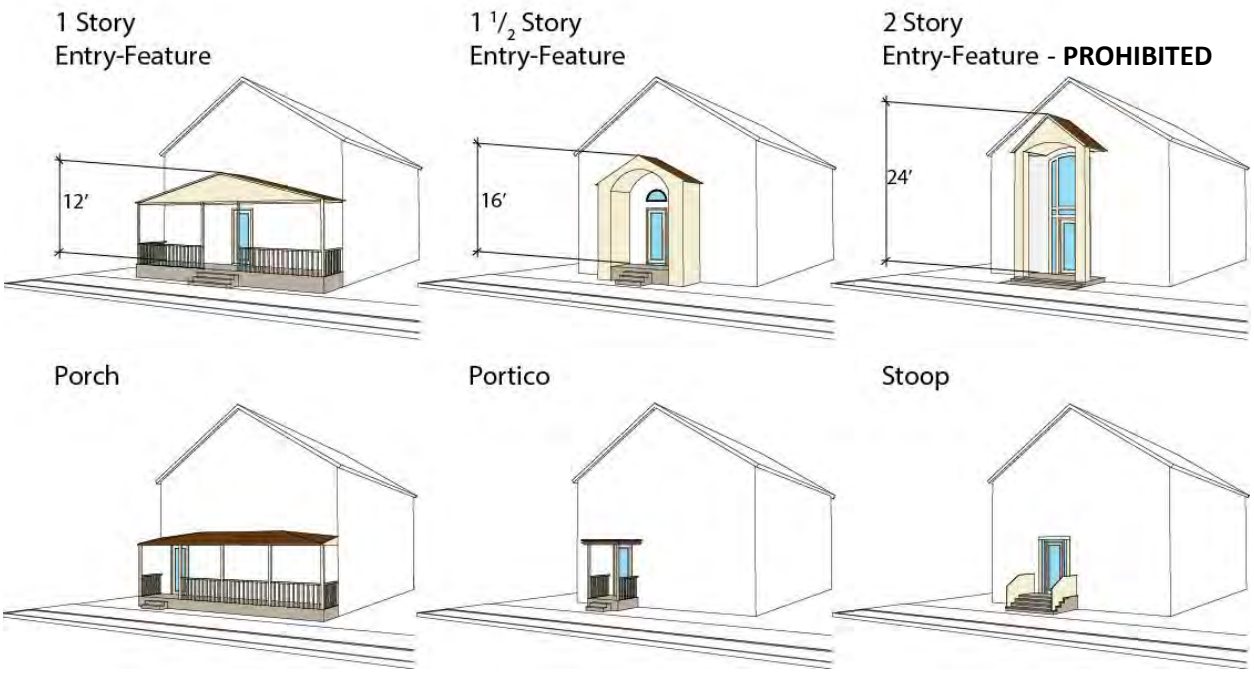


Figure 406-1 Residential Front Entry Feature
Front entry features are required in the R-4 district to create variety while preserving a unity between scale and massing. The top three illustrations depict section B.3. illustrating entry features needing to be below 16' in height to keep the human scale of entry features with a compatible relationship to the streetscape. The bottom three illustrations are depicting section B.7., different entry feature types, roofs, and locations on the façade, leading to a wide variety of options within this compatible pattern.

C. **Access & Parking Limits.** Access and parking limits are necessary to maintain the character of the streetscape, ensure the continuity of sidewalks, and ensure that facilities designed for the car are located to the rear of lots or are understated.

1. Alley access required wherever feasible; where not feasible or no alleys exist the following shall be used, based on the width of lots at the streetscape frontage
2. As a general rule, driveway access shall be no more than 15 percent of the lot width. This means the driveway design options in Table 406-3 are available based on the context and size of the lot:

TABLE 406-3: ACCESS TYPES

Frontage Width / Access Type	< 55'	55' to 100'	101' to 160'	151' to 220'	> 220'
Alley	■	■	■	■	■
Shared – Single Lane Driveway	■	■	■	■	■
Single Lane Driveway to back or double pad		■	■	■	■
Double lane driveway			■	■	■
Single Internal Drive Aisles				■	■
Double Internal Drive Aisles					■

3. Detached, side-loaded and rear-loaded garages shall be used wherever feasible. Any front loaded garages shall be limited and understated elements of the front elevation.
   a. No front-loaded garage shall be located in front of the front-building line of the principle building.
   b. Front-loaded garages shall be limited to no more than 25 percent of the front building line.
   c. Front loaded garages may be as much as 40 percent of the front-building line if they are setback at least 20 feet from the forward-most point of the front entry feature.
   d. All other garages shall be side-loaded, rear-loaded or in a detached accessory structure.
   d. No required vehicle parking, whether surface parking or in a garage may be located between the front building line and the street.

D. **Design and Performance Standards.** Buildings and sites shall be designed to meet the following performance standards. Any exceptions or discretionary approvals shall be judged against these design and performance standards.

1. Human scale streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered from street trees.

2. Buildings that orient to and activate the street scape, while promoting effective transitions from public spaces, to semi-public spaces, to private spaces on the lot.

3. Compatible building scales by using similar forms, common elements and consistent and continuous relationships to the streetscape even in areas that allow transitions to different building types.

4. Quality aesthetics by using natural and traditional materials, especially within frontages such as retaining walls, fences, entry features.

5. Minimize the impact of car access on the neighborhood character and the streetscape design by using subtle driveway access patterns, detached or rear-access parking, or understated garages to the extent any are visible from the street scape.

6. Promote human scale buildings through front entry features and building massing that is comparable to adjacent structures and breaks up larger masses into smaller components that relate to human-scale streetscapes and open spaces on the site.

7. Reinforce the neighborhood character with quality materials and architectural details that provide interest, depth and texture to those experiencing a neighborhood on foot.

8. In addition to the requirements specified for the R-4 district in this section, each application of the R-4 district may adopt guidelines to supplement these design and performance criteria, if approved and incorporated into this ordinance as an appendix. These guidelines shall not be used to amend any standards of this Section unless specifically authorized as a planned district as provided in Section 403.040, The following specific guidelines are incorporated by reference:

    a. The Old Town District-Residential Design Guidelines are included in Appendix C., and apply to areas zoned R-4 near Downtown, and generally bounded by East Street on the east, First Street on the south, lots fronting on West Street or the extension of Bell Road on the west, just north of 60th street and extensions on the north, and including the area just west of 9 highway and north of 13th street zoned R-4.

Section 406.030 Business Park District – BP

A. **Development Standards.** In addition to all other use, development and design standards in this code, the following specific development standards shall apply to the Business Park District – BP:

TABLE 406-4: BUSINESS PARK DISTRICT (BP) DEVELOPMENT STANDARDS

Minimum District Size	20 acres
Minimum Lot Area	1 acre
Minimum Lot Width	100' at the right-of way 150' at the front building line
Building Setback	Front = 20' Side = 10' Rear = 10' 20' minimum building separation for multiple buildings on same lot
Height	Buildings = 45' / 3 stories Structures other than buildings or signs = 75' provided they are setback from the property line a distance equal to their height.
Lot Coverage (maximum pervious surface)	Less than 5 acres: 80% / 30,000 square feet cap 5 to 10 acres: 85% / 55,000 square feet cap More than 10 acres: 87% / no cap
Minimum Open Space	20% for the district; at least 5% on each lot Open space shall be designed and located as specified in Section 404.020.

B. **Design and Performance Standards.** In addition to all other use, development and design standards in this code, the following specific design and performance standards shall apply to the Business Park District – BP, and shall be used in interpreting and applying standards in this district.

1. Existing natural features of the site, such as groves of trees, extreme slopes, areas intended to serve as buffers and areas not intended for development, shall be retained and incorporated into the design of the park to the maximum extent reasonable.

2. Occupancy shall be of a type that has limited contact with the general public (except permitted retail establishments), does not produce unusually high traffic volumes and involves a low incidence of heavy truck traffic.

3. Internal circulation shall be provided by an Internal Access Street network, meeting the designs and standards of Section 404.010, including internal pedestrian circulation throughout the Business Park ant to all buildings and sites within the Business Park.

4. All products or materials that are stored, sold or used in production shall be kept inside a building or, if stored outside, shall be screened or buffered from public streets, including State highways and interstates and adjoining residential property by a solid wall, fence, berm, landscaping, terrain, topographic feature or a combination of these elements.

5. A small amount of products for retail sale may be displayed in the side or front yards without having to be screened provided the display does not block pedestrian or vehicular traffic, does not reduce the number of parking stalls and is orderly and well- maintained.

6. Loading and maneuvering areas for trucks or other utilitarian areas shall be screened or buffered from public streets, including State highways and interstates and adjoining residential property, by a solid wall, fence, berm, landscaping, terrain, topographic feature or a combination of these element.

7. All utility distribution lines shall be installed underground within the park. Existing distribution lines that serve a regional area are excluded from this requirement.

8. Rooftop and ground-level mechanical equipment which is visible from ground level of any adjacent public street or residential property, up to a maximum of three hundred (300) feet away, shall be screened from view to the maximum extent reasonable by a wall, fence, berm, landscaping, terrain, topographic feature or combination of these elements. Screening material shall be coordinated with the building to maintain a unified appearance.

9. Stormwater management should be analyzed and designed based on the entire park so that site-by-site stormwater retention or detention facilities may be avoided. Stormwater facilities which provide a recreational or aesthetic amenity or areas with a slope greater than eight percent (8%) may, individually or combined, constitute up to fifty percent (50%) of the required amount of open space.

10. Natural mitigation of stormwater runoff, drainage and erosion control shall be utilized (i.e., filter strips, vegetated wales, vegetated channels, pervious pavement systems, sand filters, bioretention, etc.) to the maximum extent possible.

11. Buildings shall be designed with a high degree of architectural quality. Horizontal and vertical elements shall extend completely around the building and utilize the same, compatible or complementary materials on all building facades so that all sides appear finished and possess architectural elements.

12. Any building elevations which shall be visible from an adjacent or nearby street shall be designed with architectural elements (windows, awnings, columns, etc.) and differing textures, shadow lines and contrasting shapes in order to avoid monotony, articulate the building facade and create visual interest.

13. Building facades shall be oriented so that loading docks, loading areas and other utilitarian areas are positioned on the back or non-prominent side of the site.

14. Buildings shall primarily be constructed of high quality materials, such as brick, stone, stucco and splitface block; colored, textured, sandblasted, waterwashed, exposed aggregate concrete or other materials that provide similar relief and character. Tilt up, cast-in place or pre-cast concrete construction may be utilized provided the relief and character are similar to the previously mentioned materials. The use of twin T and double T construction shall be prohibited on exterior facades. Materials such as vinyl, metal and other similar manufactured materials shall be prohibited, except that the Board of Aldermen may approve the use of such materials.

Chapter 407. Site and Landscape Design Standards

Section 407.010 Intent and Applicability
Section 407.020 Landscape Design
Section 407.030 Screens and Fencing
Section 407.040 Outdoor Lighting
Section 407.050 Stormwater Management

Section 407.010. Intent and Applicability

A. **Intent.** It is the intent of this Section is to:
1. Improve the aesthetic character of development with natural landscape materials, and in particular emphasize distinct areas throughout the community as reflected in the master plan or any specific plans.
2. Coordinate landscape and design amenities across multiple sites, with special attention to the relationship between lots and streetscapes, and improving the character of districts and neighborhoods.
3. 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.
4. Screen and mitigate the visual, noise or other impacts of high-intensity areas of sites, buildings and land uses.

B **Applicability.** The standards of this Section shall apply to all new development except:
1. Detached houses and duplexes being built on an individual basis and on a previously platted lot, and which are not part of a larger residential neighborhood or subdivision plan; and
2. Improvements or repairs to existing development that do not result in an increase in building footprint by more than 10%, an increase in impervious surface, or changes in use that do not result in an increase in intensity.

In cases where improvements or repairs increase the building footprint by more than 10%, increase the impervious surface, or intensity of use, the intent is to bring the site into full compliance with these standards, except that the Director or Planning Commission may pro-rate the requirements to the extent of new development on the site where full compliance is not possible or practical.

Section 407.020. Landscape Design

A. **Landscape Requirements.** Required landscape materials shall be based on specific site elements as follows:

Table 407-1: Landscape Requirements

Site Element	*Requirement*
*Street Trees**	1 large tree for every 40' of lot frontage, averaged.
Foundation Planting	Continuous shrub massing along 75% of all non-paved building frontages or any non-paved building façade facing a publicly accessible area. Any façade greater than 200 linear feet and not fronting on a street or civic and open space shall have 1 large tree per 50 linear feet, 1 small or evergreen tree per 50 linear feet and 1 shrub per 10 linear feet.
Parking Lot Planting	1 large tree for every 25 parking spaces, or 1 small or ornamental tree for every 10 parking spaces. 1 shrub for every 10 linear feet of perimeter landscape buffer, and continuous shrub massing for any perimeter within 25' of a street or internal access street. All other landscape buffers or internal landscape islands shall be permeable surfaces with perennial vegetative ground cover such as sod or turf grass. Alternative materials designed to infiltrate runoff may be approved as part of the stormwater management plan. All parking lot landscape materials shall be allocated in the perimeter buffers and internal islands required by Section 408.050.
Buffers	*See Section 407.030.*
Open Space	See Section 404.020, for any areas or sites required to have civic and open spaces.
Other	All other unbuilt and permeable surfaces on the site shall include ground cover to prevent dust and soil erosion. Perennial vegetative ground cover such as sod or turf grass shall be required on at least 80% of the ground cover. Non-living ground cover such as stones, rocks or mulch may be permitted on up to 20% of the ground cover.

* Street trees shall be planted in tree lawns between the sidewalk and curb, at least 6' wide, or in tree-wells with a minimum permeable surface area of 24 s.f. and minimum width of 4.' In cases where tree lawns cannot accommodate a large tree or where overhead utilities are present, small trees may be substituted. In cases where streets cannot accommodate planting in the right-of-way, planting shall be within the first 10' of the front lot line. Any lot fronting on a street with a specific streetscape plan, approved by the Planning Commission, may substitute the design specification of that plan for street tree requirements.

B. **Plant Species.** All trees and shrubs shall be selected and planted according to *Great Trees for the Kansas City Region*, incorporated in Appendix B. The Director is authorized to supplement and amend the list of required, preferred and prohibited plan species. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:

1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list'
2. Are adaptable to the climate of the metropolitan region and the specific conditions in which they are proposed; and
3. Are not invasive or otherwise problematic to the overall health of the landscape.

C. **Planting Specifications.** All landscape materials shall meet the American Standards for Nursery Stock (ASNS), 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 ASNS specifications. Plants shall meet the following specifications at planting:

Table 407-2: Plant Specifications

Type	*Specification*
Large Tree	2" caliper
Small or Ornamental Tree	1.5" caliper
Evergreen	6' minimum height
Shrub	18" minimum height
Ground Cover	50% coverage at planting; Full coverage within 2 growing seasons
Turf	All proposed or required turf areas shall be sodded.

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

Table 407-3: Tree Diversity

Required Trees	*Diversity**
1 – 4	May be all one species but should be diverse from other species or genus in the vicinity.
5 - 10	At least 2 genus No more than 50% of any one species
11 - 20	At least 3 genus; AND At least 5 species No more than 33% of any one species
21 or 50	At least 3 genus ; AND At least 5 species No more than 20% of any one species

* Any streetscape master plan or public realm plan may achieve street tree diversity on a block-scale basis, while planting the same species on individual segments for the urban design affect.

E. **Credits for Existing Vegetation.** Successful incorporation of existing and healthy vegetation that meet these performance criteria may be credited towards any landscape requirement. Credits shall be on a 1 for 1 basis for any vegetation that meets the minimum specifications, except that landscape material more than three times the specified size or otherwise of exceptional quality may be credited on a 2 for 1 basis.

F. **Design and Performance Criteria.** In addition to the above planting requirements, all landscape plans shall be designed according to the following performance criteria, and in individual cases additional plantings may be warranted in order to meet these criteria:

1. Existing natural features of the site, such as groves of trees, extreme slopes, areas intended to serve as buffers and areas not intended for development, shall be retained and incorporated into the design to the maximum extent practical.

2. Landscape areas shall be utilized to the maximum extent possible for natural stormwater mitigation practices and to satisfy stormwater management criteria. Examples of natural stormwater mitigation practices include filter strips, vegetative swales, pervious pavement systems and sand filters.
3. Native plants and vegetation shall be utilized to the maximum extent reasonable, i.e., drought tolerant plants should be planted in landscape islands and water resistant plants should be planted near stormwater retention facilities.
4. All required landscape and open space areas shall remain free of debris and refuse and be appropriately maintained.
5. Designs shall best integrate sites and projects into their surroundings, or promote any distinct characteristics of the area identified in the Master Plan or any specific plans.
6. Designs should emphasize any focal points of an area or project, and pay particular attention to the relationship with the streetscapes.

