

Official Copy

MODEL CODE  
FOR ZONING AND  
SUBDIVISION REGULATIONS

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Original [REDACTED] Zoning

BOOK COPY

Leave in Safe  
With original Ordinance

First Edition - September, 1970

BOOK

Prepared and Published by  
the City of Leawood, Kansas

As adopted by the Codification of Ordinances  
of the City of Leawood, Kansas, 1970.

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ARTICLE I DEFINITIONS AND PROHIBITIONS

15-101 DEFINITIONS. The following words and phrases when used in Articles 3, 4, 5 and 6 of this chapter shall, unless stated to the contrary therein, have the meanings respectively ascribed to them in this section. Any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition.

All words used in the present tense include the future tense.

All words in the plural number include the singular number, and all words in the singular number include the plural number unless the natural construction of the wording indicated otherwise.

The word "shall" is always mandatory; the word "may" is always permissive.

The word "person" includes a partnership, association, firm, trust, club, company, corporation or any other body or group as well as the individual.

The word "used" or "occupied" or "located" as applied to any land, building, use, structure or premises shall be construed to include the words "intended, arranged or designed to be used or occupied or located".

The word "lot" shall include the words "plot" and "parcel".

- (a) ACCESS: Egress and/or ingress.
- (b) ACCESSORY BUILDING: A building on the same lot with the main or principal use, either detached from or attached to the main or principal structure, the use of which is subordinate to and customarily incidental to the main or principal structure or the main or principal use.
- (c) ACCESSORY STRUCTURE: A structure on the same lot with the main or principal structure or the main or principal use, either detached from or attached to the main or principal structure, the use of which is subordinate to and customarily incidental to the main or principal structure or the main or principal use.
- (d) ACCESSORY USE: A use on the same lot with, incidental and subordinate to the main or principal use or the main or principal structure.
- (d.1) ALLEY: A minor way, dedicated to public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street.
- (e) APARTMENT BUILDING: A building arranged, intended or designed at the time of original construction to be occupied by three (3) or more apartments or dwelling units.
- (f) APPURTENANCE: A subordinate or accessory building or structure or portion of a main building, the use of which is subordinate and customarily incidental to that of the main building.

- (g) ARCHITECT: The City Architect of the City of Leawood, Kansas.
- (h) AREA, BUILDING: The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, patios, terraces, and steps.
- (i) AREA, LOT: The total area within the lot lines, excluding area dedicated to public use.
- (j) AUTOMOBILE: See vehicle.
- (k) BASEMENT: A story having part but not more than one-half (1/2) its height on any given side above grade but, in any case, not to exceed 5 feet above grade at any given point.
- (l) BLOCK: A piece or parcel of land entirely surrounded by public highways, streets, railway rights-of-way, parks, or a combination thereof.
- (m) BOARD: The Board of Zoning Appeals of the City of Leawood, Kansas as established by Ordinance.
- (n) BOUNDARY LINE, DISTRICT: The line which encompasses a zoning district as shown on the official City Zoning District Map.
- (o) BUFFER STRIP: An area, property, lot or tract of land or portion thereof, vacant or landscaped with screen planting as herein specified, which shall serve as a separating space between dissimilar land uses or districts.
- (p) BUILDING: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals, and chattels.
- (q) BUILDING, ATTACHED: A building having one or more walls in common with other buildings.
- (r) BUILDING, DETACHED: A building having no walls in common with other buildings.
- (s) BUILDING INSPECTOR: The Building Inspector of the City of Leawood, Kansas.
- (t) BUILDING LINE: A line established, in general, parallel to the street line between which and the street line no part of a building shall project, except as otherwise provided in this Chapter.
- (u) BUILDING RESTRICTION LINE: A line usually parallel to the front, side, or rear lot line set so as to provide the required yards for a building or structure.
- (v) BUILDING SITE: The entire lot, tract, parcel or premise on which a building is sited.
- (w) CITY: The City of Leawood, Kansas.
- (x) COMMISSION: The City Plan Commission of Leawood, Kansas.
- (y) COMPREHENSIVE PLAN: (Also called General Development Plan, Long Range Plan or Master Plan) The plan or any of its parts for the development of the City adopted by the City Plan Commission for the coordinated and harmonious development or redevelopment of the City. Such proposed plan, which may in addition to a written presentation, include maps, plats, charts and other descriptive matter, shall show the commission's recommendations for the development or redevelopment of said territory including:
  - (1) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;
  - (2) Population and building intensity standards and restrictions and the application of the same;