Section 407.030. Buffers, Screens and Fencing

A. **Buffer Types**. In addition to the general site and landscape requirements, certain projects, land uses, or elements of site design have potential impacts that require them to be buffered or screened from adjacent property. The following buffer types are established to be incorporated into site designs in specific contexts.

Table 407-4: Buffer Planting Requirements

Buffer Type	*Buffer Size and Planting Requirement*
Type 1 *A compact, and more densely landscaped area used to screen and mitigate potential impacts on abutting property. Type 1 buffers may be necessary in combination with other buffers on particular portions of the site plan.*	At least 5' wide. 1 evergreen per 8 linear feet or 1 shrub per 5 linear feet. OR a fence or ornamental wall that provides a solid screen between 6' and 8' with a lessor combination of plant material to soften the wall or fence.
Type 2 *A landscape strip used to soften and provide aesthetic improvements within the setback area and improve the compatibility of certain land use transitions.*	At least 10'. 1 large tree or 2 small trees per 50 linear feet. 1 shrub per 10 linear feet.
Type 3 *A landscape strip used to separate and screen potentially incompatible sites or land use transitions.*	At least 20' wide. 1 large tree or 2 small trees per 40 linear feet. 1 evergreen per 20 linear feet. 1 shrub for every 10 linear feet. OR a 6' berm or solid fence combination with a lessor combination of plant materials to the outside.
Type 4 *A landscape area along the frontage of thoroughfares and corridors designed to preserve or strengthen the natural features and characteristics of the area through more dense vegetation in a compact area.*	At least 35' wide along frontage. 1 large, small or evergreen tree per 4 linear feet. 1 shrub or evergreen per 2 linear feet of frontage.
Type 5 *A landscape area along the frontage of thoroughfares and corridors designed to preserve or strengthen the natural features and characteristics of the area through more moderate vegetation in a larger area.*	At least 50' wide along frontage. 1 large, small or evergreen tree per 10 linear feet. 1 shrub 4 linear feet.

Table 407-4: Buffer Planting Requirements

Type 6 *A landscape area along the frontage of thoroughfares and corridors designed to preserve or strengthen the natural features and characteristics of the area through dispersed vegetation in a wide area.*	At least 100' wide along frontage. 1 large, small or evergreen tree per 20 linear feet. 1 shrub per 20 linear feet.

B. **Buffer Requirements**. In general, each buffer type is required in the following specific circumstances. In instances where the specifics of any particular project or context would allow a different buffer type to equally or better meet the intent of this Chapter and the Design and Performance Criteria of this Section, the Director or Planning Commission may approve an alternative buffer through the site plan application. In addition to these specific circumstances, any combination of these buffers may be required as a condition of any Special Use permit review for particular uses.

Table 407-5: Buffer Planting Requirements

Buffer Type	*When Required*
Type 1	For screening high intensity portions of site from streetscape or abutting property according to design and performance standards in Section 407.030.D. Specifically applicable for trash enclosures; outdoor storage; drive-through, loading, or service areas abutting residential areas; or surface parking located within 10 feet of residentially used or zoned property. Type 1 buffers may be required in addition to or in combination with other buffer types.
Type 2	Along non-commercial frontages of collector and arterial streets, except those with Activity street designs. Any multi-building or apartment project greater than 1/2 acre but less than 2 acres abutting R-4 or lessor intense zoning. Any non-residential project under 1 acre abutting residentially used or zoned property. Any I-1 project abutting lessor intense districts.
Type 3	Any I-2 or I-3 abutting lessor intense districts. Any multi-unit building or apartment project of 2 acres or more abutting R-4 or lessor intense zoning. Any non-residential property of 1 acres or more abutting R-4 or lessor intense zoning.
Types 4, 5 and 6	Along frontages of major thoroughfares that have a Natural street design. Landscape should be designed to provide a mix of deciduous and evergreen trees and shrubs dispersed throughout the buffer area. May incorporate civic and open space requirements, if any, into this area.

C. **Fence Specifications.** 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 42 inches; and
   b. Have a transparency of at least 33% up to four feet (i.e. a three and one-half foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency; or ornamental walls should similarly have voids comprising at least 33% of the area below three and one-half feet.).

c. 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 complementing the architectural style and materials of the principle building.

d. On corner lots, street-side fencing behind the front building line may meet the standards in for rear and side fencing in sub-section 2. below, provided it is no closer than five feet from any sidewalk located in the right-of-way.

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 six feet, or up to seven feet in all non-residential districts.

b. May have a solid screen.

3. *Other Fencing Design Standards.*

a. 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.

b. All fencing located along adjacent lot lines shall be constructed so that either:

(1) The fence is on the property line; or

(2) 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.

c. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.

d. 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 four feet;

(b) In the I-1, I-2, and I-3 districts, in the rear and side only, but no closer than 30 feet from any public street;

(c) In commercial districts, in the rear or side only, except prohibited in the OTD district.

D. **Design and Performance Standards.** Buffers, screens and fences shall be designed to meet the following performance standards. In addition to the requirements specified for each buffer type, the arrangement of plants, grading or berming of land, or inclusion of fences walls or other screens may be necessary to meet these design and performance standards.

1. Eliminate glare from traffic internal to the site, outdoor lighting or other operations on the site.

2. Mitigate noise to comparable ambient noise levels found by other compatible uses throughout the area or district.

3. All buffers, screens and fences shall meet the proper lines of site at all intersections of streets, all driveway entrances and the intersection of internal access streets. The proper lines of site shall be based upon the control if the intersection or access, the stopping point, and the expected speeds of oncoming traffic as provided in section 404.010.E.2.

4. All high impact site elements such as trash enclosures, service and loading areas, utility and mechanical equipment, or outdoor storage shall be located on remote portions of sites away from streetscapes, public view and from adjacent residential property. In cases were these facilities are near interior boundaries which may impact abutting

property, a combination of Level 1 and Level 2 buffers shall be designed to limit potential impacts.

5. Trash receptacles, in addition to perimeter buffers for the site, shall be located on a remote area and stored inside a structure or enclosure compatible with the design and materials of the surrounding buildings. Enclosures shall be constructed of a durable material designed to withstand regular use by heavy equipment, including masonry, steal, and hard wood. If the trash receptacle is not visible from a public street or adjoining residential property, alternative screening methods may be allowed.

Section 407.040. Outdoor Lighting

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

TABLE 407-6: MOUNTING HEIGHT

Location	*Height Limit*
Driveways and Parking Areas	37.5' in B-2, B-4, I-1, I-2, I-2 districts 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 407-7: REQUIRED SHIELDING

Watts (or equivalent Lumens) or Mounting Height	*Shield Type*		
	Full Cutoff [a]	*Cutoff* [b]	*Semi-cutoff* [c]
All lights mounted above 25'; or *All lights above 450 Watts*	required	prohibited	prohibited
All lights Between 100 Watts and 450 Watts	permitted	required	prohibited
All Lights Between 55 Watts and 99 Watts; or *Any Light Mounted Between 12' and 25'*	permitted	permitted	required
All Lights Mounted below 12' AND Less than 55 Watts	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.

C. **Design and Performance Criteria.** In addition to the mounting height and shielding standards, exterior site lighting shall meet the following design and performance standards:

1. All lighting shall be designed and located to not provide direct light or glare onto any adjacent property.
2. All lighting shall be reduced to levels necessary only for security purposes within one hour after closing of the business.
3. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.

Section 407.050. Stormwater Management

A. **General Requirement**. All sites shall provide improvement necessary to adequately handle stormwater. In areas already subject to a stormwater management plan at the block- or area-scale as provided in Chapter 404, compliance with that plan shall satisfy the site design requirements. In all other cases, site specific best management practices shall be used to manage the peak flow, quantity and quality of stormwater run-off expected from development activity in manner that poses no significant impact on other sites compared to pre-development conditions.

B. **Best Management Practices**. In general, storwater management should prioritize strategies that manage stormwater at the largest scale possible, strategies that infiltrate stormwater into the ground within or as close to the site as possible, and strategies that integrate stormwater functions into other site and landscape design elements. The appropriate strategy will be highly dependent on the surrounding natural systems, the presence of broader stormwater facilities, and the specific topography and soil conditions of the site. The following stragites should be used in descending order of preference to meet site-specific stormwater standards.
1. Integration into a district, area, or block storm water management plan.
2. Constructed wetlands that mimic retention, filtration and infiltration of natural systems.
3. Infiltration systems and puros materials that infiltrate runoff into the ground.
4. Filtration systems that use natural materials to slow, filter and convey stormater to other systems.
5. Retention areas that capture and store runoff in permanent ponds, provided they are designed as an amenity to the site or vicinity.
6. Detention ponds or detention vaults that capture and store runoff temporarily, but serve little other purpose on the site.

Chapter 408. Access and Parking Standards

Section 408.010 Intent and Applicability
Section 408.020 Access and Circulation
Section 408.030 Required Parking
Section 408.040 Loading
Section 408.050 Parking Lot Design
Section 408.060 Alternative Access and Parking Plan

Section 408.010 Intent and Applicability

A. **Intent.** It is the intent of this Chapter is to:
1. Emphasize the importance of site access for a variety of modes of transportation.
2. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
3. Create access and parking standards appropriate to the context of the project, considering street designs and surrounding development patterns.
4. Ensure appropriate site and design features that mitigate the physical and aesthetic impact of parking on surrounding sites.
5 Maximize opportunities for on-street parking, shared parking or reduced parking rates where appropriate, and reduce the need to dedicate areas of individual adjacent sites to underutilized and redundant surface parking.
6. Promote parking designs that minimize runoff and infiltrate storm water into the ground.

B **Applicability.** An access and parking plan is required in association with a site plan, according to the application requirements in Article 3. Specifically the standards in this Chapter apply to:
1. A change of use for an existing site or building, but only where the new use would require 120% or more parking than exists.
2. An expansion of an existing building or use of a site by more than 20%.
3. All new buildings or uses on 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, then all new parking and access shall comply with this Chapter

Section 408.020 Access and Circulation

A. **Driveways**.

1. *Location and Spacing.* Driveway location and spacing shall be limited based on the functional class of streets and the distance from intersections or other driveways as specified in Table 408-1: Access Location and Spacing. All measurements shall be along the right-of-way lines and taken from the edge of the access point or intersecting street.

Table 408-1: Access Location and Spacing

	Functional Class		
	*Arterial**	*Collector*	*Local*
Residential	200' min. separation 150' min. from corner	50' min. separation; 100' average separation along a block 100' min. from corner	10' min. separation; 100' average separation along a block. 20' min. from corner
Non-Residential	200' min. separation 150' min. from corner	50' min. separation; 150' average separation along a block 100' min. from corner	25' min. separation; 150' average separation along a block 50' min. from corner

* 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 Public Works Director determines that the proposed access point is safe and is subject to the limits of this table.

** The Public Works Director may allow averaging of the separation of access points along any block face and alternative spacing through platting, provided there are no adverse impacts on the transportation network, the street design types in Chapter 404 are followed, and the Intent of this section is equally or better served.

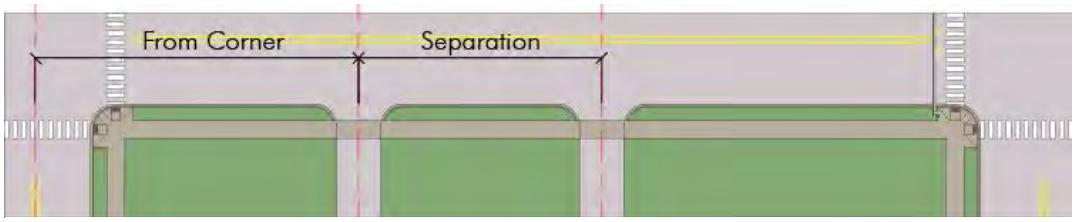


Figure 408-1: Access Location and Spacing
The figure illustrates the measurement of separation between intersections and lot access. Measuring the distance from the centerline of the roadway or access drive.

2. *Width.* Driveway widths shall be limited based on the design of the street types in Chapter 404, and based on Table 408-2: Driveway Widths. Widths shall apply to areas within the right-of-way and generally within the lot frontage areas between the right-of-way and front building line, however driveways that taper to larger garage entries and parking areas are permitted.

Table 408-2: Driveway Widths

	Street Design Type			
	Standard	*Neighborhood*	*Activity*	*Natural*
Residential	50% of lot width, max.; May not exceed 30' unless designed as internal access street	20% of lot width, max.; May not exceed 20' unless designed as internal access street	15% of lot width, max.; May not exceed 20' unless designed as internal access street	15% of lot width, max.; May not exceed 20' unless designed as internal access street
Non-Residential	20% of lot width, max.; May not exceed 36' unless designed as internal access street	15% of lot width, max.; May not exceed 24' unless designed as internal access street	N/A; Activity streets are designed for high pedestrian amenity and limited vehicle access. Non-residential access requires an ally system or shared internal block asses	15% of lot width, max.; May not exceed 24' unless designed as internal access street

* Where application of the width limits or these spacing standards appears to constrain access, different driveway configurations should be used such as alleys, internal access streets, shared drives or single driveways to expanded parking areas. Industrial uses with frequent truck traffic are exempt from this driveway width limits. The standards in this table are generally applicable, except where other sections of this code adopt different standards or incorporate design guidance for a more specific area, the more specific shall apply.

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 408-3: Driveway Side Setbacks:

Table 408-3: Driveway Side Setbacks

Access Type	*Side Setback*
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

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 Chapter 404, 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 for 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 streets is not practical or is too remote.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 408-4: Internal Sidewalk Widths:

Table 408-4: Internal Sidewalk Widths

Location	*Minimum Width*
Generally	5’
• Along any building façade abutting a parking area; • Along any parking with vehicle overhangs; OR • A primary route between the street or parking area and the building entrance.	8’
Along any building façade with a primary entrance	10’
Along any internal access street	Width based on the specifications for the most applicable street cross-section in Chapter 404.

3. *Pedestrian Amenities.* Sidewalks and internal pedestrian circulation shall be separated from moving vehicles to the extent feasible with curbs, landscape buffers, curbside parking, except for crosswalks in limited locations.

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, 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.

Section 408.030. Required Parking

A. **Vehicle Parking Rates**. Table 408-5: Required Parking provides general minimum requirements and applies to all similar uses not specifically listed. Where the classification of the use is not determinable from the table, the Community Development Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, function and operation. The following 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 based on industry standards for typical layouts of buildings.
4. A rate based on capacity shall be the maximum permitted under public safety and building codes
5. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.

Table 408-5: Required Parking

Residential Dwellings	
Detached House;	2 per dwelling unit, both fully enclosed
Duplex, Row House	2 per unit, at least one fully enclosed
Apartments, etc.	1.5 per dwelling unit generally; 2 per unit if 3 or more bedrooms; 1 per unit for efficiency or studio units.
Accessory Dwelling Unit	1 per dwelling unit
Group Living	0.5 per bed / room; AND 1 per employee
Civic / Institutional	
Generally	2.5 per 1,000 s.f.
Schools	10 per class room (college) 20 per class room (technical college / trade school) 8 per class room (high school) 4 per class room (elementary and junior high school)
Assembly	1 per 4 seats; plus 1 per 100 s.f. of the largest meeting room
Hospital/Institutional Living	1.8 per bed
Outdoor Recreation	1 per 10,000 s.f. passive; 1 per 1,000 s.f. active/programmed; 1 per 5 seats for any venues
Commercial & Service	
General Retail	1 – 2,000 s.f. = 2.5 per 1,000 s.f. 2,001 – 25,000 s.f. = 5 per 1,000 s.f. 25,001 or more s.f. = 4 per 1,000 s.f.
Convenience Store / Gas Station	5 per 1,000 s.f.
Outdoor Sales	1 per 1,000 s.f.

Table 408-5: Required Parking

Service/Office	3 per 1000 s.f. generally; 5 per 1000 s.f. for medical or dental offices
Barber / Beauty	2 per seat/service stall
Daycare	1 per 400 s.f.
Service Station	3 per pump, plus 1 per 200 s.f. for any retail area
Live Work	3 per unit
Lodging	1 per room
Entertainment Venue / Theater	1 per 4 seats
Mortuary/Funeral Home	1 per 3 seats
Fitness / Exercise Studio	4.5 per 1,000 s.f.
Medical / Dental Office / Clinic	5 per 1,000 s.f.
Recreation, Indoor	6 per 1,000 s.f.
Bowling Alley	4.5 per lane; AND 2 per 1,000 s.f. for ancillary entertainment areas
Restaurant, General	10 per 1,000 s.f. generally; 12 per 1,000 s.f. for fast food; Plus 1 per employee; plus 5 per drive-thru service area (stacking)
Bar / tavern	1 per 4 seats or 4 person building capacity; PLUS 1 per employee
Industrial	
Generally	2.5 per 1,000 s.f.
Outdoor storage, warehousing or similar large-scale uses	1 per 2,500 s.f. of outdoor sales and service area; plus 2 per 1,000 s.f. of indoor sales area; plus 1 per 1,000 s.f. of indoor storage areas

B. **Maximum Parking.** No use shall provide more than 15% more than the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 15% 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 408.030.C.5.
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, of at least a 10% increase in the open space or buffers and at least a 20% increase in the amount of landscape material required for the parking.

C. **Parking Reductions.** The parking required by Table 408-1 may be reduced depending on context, and according to the following strategies:

1. *Downtown.* For the purposes of this Section, "downtown" means the area bounded on the north by 3rd Street, on the east by the White Aloe Creek, on the south by the railroad tracks, and on the west by West Street.
   a. *Residential Uses.* No residential parking shall be required for two or fewer dwelling units on a lot. For more than two dwelling units, 1.5 spaces per dwelling unit is required.
   b. *Non-residential Uses.* No parking is required for existing buildings and uses. or for new buildings and uses under 1,500 square feet. Parking shall only be required for any increase caused by any new construction or change of use. Any construction that removes an existing parking space shall be replaced, unless the space(s) are in excess of the requirements for that use and are in the same ownership

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 two on-street spaces.

3. *Bicycle Parking Credit.* All on-site bicycle parking designed and located according to Section 408.030.D. 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. *Shared Parking.* Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 408-6: Shared Parking. 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 409-6 may also be approved in association with the agreement upon preparation of the joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 408-6: Shared Parking

	Percentage of Required Parking by Time Period				
	Weekday		*Weekend*		*All*
Use	*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 %
Place of Worship	5 %	25 %	100 %	50 %	5 %
School	100 %	10 %	10 %	10 %	5 %
Dwellings	25 %	90 %	50 %	90 %	100 %
Lodging	50 %	90 %	75 %	100 %	100 %

6. *Alternative Parking Plans.* All other parking reductions or credits require Planning Commission and Board approval as provided in Section 408.060.

D. **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 408-7: Bicycle Parking.

Table 408-7: Bicycle Parking

Activity	*Required Spaces*
Primary or secondary School	25% of the number of students
Retail or office uses	10% of the required vehicle spaces.
Other Institutional or Entertainment uses	5% of the required vehicle spaces.
Industrial Uses	3% of the number of employees.
Residential	1 per dwelling unit

Section 408.040. Loading

A. **Loading Requirements.** Off-street loading spaces shall be provide according to Table 408-8: Off-Street Loading.

Table 408-8: Off-Street Loading

Use or Use Category	*Floor Area*	*Required Loading Spaces*
Retail, restaurant, wholesale, warehouse, general service, manufacturing or industrial uses	2,000 – 10,ooo 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

B. **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.

C. **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.

Section 408.050. Parking Design

A. **Location, Size and Landscape Area.** On-site parking shall be designed and located in a manner that mitigates negative impacts on streetscapes and adjacent property. The design standards in Table 408-9: Parking Design are based on the number of parking spaces per area and the location on the lot relative to the principal building (front, side or rear).

Table 408-9: Parking Design

Spaces per Block	*Front*	*Side*	*Rear*
250 or more	* Must be broken into smaller parking blocks.	* Must be broken into smaller parking blocks.	10% Internal Landscape Islands; AND 10' Perimeter Buffer.
150 - 249	* Must be broken into smaller parking blocks	10% Internal Landscape Islands; AND 10' Perimeter Buffer.	8% Internal Landscape Islands; AND 10' Perimeter Buffer.
100 - 149	8% Internal Landscape Island 10' Perimeter Buffer; AND 15' Front Setback Buffer	8% Internal Landscape Islands; AND 10' Perimeter Buffer.	5% Internal Landscape Islands; AND 6' Perimeter Buffer
50-99	8% Internal Landscape Islands; 10' Perimeter Buffer; AND 15' Front Setback Buffer	5% Internal Landscape Islands; AND 6' Perimeter Buffer	6' perimeter buffer
20-49	5% Internal Landscape Islands; AND 6' Perimeter buffer;	5% Internal Landscape Islands; OR 6' Perimeter Buffer	No requirement other than 6' setback
Under 20	5% Internal Landscape Islands; OR 6' Perimeter Buffer	No requirement other than 6' setback	No requirement other than 6' setback

* Where individual sites require or provide parking areas larger than the maximum size in this table, 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 that mimic public streetscape design standard per Chapter 404.020.

B. **Landscape Design.** Landscape areas required by Table 408-9 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 proper allocation of landscape materials required by Section 408.020.A, 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 25 feet of any right of way or internal access street 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 lot zoned R-2 or a lesser district, or any parking area greater than 10 spaces adjacent to property zoned or used for residential purposes, shall be screened with a combination of a landscape buffer and a six-foot high solid fence or wall.

C. **Specifications.** Parking areas shall be designed to meet the dimension specifications in Table 408-10: Parking Dimensions.

Table 408-10: Parking Dimensions

Parking Angle Width	*Width Parallel to Aisle*	*Depth to wall*	*Depth to Interlock*	*Aisle Width**	*Module***		*Bumper Overhang*
					Wall to Wall	*Interlock to Interlock*	
45° / 9.0'	*12.7'*	*19.5'*	*16.5'*	*12'*	*51'*	*45'*	*2.3'*
45° / 9.5'	*13.4'*	*19.5'*	*16.5'*	*11'*	*50'*	*44'*	*2.3'*
60° / 9.0'	*10.4'*	*20.5'*	*18.5'*	*16'*	*57'*	*53'*	*2.3'*
60° / 9.5'	*11.0'*	*20.5'*	*18.5'*	*15'*	*56'*	*52'*	*2.3'*
75° / 9.0'	*9.3'*	*20.0'*	*19.0'*	*23'*	*63'*	*61'*	*2.5'*
75° / 9.5'	*9.8'*	*20.0'*	*19.0'*	*22'*	*62'*	*60'*	*2.5'*
*90° / 9.0'****	*9.0'*	*18.5'*	*18.5'*	*26'*	*63'*	*63'*	*2.5'*
*90° / 9.5'****	*9.5'*	*18.5'*	*18.5'*	*25'*	*62'*	*62'*	*2.5'*

* Measured between ends of stall lines.

** Rounded to the nearest foot.

*** For back-in parking, aisle width may be reduced 4.0.'

D. **General Design Standards.**

1. 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 the same or comparable zoning district, there are no pedestrian barriers such as highways or other access constraints, and an agreement demonstrating rights and control of the off-site property is provided.

2 All on-site parking lots shall provide a sufficient amount of barrier free accessible spaces, meeting the Americans with Disabilities Act (ADA) guidelines for quantity, design and location.

3. No parking space shall be located where it backs into a drive aisle within 20 feet of the entrance to a street, except that parking areas for five or fewer cars may back directly onto the street.
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 standards in Section 407.040.
6. All parking areas and driveways shall be surfaced with a permanent asphalt or concrete surface, except that residential lots more than five acres may use gravel for any portion of the driveway beyond 100 feet from the edge of street pavement.
7. Designated lanes for delivering and freight truck access and fire lanes shall be designed and constructed to support the weight of anticipated loads, acceptable to the Director of Public Works and the fire district.
8. All parking areas and drives in non-residential zoning districts shall have an edge constructed of straight-back concrete curbing (Type CG-1) or an integral concreted sidewalk and curb with a vertical face. Temporary asphalt curbs may be used in areas to be expanded only as shown and approved on a development plan or deferred parking plan.
9. Parking areas shall be designed so that sanitation, emergency and other public service vehicles can serve the development without backing unreasonable distances or making other dangerous turning movements.
10. The Director of Public Works may approve alternatives to any of these design standards or construction specifications, if they demonstrate superior stormwater management performance and sufficient durability and long-term maintenance.

E. **Operational Limits.**
1. All minimum required parking shall be reserved and used for that purpose except for what may be permitted through a Conditional Use Permit or other specific exception or approval provided in this code.
2. In residential zones, no motor vehicle designed or regularly used for carrying freight, merchandise or other property or more than eight passengers and that is licensed in excess of one ton gross vehicle weight, excluding vehicles licensed as a recreational vehicle, shall be parked on a lot.
3. Parking in residential districts shall be limited to enclosed garages, the driveway, adjoining asphalt or concrete pats, or public streets where permitted. Parking on other areas of the lot is prohibited, except for lots over five acres may park on a gravel surface.
4. Inoperative vehicles may not be store or repaired on the premises, other than in enclosed garages, or except in industrial zoning districts.
5. Construction equipment and construction vehicles may not be store or repaired on the premises, except:
   a. When stored in an enclosed garage;
   b. When utilized for construction activities pursuant to a valid permit from the City for the premises, or permitted work in the right-of-way; or
   c. When associated with a condition use permit or as accessory to an allowable primary use.
   d. In industrial zoning districts

Section 408.060. Alternative Access and Parking Plan

A. In recognition that inflexible application of the access and parking standards in Chapter may result in inadequate or excessive parking and circulation, an alternative may be established through an alternate access and parking plan. The Board of Aldermen following a

recommendation by the Planning Commission may approve the alternate access and parking plan through the site plan process in Section 403.060 or 403.070.

B. An increase or decrease in the number of spaces required by this Chapter in excess of five percent of what is otherwise authorized through the standards, credits and exceptions in this Chapter, can only be allowed through approval of an alternate access and parking plan.

C. A request for approval of an alternate parking plan shall be accompanied by a site plan and the following information:

1. A parking demand study or other data that establishes the number of spaces required for the specific use. The study or data may reflect parking for the same use existing at a similar location or for similar uses at other locations. Published studies may be utilized to back up alternative parking requests.
2. If shared parking is proposed for a mixed-use development, the sum of peak parking demands by use category shall be accommodated for day and night hours on weekdays and weekends. The guidelines for shared parking contained in this Chapter may be used in lieu of a separate study.
3. If a remote or off-site parking lot is proposed to meet any portion of the parking required, the site and its current zoning classification must be identified, along with the method to transport parking patrons to the use.
4. A portion of the required parking may be deferred and remain unimproved until it necessary to adequately serve parking demand. Any approved deferral shall show where and how the parking will be constructed, and specifically indicate what event will trigger the construction of the 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. This area shall not count in the open space or landscape calculations.

Chapter 409. Sign Standards

Section 409.010 Intent and Applicability
Section 409.020 Exempt Signs
Section 409.030 Sign Types
Section 409.040 Sign Allowances
Section 409.050 Standards Applicable to All Signs
Section 409.060 Standards Applicable to Specific Sign Types
Section 409.070 Planned Districts

409.010 Intent & Applicability

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

1. 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.
2. Enhance the visual quality and civic beauty of the community reflected in the visual priority of buildings, open spaces, streetscapes, landscape, and other investments in the public realm.
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. 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 clutter and blight.

B. **Applicability**. All new signs and replacement of existing signs shall require a sign permit demonstrating compliance with these sign standards, unless exempt from a permit by Section 409.020. 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.

409.020 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. **Property Identification Signs**. Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety and emergency services personnel to locate the property, subject to the following limitations:
   1. Up to two per address or lot, whichever is greater.
   2. Signs may be either wall or freestanding, except no more than one freestanding property identification sign shall be allowed per lot.
   1. Property identification signs on buildings shall be limited to no more than two square feet and mounted between four feet and nine feet high to enhance visibility. Except that building identification signs integrated into the architecture of the building in a permanent manner with bronze, brass, stone or other material integral to the building may be higher and may be up to three percent of the facade.
   2. Freestanding property identification signs shall be located at the primary access point, shall be no more than two square feet, and shall be no more than three and one-half feet high to minimize sight obstruction.

B. **Public Safety, Traffic Control or Public Information**. Signs designed and located to control internal traffic movement and safety of vehicles and pedestrians according to uniform traffic control devise standards, or otherwise required to support any official action or legal obligation 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 pole subject to the height restrictions of the zoning district.

D. **Window Signs**. Signs mounted to the interior of any first floor windows in non-residential districts, provided they do not exceed more than 33 percent of all first floor widow area measured between two feet and 10 feet above grade, and at least 50 percent of the entire window area remains clear of any visual obstructions.

E. **Temporary Signs**. Temporary signs not exceeding six square feet. 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. **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 no more than 32 square feet and if identified in other permitting processes associated with the project.

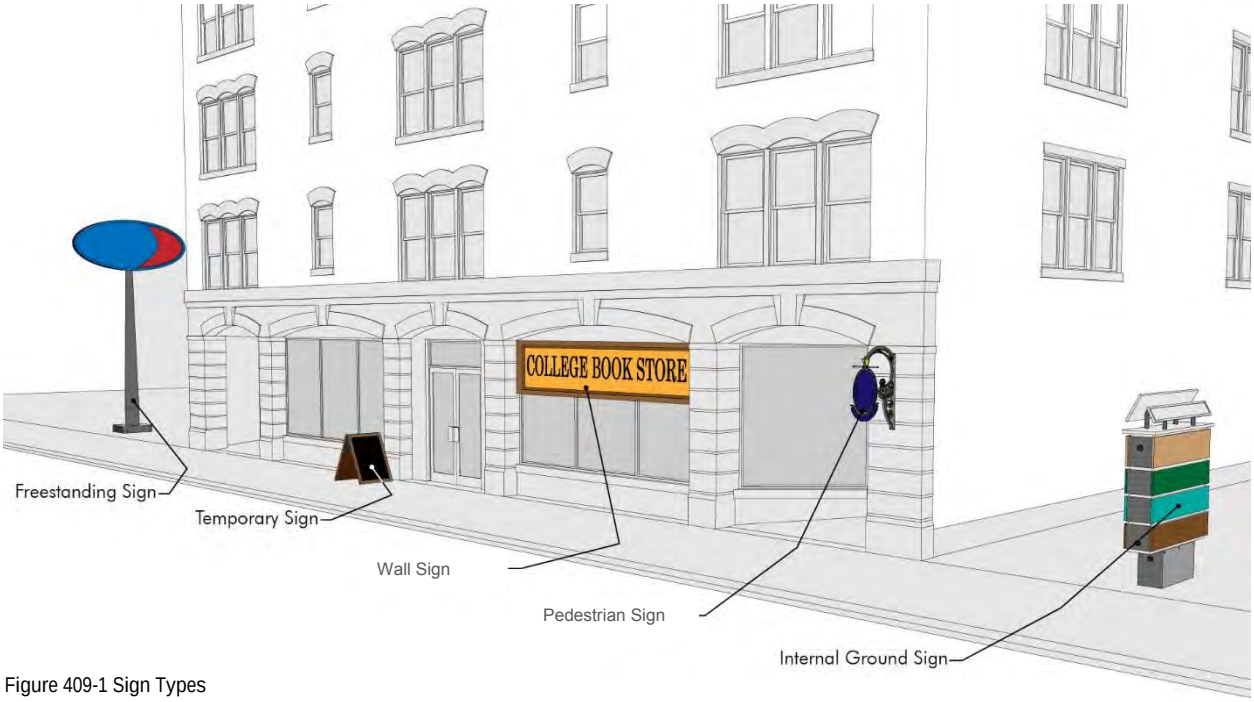


Figure 409-1 Sign Types
The figure above depicts examples of each sign type. These are general categories of types and variations of different sub-types exist within each category

409.030 Sign Types

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

Table 409-1: Sign Types

Type	*Description*
Wall Sign	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.
Freestanding Sign	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: *Monument Sign:* A type of Free-standing Sign mounted on an enclosed, solid base or ornamental surface structure. *Pole Sign:* 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.
Pedestrian Signs	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.
Temporary Sign	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.
Internal Ground Sign	A sign with a design and scale to be legible to pedestrians or vehicles navigating the internal portions of a site.

409.040 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 409-2: Sign Allowances

	Residential and PLCD Districts	*B-1 and OTD*	*B-2, B-4-P, BP, P-EC, I-1, I-2, I-3 and U-1 Districts*
Wall Signs	Permitted principal non-residential uses or apartment buildings with over 12 units: ▪ *Number:* 2 per façade. ▪ *Total Area:* Allowance: 5% of façade area maximum. ▪ *Size:* 24 s.f. per sign maximum.	▪ *Number:* 1 sign per tenant with exterior entrance (multi-tenant building) – otherwise 3 signs per façade maximum. ▪ *Total Area Allowance:* 5% of the faced or 40 square feet for building facades 750 square feet or more. ▪ *Size:* 24 s.f. per sign maximum.	▪ *Number:* 2 signs per tenant with exterior entrance (multi-tenant building) – otherwise 4 per façade maximum. ▪ *Total Area Allowance:* 10% of façade area maximum. 15% in I-1, I-2, and I-3
Freestanding Signs	For permitted non-residential uses, or any residential project over 5 acres: ▪ *Number:* 1 monument sign per street frontage for non-residential uses OR 2 per entrance for residential projects over 5 acres. ▪ *Size:* 24 s.f. per sign maximum at the minimum of 10' from property line. Additional 8 s.f. per each additional 5' setback, to maximum of 64 s.f. per sign. ▪ *Height:* Monument design required; 6' high maximum. ▪ Location: At least 100' from any dwelling and at least 15' from any curb. *Exception:* 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.	▪ *Number:* 1 per lot. ▪ *Size:* 16 s.f. maximum. ▪ *Height:* Monument design required; 6' high maximum. ▪ *Location:* 5' minimum setback from all right-of-way and lot lines. ▪ No internal illumination, and no illumination between 12:00 midnight and 5:00 A.M.	▪ *Number:* 1 sign per each 150' of street frontage; maximum of 3 on any lot; 120' minimum separation between signs. ▪ *Total Area Allowance:* 1 s.f. for each 2 linear feet of street frontage. ▪ *Location:* 10' minimum setback from all right-of-way and lot lines. ▪ *Size:* 32 s.f. maximum; and additional 8 square feet for each additional 5' setback up to 64 s.f. maximum per sign. ▪ *Height:* 7' max for monument signs. *Exception:* Projects over 5 acres may have one pole sign up to 120 s.f. in the B-2, B-4-P and BP district; and up to 200 s.f. in the P-EC, I-1, I-2, and I-3 districts. Pole signs may be up to 35' high. Any such sign shall sill count towards the Total Area Allowance and must be setback at least 30' from the right-of-way and at least 100' from other property lines.

Table 409-2: Sign Allowances

	Residential and PLCD Districts	*B-1 and OTD*	*B-2, B-4-P, BP, P-EC, I-1, I-2, I-3 and U-1 Districts*
Temporary Signs	▪ *Freestanding –* o *Total Area Allowance:* 1 s.f. for each 10 linear feet of frontage. o *Size:* 6 s.f. maximum per sign; lots with over 150 linear feet of frontage may have 8 s.f. maximum per sign area o At least 20' between signs. ▪ *Wall -* o *Number:* 2 per façade. o *Total Area Allowance:* 5% of façade area maximum. o *Size:* 8 s.f. maximum per sign. ▪ Total combined display time 90 days per calendar year per lot. *Exemption from permit:* 6 s.f. maximum, but still counts to sign allowance and must meet all other temporary standards.	▪ *Freestanding -* o *Total Area Allowance:* 1 s.f. for each 5 linear feet of lot street frontage. o *Size:* 32 s.f. maximum per sign. o At least 70' between signs. ▪ *Wall –* o *Number:* 2 per façade. o *Total Area Allowance:* 5% of façade area maximum. o *Size:* 32 s.f. maximum per sign. ▪ Total combined display time 90 days per calendar year per lot. *Exemption from permit:* 4 s.f. maximum, but still counts to sign allowance and must meet all other temporary standards. *Exception:* Temporary signs may exceed these limits if it is in place of any other permitted sign to allow for a new use during an interim period not to exceed 90 days, and subject to all other limits of the substituted sign type.	
Pedestrian Sign	For permitted non-residential use ▪ *Number:* 1 per public entrance ▪ *Height:* 6' high maximum and within 30' of entrance, if mounted on the ground ▪ *Size:* 6 s.f. maximum	▪ *Number & Size:* 1 for each public building entrance up to 8 s.f. and within 20 feet of entrance. AND ▪ *Number & Size:* 1 for each 25 linear feet of building frontage; 6 s.f. max *Exemption:* 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 OTD district AND on any street designed to Activity Street specs per subdivision design standards. Portable pedestrian signs shall meet Section 410.060.B.	
Internal Ground Sign	Not applicable	• *Number:* 1 for each 5,000 square feet of lot; • *Size:* 3 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. • *Height:* 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.	

409.050 Standards Applicable to All Signs

1. 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.
2. No sign shall be erected without the property owner's permission.
3. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
4. 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 404.010.E.2.
5. 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.
6. No sign attached to any building shall extend vertically above the highest portion of the roof line or parapet, whichever is less.
7. 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 eight feet vertical clearance.
8. 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 limitation shall not apply to pedestrian signs, provided any animated element shall apply to the overall pedestrian sign allowances.
9. 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.
    - Pole signs or other free-standing signs over 30 square feet shall be only be internally illuminated
10. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
11. Any sign with a business message shall be located on the site of the business activity.

409.060 Standards Applicable to Specific Sign Types

A. **Monument Signs.**
1. Monument signs shall be located within a landscape area that at least three feet from all portions of the sign base, planted with low shrubs, ornamental plants and perennial ground cover to accent the sign.
2. Monument signs shall have a base at least 75 percent of the width of the widest part of the sign. The base shall establish a level foundation for the sign integrated into the grade from which the sign height is measured, and may elevate the sign above any landscape elements up to a maximum of two feet above grade at its highest point
3. The base and sign shall include ornamental architectural details and materials that complement the overall design of the site and building, such as brick, natural stone or other primary or accent materials on the 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 OTD district, provided:

1. The sign is placed within 20 feet of the main entrance of the building.
2. The sign is no larger than five 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. Electronic message signs are limited to non-residential districts within 1,000 feet of an interstate highway, the B-4-P and, the P-EC district.
2. The visible sign face shall be setback at least 250 feet from any adjacent residentially zoned property.
3. Electronic message signs are limited to monument signs, and may not be used for pole or wall signs.
4. Only one of the allowed signs per lot may be an electronic message sign.
5. Automatic dimming controls shall limit the illumination to no more than 0.3 footcandles over ambient lighting conditions when measured at the recommended distances, base on the electronic message size (measurement distance = √[area of sign sq. ft. x 100]).
6. Only static display is permitted with at least 10 seconds between changes in display and no more than one second 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 percent 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.
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) may be used if they are secured by a support or frame to avoid distraction of flapping.
4. The Community Development Director shall be authorized to extend the duration of display time for temporary signage pertaining to the sale of property once per calendar year, until such time as the property is sold.
5. The Community Development Director 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.

G. **Billboards.** In addition to the signs allowed in Table 409-2, billboards are permitted subject to the following:

1. *Location.* Billboards may only be located within 660 feet of an interstate highway or Federal aid primary highway, and only if those locations are zoned B-1, B-2, I-1, I-2 or I-3.
2. *Setbacks.* Billboards shall be setback at least 30' from any right-of-way and shall be setback at least 100 feet from any other property line, roofed structure, or building that would require a building permit.
3. *Size.* Bill boards shall be limited to no more than 672 square feet, and 14 feet high x 48 feet wide adjacent to Interstate 435; and limited to no more than 72 square feet, and 6 feet high by 12 feet wide in all other cases.
4. *Height.* Billboards total height shall be no more than 30 feet.
5. *Spacing.* Billboards shall not be located within 2,000 feet of another billboard on the same side of the highway; within 1,500 feet of any gateway identified in the Master Plan or other entry features associated with the city limit; or within 1,500 feet of a residential district.
6. *Lighting.* No animation, flashing, blinking, intermittent or changing graphics or surfaces, or other visible moving elements capable of distracting drivers shall be allowed shall be permitted. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portions of the streets or highways, or otherwise interferers with the effectiveness of an official traffic sign or signal.

409.070 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 Chapter, but the City may approve deviations to these standards through the review process and criteria of planned districts in Chapter 403. Any planned district not proposed and approved with a sign plan noting specific deviations shall be subject to these standards.

Chapter 410. Supplemental Standards

Section 410.010 Wireless Communication Facilities
Section 410.020 Floodplain Management
Section 410.030 Adult Uses

410.010 Wireless Communication Facilities

A. **Intent.** It is the intent of this section to:
1. Encourage the location of towers in non-residential areas.
2. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
3. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
4. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

B. **Applicability.**
1. *District Height Limitations.* The requirements set forth in this Section shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

2. *Amateur Radio — Receive-Only Antennas.* This Section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

3. City Rights-of-Way. All requirements of towers, antennas and associated equipment and facilities shall equally apply to any application for antenna or tower placement within City rights-of-way.

4. *Pre-Existing Towers and Antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this Section of the Municipal Code shall not be required to meet the requirements of this Section, other than the requirements of sub-sections C.8 and E. Any such towers or antennas shall be referred to in this Section as "pre-existing towers" or "pre-existing antennas".

C. **General Requirements.**

1. *Height.* Height of all towers or structures shall be measured from ground level to the highest point on the tower or other structure, including any antenna. Except as further constrained by the setback and separation requirements, the maximum height of a tower shall not exceed 180 feet above the existing ground level.

2. *Setbacks and Separation.* Unless otherwise required by law, he following setbacks and separation requirements shall apply to all towers and antennas.
   a. Towers must be set back:
      (1) A distance equal to the twice the height of the tower as measured from the furthest extension on the tower support structure from any off-site residential structure; or
      (2) 500 feet from any residential structure, whichever figure is greater. For towers less than 50 feet in height, the minimum setback shall be 200 feet.
   b. Towers and accessory facilities must satisfy the minimum zoning district setback requirements.
   c. In residential or business zones, towers over 90 feet in height shall not be located within one-half of a mile from any existing tower that is over 90 feet in height.
   d. In industrial zones, towers over 90 feet in height shall not be located within one-quarter of a mile from any existing tower that is over 90 feet in height.
   e. Minimum setbacks for microcell and repeaters are those required for any accessory building or structure within the zone district.
   f. Minimum setbacks for freestanding monopole towers and minimum setback of towers and supports — when located within 250 feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building not dedicated solely for access to or maintenance of the tower support structure, and from any property line — shall be the tower height (as measured from the furthest extension on the tower support structure) or the minimum setback for any accessory building within the district, whichever is greater. Minimum setback of towers and supports — when not located within 250 feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the tower support structure), and from any property line — shall be the standard setback for a building or structure within the zone district.
   g. For applications for sites within City rights-of-way, the most restrictive adjacent underlying zoning district classification shall apply.

4. *Roof and/or building mount facility.* Antennas on the rooftop or above a structure shall not extend more than 12 feet above the roof, and shall be screened, constructed and/or colored to match the structure to which they are attached in a manner that they are not visible from public streetscapes adjacent to the building. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding 12 inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color.

5. *Security Fencing.* All telecommunication towers and antennas shall be protected from unauthorized access by appropriated security measures. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

6. *Landscaping.* The following landscape requirements apply:
   a. Tower facilities shall be landscaped with Type 1 buffer to effectively screen the view of the tower compound from adjacent property.
   b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible to minimize visibility of the compound, tower and

antenna from the streetscape or civic and open spaces. In some cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer, however in other cases additional small and large trees may be required to be planted in the vicinity.

7. *Aesthetics — Lighting.* The following guidelines shall govern the location of all towers, and the installation of all antennas.
   a. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light, neutral color so as to reduce visual obtrusiveness. A tower shall not dominate the skyline.
   b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment. Metal equipment buildings are prohibited.
   c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a light, neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
   d. The City may or may not require lighting, even if not required by the FAA. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design.

8. *Federal Requirements.* All towers must meet current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.

9. *Building Codes — Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local buildings codes and the applicable standards for towers that are published by the Electronic Industries Association. Any structural modification or alteration to an existing tower or antenna will require a structural analysis by a licensed professional engineer in the State of Missouri as part of the application, unless waived by the Community Development Director. If, upon inspection, a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance. If the owner fails to bring a tower into compliance within 30 days, the City of Parkville may remove tower at the owner's expense.

10. *Safety.* All telecommunication towers and antennas shall be reasonably designed to reduce the potential damage to persons or property from falling equipment, ice or debris from wind, damage or structural failure.

D. **Conditional Use Permits.**

1. *General.* A conditional use permit is required for new towers or new antenna on existing towers or structures. The following provisions shall govern the issuance of conditional use permits:
   a. A conditional use permit shall be required for the construction of a new tower or the placement of an antenna in all zoning districts, or substantial modification to an existing telecommunication tower or antenna as defined by Missouri statutes.

b. Any approval may be conditioned upon site specific requirements that are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of Missouri.

2. *Information Required.* Each applicant requesting a conditional use permit under this Section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission to be necessary to assure compliance with this Section. For applications for sites within City rights-of-way or on City-owned property, no application shall be submitted for permit approval without attaching the City's consent to use the right-of-way or property for the specific construction application. This consent should be in the form of an agreement with the City to place and/or maintain private improvements in City rights-of-way or on City-owned property.

3. *Abandonment Bond.* Any applicant for a new tower shall place a bond or other security with the City prior to any final approval to ensure abandoned towers can be removed. The bond or security shall be in the form and amount approved by the Community Development Director based on the valuation of the tower at the time of construction and necessary amount required for a Demolition Permit. The amount of the bond shall be determined by the Director to satisfy the requirements hereof with regard to the specific tower to which it would apply based on the estimated total cost of removal of that tower.

4. *Criteria.* In addition to the criteria in Section 403.050, and the standards in this Section, the Planning Commission shall consider the following additional criteria for Conditional Use permits for Telecommunication Facilities.

a. All standards of this Section have been met, or in the case of any City standards and equal or better alternative has been proposed that equally or better meets all of the intent provisions of this Section.

b. Telecommunication facilities should be located and designed to minimize any adverse effect they may have on residential property values.

(1) Colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should restrain the facility from dominating the surrounding area.

(2) Location and design of sites in commercial or industrial zones should consider the impact of these sites on surrounding neighborhoods, particularly the visual impact within the zone district and beyond, in residential areas.

(3) Fencing should not necessarily be used to screen a site, and security fencing should be colored or should be of a design which blends into the character of the existing environment.

(4) Freestanding facilities should be located to avoid a dominant silhouette.

(5) Strobe lights are prohibited at night unless required by the Federal Aviation Administration.

c. Towers and all related equipment and facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.

d. At the time of the conditional use request, an evaluation of the visual impact should be taken into consideration if vegetation is to be removed.
e. Innovative designs should be used whenever the screening potential of the site is low. For example, by constructing screening structures which are compatible with surrounding architecture, the visual impact of a site may be mitigated.
f. The structure must be architecturally and visually (in color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the terms of the underlying zoning.

5. *Historic Preservation 30-day Hearing Period*. A Conditional Use Permit shall not be issued for any telecommunication tower or antenna that the Planning Commission or Board of Aldermen determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole. For collocation of any certified historic structure as defined in Section 253.545 RSMo., in addition to all other applicable time requirements, there shall be a thirty (30) day time period before approval of an application during which one or more public hearings on collocation to a certified historic structure are held.

E. **Abandonment.** It shall be the duty of the facility owner to notify the City when the site is no longer to be used for telecommunication purposes. Telecommunication facilities, which are not in use for six months for telecommunication purposes, shall be removed by the telecommunication facility owner. This removal shall occur within 90 days of the end of such six-month period at the owner's expense. Upon removal, the site shall be re-planted to blend with the existing surrounding vegetation. A tower not removed as mandated above shall be deemed to be a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, adopted as part of the Building Code in Chapter 500 of the Parkville Municipal Code, and shall be removed under the provisions of Chapters 7 through 9.

410.020 Floodplain Management

A. **Intent.** The intent of this Section is to:
1. Reduce flood losses from inundation, including loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood production and relief.
2. Reduce the cumulative effect of development in floodplains that increase flood heights and velocities.
3. Reduce the occupancy of flood hazard areas by uses vulnerable to floods, or which are hazardous to others inadequately elevated or otherwise unprotected from flood damage.
4. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
5. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
6. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.
7. Establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3) and meet the requirements of 44 CFR 60.3(d)

B. **Applicability.** This Section shall apply to all lands within the jurisdiction of the City of Parkville, Missouri identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Maps (FIRMs) for Platte County listed on map panels 29165C0295D, 29165C0313D, 29165C0360D, 29165C0370D, 29165C0376D, 29165C0377D, 29165C0378D, 29165C0379D,

29165C0383D, 29165C0386D, 29165C0387D, 29165C0391D, and 29165C0392D dated April 2, 2015, and including future official revisions.

1. *Floodplain Administrator.* The Community Development Director shall be the Floodplain Administrator under this Section. The Floodplain Administrator shall review all permits for compliance with this section and assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law.

2. *Flood Insurance Study.* The Flood Insurance Study (FIS) and standard engineering methods are used for analyzing flood hazards, including to following interrelated steps:
   a. Selection of base flood based on expected frequency of occurrence, the area inundated, and the depth of inundation. In general, it is the flood which could be expected to have a 1% chance of occurrence in any one year as shown on the Federal Insurance Administrator's FIS, and illustrative materials for Platte County dated April 2, 2015 as amended.
   b Calculation of water surface profiles based on standard hydraulic engineering analysis and capacity of the stream channel and overbank areas to convey the regulatory flood.
   c. Computation of a floodway required to convey this flood without increasing flood heights more than one foot at any point.
   d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
   e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

3. *Permit Required.* No development located within the special flood hazard areas of this community shall be located, constructed, extended, converted or structurally altered without a permit demonstrating full compliance with the terms of this Section.

4. *Permit Procedures.* In association with other procedures in Chapter 403, a floodplain development permit shall:
   a. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
   b. Identify and describe the work to be covered by the floodplain development permit;
   c. Indicate the use or occupancy for which the proposed work is intended;
   d. Indicate the assessed value of the structure and the fair market value of the improvement;
   e. Specify whether development is located in designated flood fringe or floodway;
   f. Identify the existing base flood elevation and the elevation of the proposed development;
   g. Give such other information as reasonably may be required by the Floodplain Administrator;
   h. Be accompanied by plans and specifications for proposed construction; and
   i. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

5. *Review Criteria.* In applying the standards of this Section, the Floodplain Administrator shall verify that:
   a. The flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;

b. A record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
c. A record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
d. Floodproofing techniques for non-residential structure shall be certified by a registered professional engineer or architect; and
e. The applicant shall notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) shall be required prior to any alteration or relocation of a watercourse and evidence of this notice shall be given to the Federal Emergency Management Agency (FEMA).

6. *Warning and Disclaimer of Liability.* The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside the floodway and flood fringe or land uses permitted within these areas will be free from flooding or flood damage. This Section shall not create a liability on the part of the City of Parkville, any officer or employee for any flood damages that may result from decisions or actions in reliance on this Section.

C. **General Standards.**

1. No permit for floodplain development shall be granted for new construction substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this sub-section are satisfied.

2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Section. If Flood Insurance Study data is not available, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

3. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
a. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
b. Construction with materials resistant to flood damage;
c. Utilization of methods and practices that minimize flood damages;
d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and

discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

1) All such proposals are consistent with the need to minimize flood damage;

2) All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;

3) Adequate drainage is provided so as to reduce exposure to flood hazards; and

4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, material, and equipment.*

a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Accessory* structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Section; and a floodplain development permit has been issued.

D. **A Zones and AE Zones.** In all areas identified as numbered and unnumbered A Zones and AE Zones, where base flood elevation data have been provided, as set forth in sub-section C.2.**,** the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied.

3. *All Construction.* Fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this

requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided; and

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. **Manufactured Homes.**

1. Manufactured homes placed within unnumbered and numbered A Zones and AE Zones on the FIRM shall be installed using methods and practices that minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include use of over-the-top or frame ties to ground anchors.

2. Manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the FIRM on sites:

   a. Outside of manufactured home park or subdivision;

   b. In a new manufactured home park or subdivision;

   c. In an expansion to an existing manufactured home park or subdivision; or

   d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

   shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of one foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. Manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the FIRM, that are not subject to the provisions of sub-section E.2, shall be elevated so that either:

   a. The lowest floor of the manufactured home is a minimum of one foot above the base flood level; or

   b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

F. **Floodway.** Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The city shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

2. No encroachments, including fill, new construction, substantial improvements and other development, shall be within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. If sub-section F.2. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section.

4. In unnumbered A Zones, any base flood elevation or floodway data currently available from Federal, State, or other sources is sub-section C.2. shall be utilized.

G. **Recreational Vehicles.** Recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.; or
3. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Section..

H. **Variances.** The Board of Zoning Adjustments may grant variances to the standards of this Section and hear appeals to denial of a floodplain permit according to the procedures and criteria in Section 403.080 and 403.090, and subject to the following.

1. *Additional Considerations.* The Board shall consider the following additional considerations:
   a. The danger to life and property due to flood damage;
   c. The danger that materials may be swept onto other lands to the injury of others;
   d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   e. The importance of the services provided by the proposed facility to the community;
   f. The necessity to the facility of a waterfront location, where applicable;
   g. The availability of alternative locations, not subject to flood damage, for the proposed use;
   h. The compatibility of the proposed use with existing and anticipated development;
   i. The relationship of the proposed use to the Master Plan and Floodplain Management Program for that area;
   j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
   l. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

2. *Additional Limitations.* Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, after considering the following criteria. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
   a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
   b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
   c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   d. Variances shall only be issued upon:
      (1) A finding that all factors for a variance in Section 403.080 have been met;

(2) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

e. The applicant of any approved variance is on notice that:

(1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to $25.00 for $100.00 of insurance coverage; and

(2). Construction below the base flood level increases risks to life and property. This notice shall be maintained with the record of all variance actions as required by this Section.

3. *Conditions for Accessory Structures*. In addition to all other considerations and criteria, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

a. Use of the accessory structures must be solely for parking and limited storage purposes in flood-prone areas only.

b. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with sub-section C.4.b.

c. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with sub-section C.4.a. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

d. Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with sub-section C.4.d.

e. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100- year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.

f. Equipment, machinery, or other contents must be protected from any flood damage.

g. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

h. Wet-floodproofing construction techniques must be reviewed and approved by the Floodplain Administrator and a professional engineer or architect registered in the State of Missouri prior to the issuance of any floodplain development permit for construction.

410.030 Adult Uses

A. **Intent.** The intent of this Intent is to regulate the secondary effects of adult businesses in order to promote the health, safety, morals, and general welfare of the citizens of Parkville, Missouri, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually explicit materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually explicit materials protected by

the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Section to condone or legitimize the distribution of obscene or offensive material of a sexual nature.

B. **Applicability.** The regulations set forth in this Section, or set forth elsewhere in this Title, when referred to in this Section are the zoning regulations governing adult businesses and shall apply to any adult business.

C. **Location Restrictions.** No adult business shall be located:

1. Within 1,000 feet of any primary or secondary school, house of worship, public library, licensed child-care center, public park, or property zoned or used for residential purposes. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the premises from which the adult business would be operated to the nearest point on the property line of any primary or secondary school, house of worship, public library, licensed child-care center, public park, or property zoned or used for residential purposes:
   a. Provided, the phrase "property zoned or used for residential purposes" shall not include any property zoned for residential use for which a special use permit has been granted for an indefinite period of time which permit allows a non-residential use;
   b. Provided, further, the list of uses set forth above shall exclude streets, alleys and highway rights-of-way.
2. Within 1,000 feet of any other business located within or without the City meeting the definition of "adult business," as set forth in this Title. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest property line of the premises from which the proposed adult business would be operated to the nearest point on the property line of the other business meeting the definition of "adult business," as set forth in this Title.

D. **Signs.**

1. All adult businesses shall comply with the sign regulations in Chapter 410.
2. Any adult businesses that shall not be open to minors in accordance with the requirements of Title VI, Chapter **650**, shall conspicuously display, in the common area at the principal entrance to the premises, a sign, on which uppercase letters shall be at least two (2) inches high, and lowercase letters at least one (1) inch high, which shall read as follows: THIS BUSINESS IS AN ADULT BUSINESS. ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER SHALL BE PERMITTED ON THE PREMISES.
3. All adult entertainment businesses that provide live entertainment shall conspicuously display, in the common area at the principal entrance to the premises, a sign, on which uppercase letters shall be at least two (2) inches high, and lowercase letters at least one (1) inch high, which shall read as follows: THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND LICENSED BY THE CITY OF PARKVILLE. ENTERTAINERS ARE:
   - Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the pubic region, buttocks, genitals or female breast of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the pubic region, buttocks, genitals or female breast of said entertainer.
   - Not permitted to be nude.
   - Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
     - While the entertainer is on the stage, by placing a payment or gratuity into a container located outside a six-foot boundary surrounding the stage; or

- o While the entertainer is not on the stage, by placing a payment or gratuity into the entertainer's hand.
- CUSTOMERS ARE:
- Not permitted to be upon the stage at any time or to be within the six-foot marked boundary surrounding the stage while entertainers are performing.
- Not permitted to touch, caress or fondle the pubic region, genitals, buttocks or female breast of any employee, server or entertainer or engage in solicitation for prostitution.

E. **Displays.**

1. *Prohibition of Public Display.* No adult business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Title, from any exterior source by display, decoration, sign, show window or other opening.
2. *Display of Adult Media.*
   a. *Applicability.* This section shall apply to any bookstore, video store or other similar retail store in which adult media constitutes more than 10% but not more than 33% of the store's inventory at any time, or where adult media constitutes more than 10% but not more than 33% of the merchandise displayed for sale or rental at any time, or where adult media occupies more than 10% but not more than 33% of the sales floor area of the business (not including store rooms, stock areas, restrooms, or any portion of the business not open to the public) at any time.
   b. *Display of adult media.* Adult media in a store to which this section applies shall be kept in a separate room or section of the store, which room or section shall:
      (1) Not be open to any minor;
      (2) Be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight feet high or to the ceiling, whichever is less;
      (3) Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
      (4) Have access controlled by electronic or other means to provide assurance that minors will not accidentally enter such room or section.
   c. The owner or manager of a store to which this section is applicable shall have the affirmative duty to prevent the display of adult media at or within the portions of the business open to minors.

F. **Conditional Use Permits.** In addition to all other standards and criteria in this Section, any adult use shall only be permitted through the conditional use permit process in Section 403.050, and only be eligible in the B-2, B-4-P, I-1 and I-2 districts.

Appendices

Appendix A: Context Appropriate Street Design Standards

Appendix B: Great Trees for the Kansas City Region

Appendix C: Old Town Residential Design Guidelines

APPENDIX A - CONTEXT APPROPRIATE STREET DESIGN STANDARDS

Street Type / Design Element	Standard Street	Neighborhood Street	Activity Street	Natural Street
Lanes / Lane Widths	The number of lanes and lane widths for any street section should be based upon the anticipated capacity, the desired vehicle speed ("target speed"), AND balanced with the need to accommodate other critical elements of "complete streets" within the ROW. Each Street Design Type has different emphasis on priorities that best support the context. In general "lane widths between 10' and 12' wide are sufficient for rural and urban arterials," where 12' wide lanes should only be used on principal arterials where "higher-speed, free flowing" traffic is the priority.[1] Lanes that are 10' wide are preferred for low-volume or slow-speed streets, pedestrian areas, areas where frequent truck traffic is not anticipated, and other similar conditions.[2]			
Sidewalks	Most streets need sidewalks on both sides (except extremely low density areas, extremely high-traffic/high-vehicle oriented contexts, or where alternate facilities like a multi-use path are provided.) Typically wider is better – 5' is the minimum for two individuals to walk comfortably side by side; 8' is the minimum to support commercial or mixed-density housing; 12' is the minimum to support economic activity by pedestrians; and 16' + is the minimum to support social spaces along our streets. Sidewalks should be buffered from moving vehicle lanes by tree lawns, furniture/amenity areas, on-street parking or a combination of all of these.		8' minimum; At least 12' ideal (not including paving between tree wells); 16' + recommended to support social spaces along streets at key locations.	Multi-use path preferred on arterials, particularly in association with the trail system; 4'-5' min. on one side for collectors or local, or omitted as natural conditions warrant.
Bicycle Facility	Multi-use path preferred on arterial and major collectors (12'+); Bike lane (6') or sharrow (14' outside lane) preferred on minor collectors; acceptable on major collectors. Sharrow is acceptable on local roads; OR bicycles facilities are omitted and bicycles combine with vehicles where design speed is below 20 mph and/or traffic volumes are very low.		Sharrow acceptable (14' outside lane); Bicycle facilities can be omitted on limited segments where design speed is below 20 mph and bicycles comfortably mix with vehicles and/or where alternative parallel routes are located within 600'.	Multi-use path preferred on arterial (12' +); Bike lane (6') or sharrow (14' outside lane) acceptable on collectors. Sharrow is acceptable on local roads; OR bicycles facilities are omitted and bicycles combine with vehicles where design speed is below 20 mph or traffic volumes are very low.
Landscape / Amenity Area	Trees in tree lawn; landscape easements acceptable alternative; Tree lawn width 4' -6' for small trees (< 30' tall); 6' – 8' for medium trees (30' to 50' tall; 8'+ for large trees (50' + tall); 1 large or medium tree every 50 feet.	Trees in tree lawn; Tree lawn width 4' -6' for small trees (< 30' tall); 6' – 8' for medium trees (30' to 50' tall; 8'+ for large trees (50' + tall); 1 large or medium tree every 35'	Trees in tree wells – 4' to 6' addition to sidewalk; 24' s.f. min for tree wells; 36' s.f. plus recommended; 1 tree every 35' or clustered for affect at gateways and focal points.	More dense, irregular and natural plantings of trees and shrubs; coordinated with sidewalks and/or bicycle facilities and drainage relating to the land forms; Buffer design based on specific plans or natural amenities for a particular context.
Street Furniture / Amenity Area	None; unless in or abutting high pedestrian areas such as the Downtown, mixed-use areas, open and civic spaces, or the gateways or character commercial areas of the Community Character elements of the plan.		Located in 4' - 6' + zone abutting curb and between tree-wells where on-street parking is provided; and/or located in first 6' along building frontage provided at least 6' clear zone for pedestrians provided.	None
Parking	Permitted with special engineering review.	7' parallel permitted. (includes curb & gutter)	8' parallel required; 18' angled permitted on local or some collector applications. (includes curb & gutter)	None
Drainage	1' – 1.5' curb and gutter; or "green infrastructure" drainage (i.e. rain gardens and perforated curbs) with special engineering review.			10' + natural swale; or "green infrastructure" drainage (i.e. rain gardens and perforated curbs) with special engineering review.

[1] ASHTO. Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004. The AASHTO "green book" is a guide intended to be used flexibly for different types of streets in different contexts. The Forward to the "green book" makes it clear that the dimensions are guides and not standards, and that ranges should not be used to imply that the larger end of a range is preferred. (AASHTO. Geometric Design of Highways and Streets, pg. xliii).

[2] ASHTO. Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004.

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

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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.

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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 dioicus '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**

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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

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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

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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. *Hamemalis 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 miconiodes* **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. *Maakia 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 'Drietree'* **Merlot Bird Cherry**
15. *Malus 'Royal Raindrops'* **Royal Raindrops Crab**
16. *Crataegus ambigua* **Russian Hawthorn**

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THE TREE LIST

EVERGREEN TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

December 2013 revision

Study by Robert Whitman, ASLA, AICP, LEED AP

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ABOUT THIS STUDY:

In 2012 & 2013, Kansas City region tree experts were asked to provide numerical opinions (0-5 ratings) in each category for evergreen trees they have tested/observed from a master list of 154 evergreen trees. These ratings were averaged to determine the tree ratings for each category.

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EVERGREEN TREES FOR THE KANSAS CITY REGION

AS RATED BY METROPOLITAN AREA EXPERTS

December 2013 revision

✓✓✓ = well tested/observed in KC region by experts

✓✓ = somewhat tested/observed in KC region by experts

✓ = not well tested/observed in region by experts (buyer beware)

☺ =superior tree for this condition

😐 =fair tree for this condition

☹ =poor tree for this condition

☹ =very poor tree for this condition

Tested for KC	Height x Width (ft.)	Evergreen Tree name	Use as specimen	Use in buffer or as massing	Culturally adaptable	Heavy Soils	Drought Tolerant	Lifespan	Comments
		PINE							
✓✓	15x9	*Pinus aristata* - Bristlecone Pine	☹	☹	☹	☹	😐	☹	Needs excellent drainage, dislikes KC humidity
✓	35x20	*Pinus ayacahuite* – Mexican White Pine	😐	☺	☺	☺	☺	?	Limited experience, but shows promise
✓✓	35x22	*Pinus banksiana* – Jack Pine	☹	☹	😐	😐	😐	☹	Pine wilt when under stress
✓✓	25x18	*Pinus bungeana* – Lacebark Pine	☺	😐	😐	☹	😐	😐	Excellent performer with interesting bark
✓	22x11	*Pinus cembra* – Swiss Stone Pine	😐	☹	☹	☹	☹	?	Limited local success, slow grower
✓✓	30x20	*Pinus densiflora* – Japanese Red Pine	😐	☹	😐	😐	😐	☹	Some local success, very open habit
✓✓	14x12	*Pinus densiflora* 'Umbraculifera' – Tabletop Pine	☺	☹	😐	😐	😐	☹	Some local success, interesting flattop specimen
✓✓✓	30x17	*Pinus flexilis* 'Vanderwolf's – Limber Pine	😐	😐	😐	😐	😐	😐	Green-blue color, can get needle blight
✓	35x20	*Pinus koraiensis* – Korean Pine	😐	😐	😐	☺	😐	?	Loose form, some local success
✓	28x15	*Pinus leucodermis* – Bosnian Pine	😐	😐	😐	☹	☺	?	Some local success, black pine replacement
✓✓✓	12x14	*Pinus mugo* – Mugo Pine	☹	☹	😐	😐	😐	😐	Variation in size, pine wilt and scale problems
✓	12x7	*Pinus mugo* 'Tannenbaum' - Tannenbaum Pine	😐	☹	😐	😐	😐	?	Attractive form, small pine alternative
✓✓✓	55x30	*Pinus nigra* – Austrian Pine	☹	☹	☹	☺	☺	☹	Severe diplodia tip blight, short lived
✓✓	35x19	*Pinus parviflora* – Japanese White Pine	☹	☹	☹	😐	😐	😐	Attractive pine, some local success
✓✓✓	50x30	*Pinus ponderosa* – Ponderosa Pine	☹	☹	☹	☹	☺	☺	Pine tip moth, fungal problems
✓✓	40x18	*Pinus resinosa* – Red Pine	☹	☹	☹	😐	☹	☹	Too hot in KC for this pine
✓✓	40x25	*Pinus strobiformis* – Southwestern White Pine	😐	😐	😐	☹	☺	😐	Performs well here and SW of KC
✓✓✓	60x30	*Pinus strobus* – Eastern White Pine	☹	😐	😐	😐	☹	☺	Drought susceptible, chlorosis, good pine
✓✓✓	45x16	*Pinus strob. 'Fastigiata'* – Columnar White Pine	😐	😐	😐	😐	☹	☺	Same as species but better for narrow sites
✓✓✓	45x25	*Pinus sylvestris* – Scotch Pine	☹	☹	☹	☺	😐	☹	Pine wilt & root nematode, European sawfly
✓	50x25	*Pinus taeda* – Loblolly Pine	☹	☹	☹	☺	😐	?	Cold, ice and high pH can cause problems
✓✓	25x15	*Pinus thunbergiana* – Japanese Black Pine	☹	☹	☹	😐	☹	☹	Salt tolerant, ice damage, pine wilt
✓	30x15	*Pinus wallichiana* – Himalayan Pine	☹	😐	☹	😐	☹	?	Needs more testing

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✖ =very poor tree for this condition

Tested for KC	Height x Width (ft.)	Evergreen Tree name	Use as specimen	Use in buffer or as massing	Culturally adaptable	Heavy Soils	Drought Tolerant	Lifespan	Comments
		SPRUCE							
✓✓✓	60x30	*Picea abies* – Norway Spruce	☺	☺	☺	☺	😐	☺	Tough and proven spruce for KC
✓✓✓	27x10	*Picea abies* 'Cupressina' –Upright Norway Spruce	☺	☹	☺	☺	😐	☺	Narrow and fast growing spruce
✓✓✓	22x15	*Picea abies. v. pendula* – Weeping Norway Spruce	☺	☹	☺	☺	😐	☺	Many specimen application options
✓✓	30x14	*Picea breweriana* – Brewer's Spruce	✖	☹	✖	☹	✖	☹	Tested with many failures
✓	30x16	*Picea engelmannii* – Engelmann Spruce	😐	✖	😐	☺	☺	?	Not tolerant of KC heat or humidity
✓✓	40x20	*Picea glauca* – White Spruce	☹	☹	✖	☹	✖	☹	Poor heat tolerance
✓✓✓	30x18	*Picea glauca* 'Densata' – Black Hills Spruce	😐	😐	😐	😐	😐	☹	Slow growing but performs well, dense form
✓✓	18x4	*Picea glauca* 'Pendula' – Weeping White Spruce	😐	✖	😐	😐	☹	☹	Great specimen, good upright leader
✓✓	20x9	*Picea mariana* 'Columnar' – Columnar Black Spruce	☺	☹	😐	✖	✖	☹	Blue-green foliage, slow growing
✓✓	20x7	*Picea mariana* 'Wellspire' – Columnar Black Spruce	☺	☹	😐	✖	✖	☹	Upright form, soft needles, green color
✓✓	40x16	*Picea omorika* – Serbian Spruce	😐	😐	😐	☹	☹	😐	Blue-green color, performs well in irrigation
✓✓	25x10	*Picea omorika* 'Bruns' – Bruns Serbian Spruce	😐	😐	😐	☹	☹	😐	More narrow than species
✓✓	22x8	*Picea omorika* 'Pendula'- Weeping Serbian Spruce	☺	☹	😐	☹	☹	😐	Very attractive weeping specimen
✓✓✓	25x12	*Picea omorika* 'Riverside' Upright Serbian Spruce	☺	😐	😐	☹	☹	😐	Nice form with green color
✓	25x15	*Picea orientalis* - Oriental Spruce	☺	😐	😐	😐	😐	?	Tiny needles
✓✓	18x8	*Picea orientalis* ' Deer Run' - Deer Run Spruce	☺	☹	😐	😐	😐	😐	Blue color, slow growing
✓	18x9	*P. orientalis* 'Skylands' – Yellow Oriental Spruce	😐	☹	☹	☹	☹	?	Yellow needles fade to green, will scorch
✓✓✓	45x20	*Picea pungens* – Colorado Spruce	😐	😐	☹	✖	☹	😐	Not heat or drought tolerant, green needles
✓✓✓	45x20	*Picea pungens v. glauca* – Colorado Blue Spruce	😐	😐	☹	✖	☹	😐	Same as species, but blue color
✓✓✓	40x18	*Picea pungens* 'Kosteri' – Koster Blue Spruce	☺	☹	😐	✖	☹	😐	Blue color, not uniform or dense
✓	15x8	*Picea pungens* 'Baby Blue Eyes' – Baby Blue Eyes Spr.	☺	😐	☹	✖	☹	?	Tidy, small mature size
✓✓	25x14	*Picea pungens* 'Bakeri' – Bakeri Spruce	☺	😐	☹	✖	☹	😐	Good blue color
✓✓✓	20x9	*Picea pungens* 'Blue Totum'– Col. Blue Spruce	😐	☹	☹	✖	☹	😐	Good blue color, snow/ice load is problem
✓✓	20x10	*Picea pungens* 'Fastigiata' - Col. Blue Spruce	😐	☹	☹	✖	☹	😐	Good blue color, snow/ice load is problem
✓✓✓	20x15	*Picea pungens* 'Fat Albert' – Fat Albert Blue Spruce	☺	😐	☹	✖	☹	😐	Excellent blue color and form
✓✓✓	30x16	*Picea pungens* 'Hoopsii' – Hoopsii Blue Spruce	☺	😐	☹	✖	☹	😐	Bluest spruce, more open form
		ARBORVITAE							
✓✓✓	25x15	*Thuja occidentalis* – Eastern Arborvitae	✖	😐	☹	😐	✖	☹	Needs irrigation, snow loads are a problem
✓✓	18x4	*T. occ.* 'Degroot's Spire' – Degroot's Spire Arborvitae	😐	😐	✖	😐	✖	☹	Best cultivar, otherwise same as species, slow
✓✓✓	16x6	*T. occ*identalis 'Smaragd' – Emerald Green Arborvitae	✖	☹	✖	😐	✖	✖	Overplanted and unloved by experts
✓✓	20x7	*Thuja occ*identalis 'Techny' – Techny Arborvitae	✖	☹	✖	😐	✖	✖	Poor performer, slow growing
✓✓✓	35x15	*Thuja* x 'Green Giant' – Green Giant Arborvitae	☹	☺	😐	😐	✖	☹	Fast grower, drought problems, deer resistant
✓✓	25x12	*Thuja* x 'Spring Grove' – Spring Grove Arborvitae	☹	😐	😐	😐	✖	☹	Less vigorous than Green Giant, but similar
✓✓✓	25x15	*Thuja orientalis* – Oriental Arborvitae	✖	😐	😐	😐	☺	☺	Toughest arborvitae for challenging KC

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Tested for KC	Height x Width (ft.)	Evergreen Tree name	Use as specimen	Use in buffer or as massing	Culturally adaptable	Heavy Soils	Drought Tolerant	Lifespan	Comments
		JUNIPER							
✓	20x12	*Juniperus chinensis* 'Wintergreen'–Wintergreen Juniper	☹	☺	😐	😐	☺	?	Dense rich green
✓✓	16x9	*Juniperus chinensis* 'Blue Point' - Blue Point Juniper	😐	☺	😐	☺	☺	😐	Teardrop shape, blue-green color
✓✓	25x14	*J. chinensis* 'Columnaris Glauca' - Upright Blue Jun.	☹	☺	😐	☺	☺	☹	Narrow, loose habit, silver-grey color
✓✓✓	16x9	*Juniperus chinensis* 'Hetzii Columnaris' - Hetz Juniper	☹	☺	☺	☺	☺	😐	Green, heavy attractive cone production
✓✓	13x5	*Juniperus chinensis* 'Iowa' – Iowa Juniper	☹	☺	☺	☺	☺	☹	Green with blue tint, loose form
✓✓✓	20x13	*Juniperus chinensis* 'Keteleerii' – Keteleerii Juniper	☹	☺	☺	☺	☺	☺	Green with loose form, interesting unsheared
✓✓✓	20x12	*Juniperus chinensis* 'Perfecta' – Perfecta Juniper	☹	☺	☺	☺	☺	☺	Natural freshly sheared look
✓✓	18x9	*Juniperus chinensis* 'Robusta Green' – Upright Juniper	☹	☺	😐	😐	☺	😐	Green, tufted form, slightly irregular
✓✓✓	20x9	*Juniperus chinensis* 'Spartan' – Spartan Juniper	😐	☺	☺	☺	☺	😐	Green, dense and narrow
✓	20x18	*Juniperus rigida* – Temple Juniper	😐	😐	☺	☺	☺	?	Green, slightly weeping branchlets
✓✓	25x13	*J. scopulorum* 'Blue Haven' – Blue Haven Juniper	⊗	☹	☹	⊗	⊗	⊗	Blue, striking color, heavy cone production
✓✓✓	20x7	*Juniperus scopulorum* 'Skyrocket' – Skyrocket Juniper	⊗	⊗	⊗	☹	😐	⊗	Blue, very narrow, poor performer
✓✓✓	18x8	*Juniperus scopulorum* 'Welchii' – Welch Juniper	⊗	⊗	⊗	⊗	😐	⊗	Silvery blue-green, compact and dense
✓✓✓	20x10	*J. scopulorum* 'Wichita Blue' – Wichita Blue Juniper	⊗	☹	⊗	☹	😐	⊗	Brilliant bright blue, poor performer
✓✓✓	40x25	*Juniperus virginiana* – Eastern Red Cedar	☹	☺	☺	☺	☺	☺	Our only native and most durable evergreen
✓✓✓	30x15	*J. virginiana* 'Glauca' – Silver Eastern Red Cedar	☹	☺	☺	☺	☺	☺	Silver hue and very durable
✓	15x5	Juniperus virginiana 'Blue Arrow'– Blue Arrow Juniper	☹	😐	☺	☺	☺	?	More narrow than 'Glauca', not as durable
✓✓	25x14	*Juniperus virginiana* 'Burkii' – Blue Burkii Juniper	☹	☺	☺	☺	☺	☺	Steel-blue color, lacks interesting cones
✓✓✓	25x15	*Juniperus virginiana* 'Canaertii' – Canaert Juniper	😐	☺	☺	☺	☺	☺	Attractive lumpy form, proven durability
✓✓	20x12	*Juniperus virginiana* 'Cupressifolia' – Hillspire Juniper	☹	☺	☺	☺	☺	☺	Green, keeps winter color, durable
✓✓	23x10	*J. virg.* 'Emerald Sentinel'– Emerald Sentinel Juniper	☹	☺	☺	☺	☺	☺	Dark green color
✓	20x8	*J. virginiana* 'Prairie Sentinel' – Prairie Sentinel Juniper	☹	☺	☺	☺	☺	?	Grey-green color, slower grower
✓✓	18x5	*Juniperus virginiana* 'Taylor' – Taylor Upright Juniper	☺	☺	☺	☺	☺	😐	Italian cypress look, durable, species color
		FIR / YEW							
✓	40x18	*Abies balsamea* – Balsam Fir	⊗	⊗	⊗	⊗	⊗	?	Poor performance in KC
✓✓	45x25	*Abies concolor* – White Fir	😐	⊗	⊗	⊗	⊗	☹	Beautiful, needs excellent drainage, variable
✓✓	25x14	*Abies concolor* 'Candicans' – Candicans Fir	😐	⊗	⊗	⊗	⊗	☹	White-blue color very impressive
✓	30x16	*Abies fraseri* – Fraser Fir	⊗	☹	⊗	⊗	⊗	?	Very few good trees in KC, many failures
✓	30x20	*Abies homolepis* – Nikko Fir	☺	☹	⊗	☺	⊗	?	Very few good trees in KC, many failures
✓	15x6	*Abies koreana* – Korean Fir	😐	⊗	⊗	😐	⊗	?	Heat and drought sensitive
✓	35x16	*Abies nordmanniana* – Nordman Fir	😐	☹	☹	😐	😐	?	Very few good trees, but shows promise
✓✓	40x20	*Pseudotsuga menziesii* – Douglas Fir	☹	☹	☹	⊗	☹	😐	Very few nice older specimens in KC
✓✓✓	20x14	*Taxus cuspidata* 'Capitata' – Pyramidal Japanese Yew	😐	☹	😐	⊗	☹	☹	Great evergreen for shade, needs drainage
✓✓✓	15x9	*Taxus x media* 'Hicksii – Hicks Upright Yew	☹	☺	😐	☹	😐	☺	More upright/round form than Cap Yew

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Tested for KC	Height x Width (ft.)	Evergreen Tree name	Use as specimen	Use in buffer or as massing	Culturally adaptable	Heavy Soils	Drought Tolerant	Lifespan	Comments
		MISC. NEEDLED EVERGREENS							
✓	30x14	*Calocedrus decurrens* – Incense-Cedar	😐	☹	☹	😐	😐	?	Does well in SW KS, but not tested in KC
✓✓	30x16	*Cedrus atlantica* 'Glauca' – Blue Atlas Cedar	☺	(××)	😐	☹	😐	☹	Nice specimen if winters stay mild
✓	30x15	*C. deodara* 'Karl Fuchs' – Blue Himalayan Cedar	😐	(××)	☹	☹	😐	?	Blue fades to grey, cold tolerant
✓	25x12	*Cedrus deodara* 'Electric Blue' – Blue Him.Cedar	😐	(××)	(××)	☹	😐	?	More dense, less cold tolerant than 'K.Fuchs'
✓	30x25	*Cedrus libani* v. stenocoma – Cedar of Lebanon	😐	(××)	☹	(××)	😐	?	Not holding up in KC, no thriving old trees
✓	18x9	*Chamaecyparis lawsoniana* – Lawson Falsecypress	😐	(××)	☹	😐	☹	?	Interesting horizontal twig structure
✓✓	24x10	*Chamaecyparis nootkatensis* – Weeping Alaska Cedar	☺	(××)	☹	😐	(××)	😐	Interesting specimen, doing well in KC
✓✓	12x8	*Cham. pisifera* 'Filifera' – Japanese Falsecypress	☺	☹	😐	😐	☹	😐	Internal needles die but can be trimmed
✓✓	15x9	*Cham. pisifera* 'Boulevard' - Blvd. Falsecypress	😐	(××)	😐	😐	☹	😐	Can look a bit rough with age, but does well
✓	35x20	*Cryptomeria japonica* – Japanese Cedar	☹	(××)	(××)	☹	😐	?	Very few surviving trees in KC
✓	30x14	*Cupressus arizonica* – Arizona Cypress	☹	☹	☹	(××)	☺	?	Seed source/cultivar is important
✓	20x7	*C. arizonica* 'Cook's Peak' – Cook's Peak-Cypress	☹	☹	😐	(××)	☺	?	Appears to be cold hardy, blue foliage
✓	25x10	*Cupressus arizonica* 'Blue Ice' – Blue Ice Cypress	😐	☹	☹	(××)	☺	?	Blue foliage, cold hardiness in question
✓✓	25x10	*Sciadopitys verticillata* – Japanese Umbrella Pine	😐	(××)	(××)	☹	(××)	(××)	Very slow, needs winter shade, needs love
✓	30x15	*Sequoiadendron giganteum* – Giant Redwood	(××)	(××)	(××)	(××)	(××)	?	Not suited for KC's climate
✓	30x15	*Seq. giganteum* 'Hazel Smith' – Giant Redwood	😐	(××)	(××)	(××)	(××)	?	Blue color, hates KC humidity,but can survive
✓✓✓	45x25	*Tsuga canadensis* – Canadian Hemlock	☹	☹	☹	(××)	(××)	☹	Needs winter wind protection and good soil
		HOLLY/MAGNOLIA (BROADLEAF EVERGREENS ONLY)							
✓✓✓	20x12	*Ilex x attenuata* 'Fosteri' – Foster's #2 Holly	😐	😐	😐	☹	☹	☹	Needs winter wind protection
✓✓✓	20x12	*Ilex x attenuata* 'Greenleaf' – Greenleaf Holly	😐	😐	☹	☹	☹	☹	Chlorosis, needs winter wind protection
✓✓✓	8x7	*Ilex x* 'Blue Maid' – Blue Maid Holly	(××)	☹	😐	☹	(××)	☹	Needs winter wind protection
✓✓	14x7	*Ilex x* Centennial Girl' – Centennial Girl Holly	☹	☺	😐	☹	(××)	☹	Needs winter wind protection
✓	14x6	*Ilex x* 'Dragon Lady' – Dragon Lady Holly	☹	☹	☹	☹	☹	?	Rare to succeed in KC
✓✓	6x5	*Ilex x* 'Honey Maid' – Honey Maid Holly	☹	(××)	(××)	☹	(××)	(××)	Creamy white leaf margin, often fails
✓	9x5	*Ilex x meserveae* 'Hackenfee' - Castle Spire Holly	☺	😐	😐	☹	(××)	?	Good fruit production, needs male in area
✓	9x5	*Ilex x meserveae* 'Hackenstar' - Castle Wall Holly	😐	😐	😐	☹	(××)	?	Male pollinator for 'Castle Spire'
✓	18x9	*Ilex x* 'Nellie R. Stevens'– Nellie Stevens Holly	☹	☹	(××)	☹	(××)	?	Needs shelter, but often killed to ground
✓✓✓	35x18	*Ilex opaca* – American Holly	☺	😐	😐	☹	☹	☺	Species is variable, but many old specimens
✓	20x15	*Ilex penunculosa* – Longstock Holly	(××)	(××)	(××)	😐	(××)	?	Not heat or drought tolerant
✓	10x5	*Ilex x* 'Rutzan' – Red Beauty Holly	☺	☺	😐	☹	☹	?	Tough holly with excellent fruit production
✓	40x20	*Magnolia grandiflora* 'DD Blanchard' Magnolia	☺	☺	😐	☺	😐	?	Large flowers, seems superior to 'Bracken's'
✓✓✓	30x20	*Magnolia grandiflora* 'Bracken's Brown' Magnolia	☺	😐	😐	😐	😐	☺	No protection needed, heavy snow breakage
✓✓	35x25	*Magnolia grandiflora* 'Edith Bogue' Magnolia	😐	😐	😐	😐	😐	☹	More hardy than 'Bracken's'
✓✓	25x12	*M. virginiana* 'Jim Wilson'–Moonglow Sweetbay Mag.	😐	😐	☺	☺	😐	😐	Holds some foliage thru winter, fragrant
✓✓✓	25x14	*Magnolia virginiana v. australis*–Sweetbay Magnolia	😐	😐	☺	☺	😐	😐	Tolerates wet sites, needs winter moisture

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Appendix C: Old Town Residential Design Guidelines

These guidelines apply to areas zoned R-4 near Downtown, and generally bounded by East Street on the east, First Street on the south, lots fronting on West Street or the extension of Bell Road on the west, just north of 60th street and extensions on the north, and including the area just west of 9 highway and north of 13th street zoned R-4. They are to be used to help administer and enforce the standards of the R-4 district in this specific context, as well as interpret and apply any discretionary standards, review and approvals.

“OTD-R” Old Town District—Residential Design Guidelines

Parkville Conservation District Guidelines

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Building Materials Page 15
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Additions: Mass and Scale Page 17

Accessory Structures
Site Design Page 18
Mass and Scale Page 19
Building Materials Page 20

Parkville Old Town District—Residential Guidelines

Introduction

Properties in Parkville's Old Town Residential Districtare are characterized by variations in lot layout, topography, streetscape design and architecture. This variation is one of the contributing factors to the area's charm and historic character.

Identifying a neighborhood as part of a special district recognizes that there is an identifiable visual and emotional character to an area that should be respected. These guidelines attempt to identify the basic fundamental characteristics of the Old Town Residential District and provide guidance with respect to neighborhood context and basic design elements. Characteristics upon which to draw include the way in which a building is located on its site, the manner in which it relates to the street, and its basic mass, form and materials. When these design variables are arranged in a new building or building renovation or addition to be complementary to those seen traditionally in the area, visual compatibility results.

Site Design:

Streetscape

1. Maintain the traditional landscape character and sidewalk design of the existing streetscape pattern.
The existing streetscape pattern, including detached sidewalks which are separated from the street by planting strip and mature large-canopy trees that line the street, is one of the most character defining aspects of the Old Town Residential District and contributes to the area's inviting atmosphere.

A. Separate sidewalks from the curb with a planting strip.

- Existing detached sidewalks and planting strips shall be retained.
- New sidewalks shall be detached from the curb, similar to existing, with planter strips provided to accommodate street tree planting.

B. Continue the use of traditional paving patterns and materials when repairing or replacing a sidewalk or curb.

- Concrete used for new sidewalks should be dyed, textured or scored to match that of original sidewalks in the neighborhood.

C. Protect and maintain vegetation in the planting strips.

- Avoid replacing planted areas with hard and/or impervious surfaces. Consider using stepping-stones placed in the grass if a walking surface is needed.
- Protect established vegetation during construction to avoid damage.

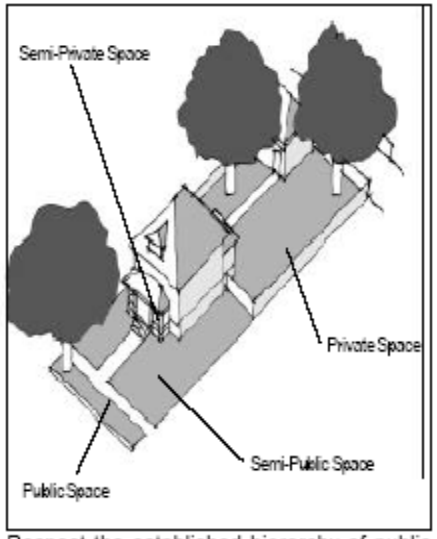
D. Continue the pattern of street trees in a block.

- Existing street trees shall be preserved whenever possible.
- Replace damaged or diseased trees with a species that is similar in character or form to those used historically.
- Street trees shall be required with new development.

Site Design:

Open Space

1. Maintain the established progression of public to private spaces.
The hierarchy of public and private spaces is a progression that: begins at the street, which is the most "public" space; proceeds through the front yard, which appears "semi-public"; continues to a porch which is "semi-private"; and ends at the front door, which leads to the "private" space. This sequence enhances the pedestrian environment and contributes to the character of the neighborhoods; it should be maintained.



Respect the established hierarchy of public and private spaces.

A. Provide a front yard that is similar in character to neighboring properties.

- The front yard is defined as that area in front of a line half back on the primary structure from the fronting street or streets.
- A pathway should be provided leading from the sidewalk to the entry.
- The front yard shall be predominantly landscaped with plants. Hard surface paving for patios, terraces or drives shall be minimized.
- Multi-unit housing (when allowed by conditional use permit) shall be oriented to the street in a manner similar to that of traditional single-family residences.

B. Fences or hedges may be used to help define the yard.

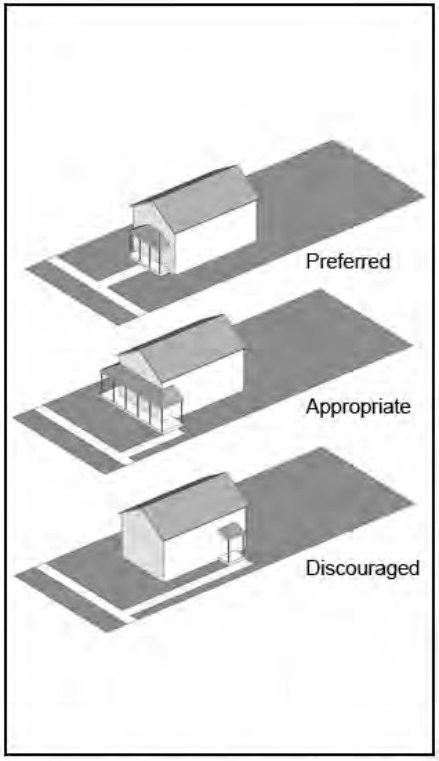
- A front yard fence should be short and/or transparent. A maximum height of 42 inches is appropriate in the area between the street and the house.
  Masonry and solid fences are discouraged.
- Chain link fences are prohibited in front yards.
- Contemporary interpretations of traditional fences should be compatible within the neighborhood context.
- Landscaping along side and rear fences can soften edges as well as protect privacy.

C. **Retaining walls should contribute to the character of the neighborhood**

- Retaining walls are an important part of the character of the Old Town Residential District and repairs to existing walls or the construction of new walls should retain this character.
- Retaining wall repair, replacement, or construction should be done with stone or some other material suitable to the neighborhood. Flat concrete retaining walls are prohibited.

Site Design:

Building Location



Alternative approaches for primary entrances

1. Orient the front of a primary structure to the street.
Traditionally the front entry of a building faced the street and was sheltered by a one-story porch. This helped establish a sense of scale and "animate" the street. The front porch serves as a transition area from the street to house and is an essential element of the streetscape; it provides human scale to the house; it offers interest to pedestrians; it is a catalyst for personal interaction.

A. Orient the primary entry of a primary building to the street.

- All structures should have one primary entry that faces the street.
- Additional entrances may be located to the side or rear.
- Multi-unit structures (where allowed by conditional use permit) should be street oriented.

B. Clearly define the primary entrance by using a raised front porch or stoop.

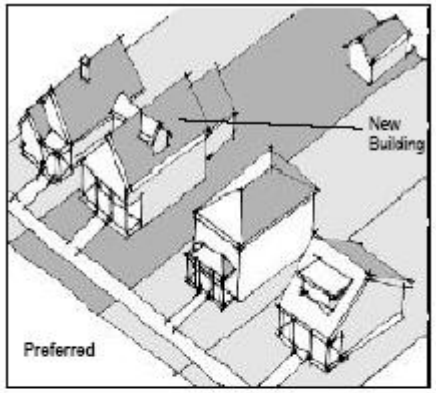
- Orient the front porch to the street.
- The front porch should be functional, used as a means of access to the entry.
- The minimum depth for a usable front porch is typically 6 to 8 feet.
- Stoops should be covered and generously sized to provide a transition area.

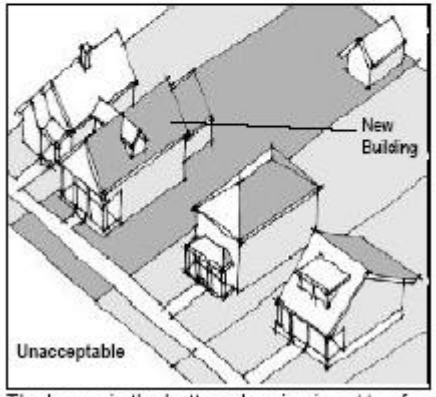
2. Provide a sense of visual continuity by aligning the front and sides of a new building with other structures in the neighborhood.

A front yard serves as a transitional space between the "public" sidewalk and the "private" building entry. In many blocks front yards are similar in depth, resulting in a relatively uniform alignment of building fronts, which contributes to a sense of visual continuity. Setback patterns may vary with in each block and these distinctions should be respected. Maintaining the established range of setbacks that is characteristic of each block is an objective.

A. When constructing a new building or addition, locate it to fit with the predominant pattern of yard dimensions seen on the block.

- These include front, side and rear setbacks.
- In some areas setbacks vary, but generally fall within an established range.
- Structures shall be located within an average range of setbacks along the street.

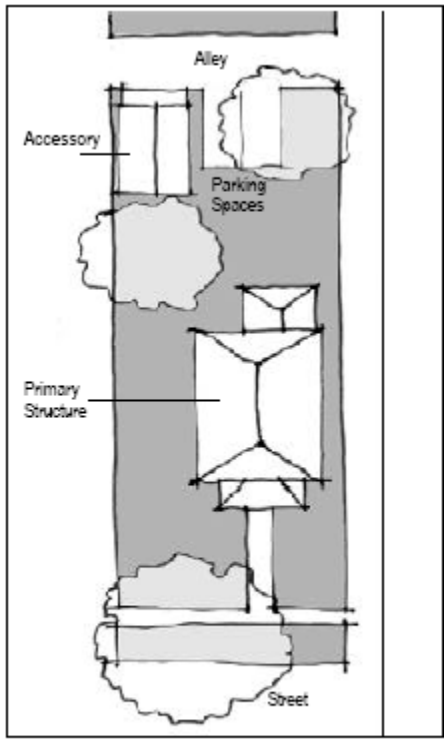




The house in the bottom drawing is set too far forward on its lot, outside of typical range of setbacks in the neighborhood.

Site Design:

Driveways & Parking



For a lot located on an alley, locate parking in a detached garage or carport located near the alley edge and accessed from the alley.

1. Driveways and parking areas shall be subordinate to adjacent residential buildings and shall be accessed from an alley whenever feasible.
In many parts of the traditional residential neighborhoods, parking is a concern. Traditionally, automobile storage and parking areas were subordinate to residential character and accessed from the rear of a lot. Parking patterns in the rear of lots should be maintained whenever feasible.

A. Access parking from an alley where feasible, and maintain traditional parking patterns. Three types of on-site parking locations are permitted.

- When an alley is present parking should be accessed from the alley.
- For a lot not accessible from an alley, locate parking to the rear of the lot with a driveway accessed from the street. A detached garage is preferred. Tandem (front to back) parking in a driveway is acceptable.

B. Required parking in a front yard is inappropriate.

- Required parking spaces should be located in the rear half of a building lot.
- Parking should not be located in the front setback. Required parking spaces should not extend beyond the front plane of the primary building.

C An exception in the required number of parking spaces may be considered in order to preserve a feature of public significance.

- Parking for the primary residence shall comply with existing code requirements.
- Consideration may be given toward allowing an exception to parking requirements for second units in order to preserve a feature of public significance, such as a landmark tree or tree of significance, a historic structure or a substantial mature hedge.

2. Design new driveways and parking areas in a way that minimizes their visual impact.
Large expanses of parking erode open space, alter the character of front and rear yards and diminish the "pedestrian friendly" character of sidewalks and alleys.

A. Garages should not dominate the street scene.

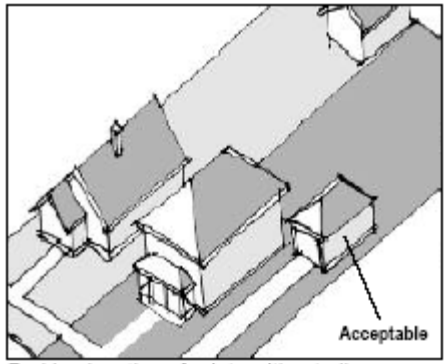
- Minimize the visual impact of a garage by locating it to the rear of a building lot, or along an alley. Traditionally, a garage was sited as a separate structure at the rear of the lot.
- Detached garages are preferred.
- If a garage must be accessed from the street, set it back behind the primary building such that parking will not extend beyond the front plane of the primary building.

B. Plan parking areas and driveways in a manner that minimizes the number of curb cuts on the block.

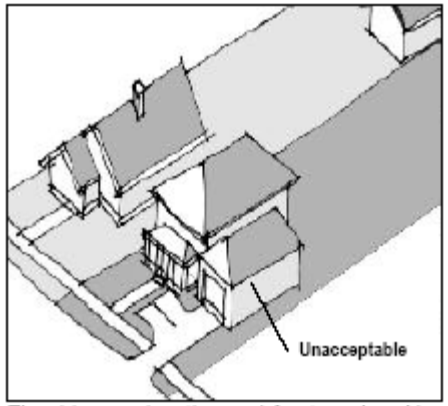
- Avoid new curb cuts whenever possible.
- Shared driveways and curb cuts are encouraged, both with adjacent properties and for multi-unit housing.
- Circular driveways are not appropriate.
- For multi-unit structures (where allowed by conditional use permit) parking in a interior courtyard with a single access point is preferred to multiple driveways.

C. Minimize the visual impact of a driveway.

- Minimize the width of a driveway and related curb cuts when it is necessary to access parking from the street.
- Curb cuts should accommodate single-car access.
- Maintain single-car width (10 ft. maximum) until the driveway extends beyond the rear of the primary structure.
- Turf blocks or parking strips are encouraged to minimize the amount of paved surface.



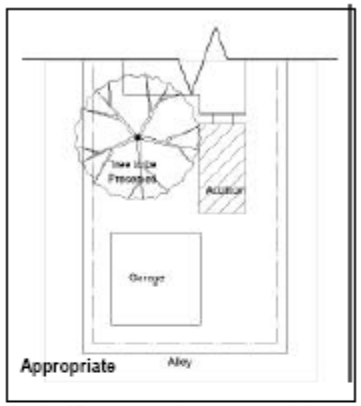
Parking locations for lots without alley access are recommended to the rear of a building, in a driveway or detached garage accessed from the street. The preferred location for parking on these lots is at the rear, close to the rear lot line.



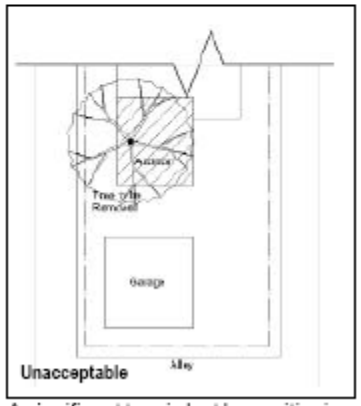
The driveway location and front yard parking spaces inappropriately alters the character of this residence

Site Design:

Landscaping



A significant tree is preserved by positioning an addition along one side of the yard.



A significant tree is lost by positioning an addition in the center of the yard.

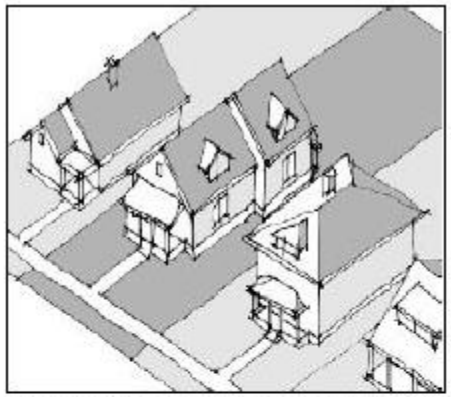
1. Preserve, to the extent feasible, existing mature trees and in some cases shrubs.
One of the most character defining features of the traditional Old Town Residential District is the presence of significant, mature trees and lush landscaping. Effort should be made to the extent possible to preserve existing significant vegetation.

A. The design and siting of a building, impervious surfacing, and related construction activity should take into consideration all existing trees.

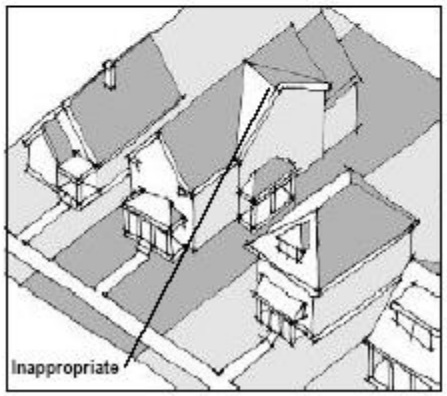
- Property owners and city regulatory bodies and staff shall comply with the stipulations in this section encourage the preservation of trees. City permit is required for removal or substantial trimming on private property or in the city right-of-way.
- Protect root systems of existing trees by fencing prior to construction and avoiding trenching or soil compaction within the drip line.
- When feasible, locate a new structure outside the drip line of an existing tree.
- Preserve existing mature trees to the extent feasible when considering a lot merger, construction of an accessory structure or major addition.

Primary Building Scale and Form:

Mass and Scale



A new building should be within the range of heights seen traditionally in the neighborhood. The bottom sketch illustrates a structure too massive for its neighbors.



Use roof forms and roof pitches that are compatible with other established structures.

1. The mass and scale of a new primary building should appear similar to that of single family structures in the immediate neighborhood.

The mass and scale of a new building is an important design issue in the Old Town Residential District. The traditional scale of single-family houses enhances the "pedestrian-friendly" character of the streets. To the greatest extent possible, new construction should maintain this smaller more intimate (human) scale and minimize negative impacts on abutting properties. While new buildings may be larger than many of the early houses, the new construction should not be so large that the visual continuity of the immediate neighborhood is compromised. It should be noted that in some circumstances in order for a project to comply with the full intent and provisions of these guidelines it may not be possible to build to the maximum setbacks and footprint coverage allowed in the base zoning.

A. Design a front elevation to be similar in scale to those seen traditionally on the block.

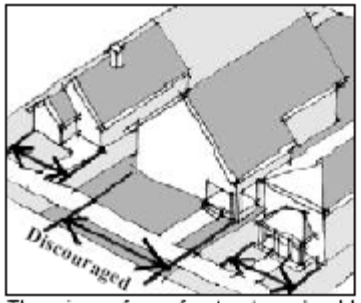
- The primary plane of the front should not appear taller than those of typical residential structures in the neighborhood.
- The backside of a building may be taller than the front and still appear in scale if appropriately designed and compatible with the primary structure.
- A new multi-unit structure (where allowed) should not overwhelm existing single-family structures.

B. Minimize the perceived scale of a building by stepping down its height toward the street and neighboring smaller structures.

- The front wall of a building should not exceed two stories in height.
- Wall heights of 1 to 1 ½ stories are preferred along a street.
- Provide a one story porch or similar element, which will define a front door or entrance and be oriented to the street.
- Livable basements are encouraged provided that they are consistent with other areas of the guidelines and they do not undermine the traditional character of the neighborhood.

C. The primary building face should not exceed the width of a typical single-family building in a similar context.

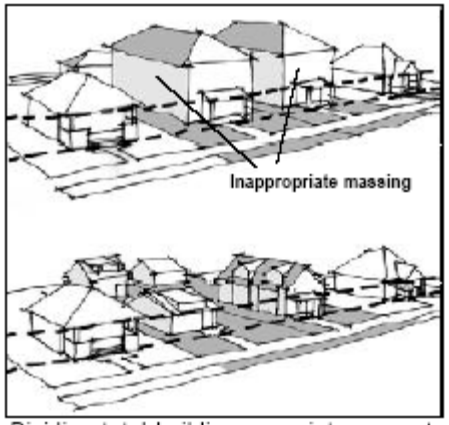
- A single wall plane should not exceed the maximum façade width of a typical residence. If a building is wider overall than those seen typically, divide the large façade into subordinate wall planes that have dimensions similar to those of traditional single family buildings in the neighborhood.



The primary face of a structure should not exceed the width of a typical residence.

D. Break up the perceived mass of a building by dividing the building front into "modules" or into separate structures that are similar in size to buildings seen traditionally in the immediate neighborhood.

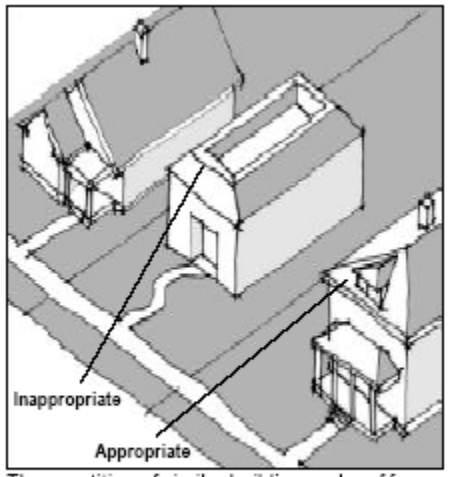
- Use a ratio of solid to void (wall to window) as seen from the public way that is similar to that found on traditional single-family structures.
- Dividing the total building mass into separate structures is encouraged.
- Include landscape elements, such as fences and walkways, similar in scale to those seen traditionally.



Dividing total building mass into separate structures is encouraged. The top illustration shows inappropriate massing while the bottom shows how building mass can be broken into separate elements.

Primary Building Scale and Form:

Building Forms



The repetition of similar building and roof forms contributes to a sense of visual continuity. Exotic roof shapes that would disrupt this feature are inappropriate.

1. Use building and roof forms that are similar to those seen traditionally.
A similarity of building and roof forms contributes to a sense of visual continuity along a block. In order to maintain this feature, a new building should have a basic roof and building forms that are similar to those seen in the neighborhood. "Exotic" building and roof forms that would disrupt this pattern are inappropriate.

A. Use building forms that are similar to those seen traditionally.

- Simple rectangular solids are typically appropriate.
- Raised foundations are preferred. Finished floor heights should be within the range typically seen in the neighborhood.
- "Exotic" building and roof forms that would detract from the visual continuity of the streetscape are discouraged. Examples include geodesic domes and A-frames.

B. Use roof forms that are similar to those seen in the neighborhood.

- Sloping roofs such as gabled and hipped are preferred for primary roof forms.
- Shed roofs are appropriate for some additions.

Primary Building Scale and Form:

Building Materials

1. The main building material should appear similar to that used traditionally on single-family houses.
Building materials of new structures and additions should contribute to the visual continuity of the neighborhood. While new materials may be considered, they should not vary extensively from those seen traditionally so as to create a jarring juxtaposition.

A. Brick, stone and painted wood are suggested primary building materials.

- Painted wood lap siding, painted hardy board, and shingles are appropriate.
- A much wider range of secondary and trim materials can occur (wood, glass, metal, synthetics, etc.)
- Innovative or "green" materials are encouraged provided that they contribute to the visual continuity of the neighborhood.

B. Roof materials should appear similar in scale and texture to those found traditionally.

- High-quality composition shakes and tile are appropriate roofing materials.

Primary Building Scale and Form:

Additions: Character Elements

1. Design an addition to complement the existing character of a building.
Additions to existing houses are anticipated. When they occur, they should be designed to respect the character of the main building and to minimize impacts on abutting properties. When constructing an addition, use materials, windows and doors that are compatible with those of the original building. All guidelines under "Mass & Scale" and "Building Forms" apply for additions. Special guidelines in the two sub-sections on "Additions" are intended to highlight the specific issues that must also be considered when adding onto an existing building.

A. Adaptive reuse of existing buildings is strongly encouraged.

B. An addition should not strongly alter the perceived character of the original building.

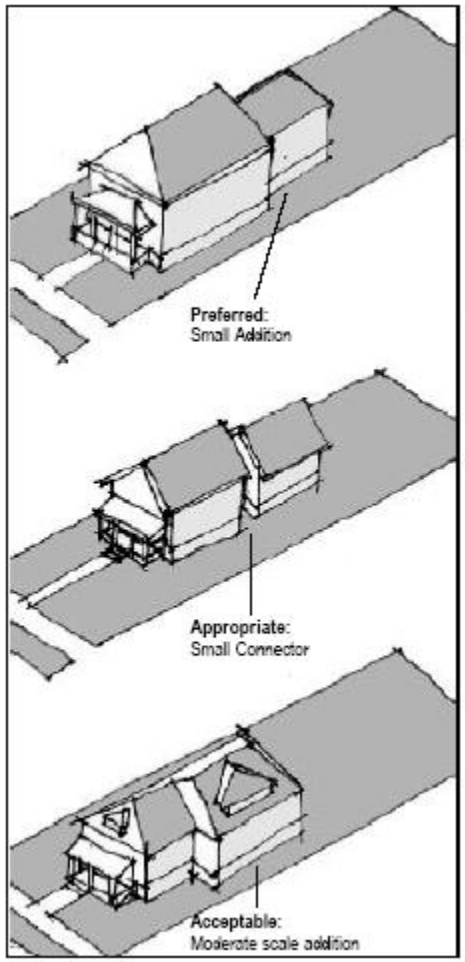
- Use materials, windows and doors that are compatible with those of the original building, capable of existing together without conflict or detrimental effects.
- Use a roof form on an addition that is compatible with the primary structure.

C The roof form of the new addition should be in character with that of the original building.

- In some cases, adding vertically through the construction of dormers will help to minimize the impacts of addition and preserve rear yards.
- When adding a dormer to an existing roof, it should be subordinate to the overall roof mass and in scale with those that may have been used originally in the neighborhood.

Primary Building Scale and Form:

Additions: Mass and Scale



Alternative approaches to building additions.

1. A new addition should be compatible in size and scale with the main building and of the immediate neighborhood.
Additions should be designed to preserve the perceived scale and proportion of existing structures to the extent possible. Also, effect of the new addition on the character and rhythm of the street as seen from the public right-of-way should similarly be considered.

A. A new addition should respect the mass and scale of the main building.

- Keep the mass visually subordinate to the original building.
- If it is necessary to design an addition that is taller than the original structure, set it apart from significant facades and use a "connector" to link it.
- In some cases, adding a combination of spaces vertically and horizontally will minimize the visual impacts and preserve more of the rear yard. An example would be to add dormers to the rear, providing additional floor area while maintaining the original scale at the front.

B. Site the addition to minimize visual impacts on the street and on adjacent properties.

- Place an addition at the rear of a building or set it back from the front to minimize the visual impacts.
- Locate a rooftop addition back from the building front when feasible.
- Consideration of the existing rhythm of setbacks and spaces (front, side, rear) should be evaluated with any new addition.

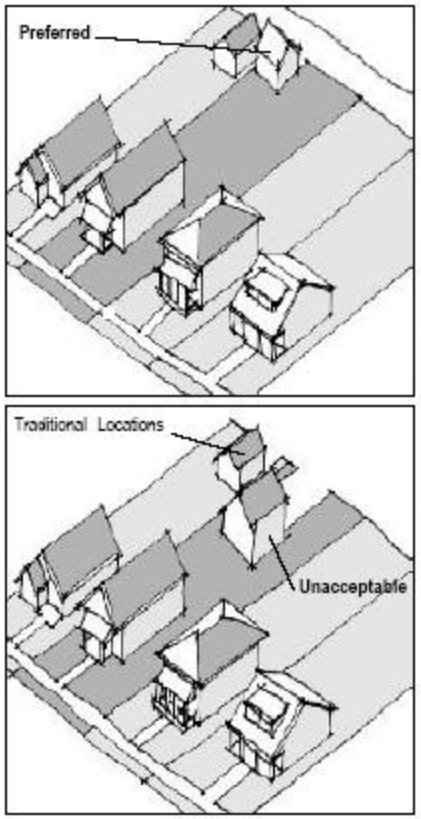
Accessory Structures:

Site Design

1. Locate a accessory structure to the rear of the lot, and along an alley when feasible.
Accessory structures include a range of accessory buildings such as garages and sheds, as well as accessory units as permitted by zoning. Traditionally, accessory structures were subordinate in scale and character to the primary structure and were located to the rear of the lot. The use of detached accessory structures to provide additional living space can be appropriate as a way to reduce the overall perceived building mass on a site. For the same reason, detached garages are preferred.

A. Locate an accessory structure at the edges of the building lot while providing adequate setbacks to minimize impacts on abutting properties.

- Accessory structures should be set back 5 feet from the rear lot line.
- Whenever possible, new accessory structures should be located next to an adjacent accessory structure in order to provide a sense of openness on the remaining portion of a lot and adjacent lots. In these cases, the minimum setbacks possible between structures would be encouraged.
- When considering two-story accessory structures the building should be set back a minimum of 10 feet from the rear property line. Evaluation of the minimum side setback will be considered in context of the existing situation.



Locating a secondary structure in the center of the rear yard will reduce the amount of outdoor livable space and is therefore discouraged

Accessory Structures:

Mass and Scale

1. An accessory structure should be similar in mass, scale and height to those seen traditionally in the immediate neighborhood.
In general, an accessory structure should be unobtrusive and not compete visually with the main house.

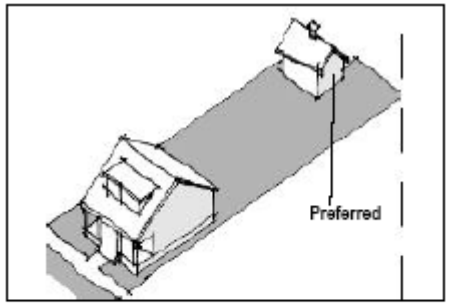
A. Adaptive reuse of existing accessory structures is encouraged, when feasible.

B. A new accessory structure should respect the mass and scale of the primary structure.

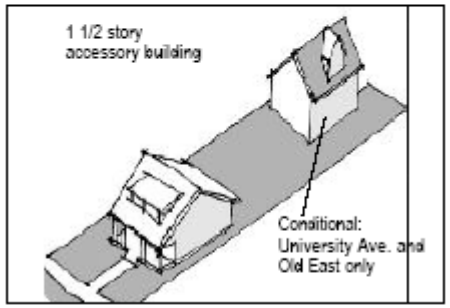
- Accessory structures no more than 15 feet in height are preferred. Accessory structures are limited to a maximum of 15 feet in height and 480 sq. in in total area.
- Accessory structures taller than 15 feet require special discretionary approval. Impact to alley character and/or to adjacent properties will be considered.
- An accessory structure should have a one-story element where visible to public view.

C. An accessory structure should relate to the general architectural character of the primary building in mass, scale, form and material.

- Basic rectangular forms with hip, gable or shed roofs are generally appropriate.
- Contemporary interpretations of traditional accessory structures are appropriate when they are compatible within the general context of the area.
- While the roofline does not have to match that of the main house, it is best that it not vary significantly.



Locating a one-story secondary structure near the rear of the lot is encouraged.



New secondary structures should be subordinate to the primary structure and should be located at the rear property line. Structures over 15' in height may be considered in Old East and University Avenue neighborhoods.

Accessory Structures:

Building Materials

1. The main building materials of accessory structures should appear similar to that used traditionally on single-family houses.
Building materials of new structures and additions should contribute to the visual continuity of the neighborhood. While new materials may be considered, they should not vary extensively from those seen traditionally so as to create a jarring juxtaposition.

A. Brick, stone and painted wood are suggested primary building materials.

- Painted wood lap siding, painted hardy board, and shingles are appropriate.
- A much wider range of secondary and trim materials can occur (wood, glass, metal, synthetics, etc.)
- Innovative or "green" materials are encouraged, provided that they contribute to the visual continuity of the neighborhood.

B. Roof materials should appear similar in scale and texture to those found traditionally.

- High-quality composition shakes and tile are appropriate roofing materials.