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- (3) Public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods;
  - (4) Public improvement programming based upon a determination of relative urgency;
  - (5) The major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;
  - (6) Utilization and conservation of natural resources, and
  - (7) Any other element deemed necessary to the proper development or redevelopment of the area.
- (z) CONSTRUCTION: The excavation of earth to provide for a foundation or basement; and/or, the addition to or removal from a lot or tract of land of earth or water so as to prepare said lot or tract of land for the construction of a structure; and/or, the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or, the placing of construction materials in a permanent position and fastened in a permanent manner; and/or, the demolition, elimination, and/or removal of an existing structure in connection with such construction.
- (al) CONTIGUOUS AREA: Adjacent lots, tracts, parcels or premises which form a single building site undivided by major streets, thoroughfares or other major physical boundaries.
- (bl) COUNCIL: The City Council of Leawood, Kansas.
- (cl) COVERAGE: The percentage of the lot area covered by a use. (Referring to parking, green space.)
- (dl) COVERAGE, BUILDING: The percentage of the lot area covered by the building area.
- (el) CUL-DE-SAC: A street having one end open to traffic and being permanently terminated by a vehicle turnaround.
- (f-1) DENSITY: The number of persons residing on, or dwelling units developed on, an acre of land.
- (g-1) DISTRICT: A section or sections of the City in which zoning regulations and standards are uniform as defined by boundaries on an official Zoning District Map and by this Chapter.
- (h-1) DUPLEX: A building arranged, intended, or designed for residential occupancy by two families.
- (i-1) DWELLING: A building designed exclusively for residential occupancy and containing one (1) or more dwelling units.
- (j-1) DWELLING UNIT: One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and which contain a stove, sink, and private sanitary facilities.
- (k-1) DWELLING, SINGLE FAMILY: A detached building containing one (1) dwelling unit.
- (l-1) DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units.
- (m-1) EASEMENT: a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
- (n-1) ENGINEER: The City Engineer of the City of Leawood, Kansas.
- (o-1) ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving and the like, shall be considered a part of erection.

- (p-1) **FACADE:** Any vertical face of a building, front, side or rear. Front facade shall be that face generally facing the front setback line; side, the side setback line; and rear, the rear setback line. The determination of front, rear and side shall be at the discretion of the City Architect, which discretion shall not be unreasonably exercised.
- (q-1) **FAMILY:** One person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children and domestic servants.
- (r-1) **FLOOR AREA:** The floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes but need not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.
- (s-1) **FLOOR SPACE, LEASABLE:** The total floor area which may be leased to a tenant for residential, commercial or industrial use exclusive of the area dedicated to mechanical equipment, stairwells, elevator shafts and central corridors.
- (t-1) **FRONT SETBACK:** A line established, in general, parallel to the front street line between which and the front street line, no part of a building shall project, except as otherwise provided in this chapter.
- (u-1) **GARAGE:** An enclosed appurtenance for the storage of motor vehicles.
- (u-1.1) **GENERAL DEVELOPMENT PLAN:** See Comprehensive Plan.
- (v-1) **GRADE:** The average of the elevations of the surface of the ground measured at all corners of a building.
- (w-1) **GROSS AREA:** The total area of a lot undiminished by street right-of-way, parking areas, easements, or other uses.
- (x-1) **HEIGHT: As Applied to a Story:** The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.  
As Applied to a Building: The vertical measurement from grade to the highest point of the roof.  
As Applied to a Structure: The vertical measurement from grade to the highest point of such structure.
- (y-1) **IMPROVEMENTS:** Street pavements, with curbs and sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees, buildings, and other appropriate items.
- (z-1) **LONG RANGE PLAN:** See Comprehensive Plan.
- (a-2) **LOT:** A single property, parcel, unit tract, plot, or otherwise designated portion of land, having metes and bounds, which is designated by its owner or developer as a property, parcel, unit, tract, plot, or otherwise designated portion of land which has been sold, or is offered, or will be offered for sale, and is to be used, developed, or built upon as a unit under single ownership or control, and which is occupied or capable of being occupied

by one (1) or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "Lot" may not necessarily coincide with a Lot of record.

- (b-2) LOT, CORNER: A lot abutting upon two or more streets at their intersection.
- (c-2) LOT, DEPTH: The mean horizontal distance from the front street line to the rear line of a lot.
- (d-2) LOT, INTERIOR: A lot whose side lines do not abut upon a street.
- (e-2) LOT, LINES: The lines bounding a lot.
- (f-2) LOT, THROUGH: An interior lot having frontage on two streets.
- (g-2) LOT, WIDTH: The mean horizontal distance between the side lines of a lot measured at right angles to the depth.
- (h-2) MARGINAL ACCESS ROAD: A road which is adjacent and generally parallel to a limited access freeway that affords direct access to abutting properties and intersecting streets.
- (i-2) NON-CONFORMING USE: A use that is a variation from the requirements in that zoning district.
- (j-2) OPEN SPACE: That space remaining on a lot which is not occupied by buildings, parking areas or driveways and which is either landscaped with shrubs, planted with grass or designated for recreation use for occupants of the premises.
- (k-2) OWNER: The fee simple title holder of record.
- (l-2) PARKING LOT: A permanently surfaced area, enclosed or unenclosed, connected by a permanently surfaced driveway to a street or alley to permit ingress and egress located separately from space dedicated for street purposes.
- (m-2) PEDESTRIAN WAY: A right of way, dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- (n-2) PERFORMANCE STANDARDS: Criteria established to control the use of land, structures, and premises by the amount of noise, odor, smoke, toxic or noxious matter, radioactive hazards, and the glare of heat or light generated by or inherent to, the land, structures, and premises.
- (o-2) PLANNED DEVELOPMENT: A tract of land under single ownership or unified control which is developed or is to be developed in accordance with a plan adapted by ordinance and which plan is made part of said ordinance and the boundaries of which are established on the Zoning District map.
- (p-2) PLANNER: The City planning consultant retained by the City to advise it in matters pertaining to urban development.
- (q-2) PLAT: A map, plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots.
- (r-2) PREMISE: A lot or tract of land and any structure located thereon.
- (s-2) PROPERTY: The general term denoting, either singularly or in combination, an area lot, parcel, tract, plot, unit, or otherwise designated portion of land.
- (t-2) PROPERTY LINE: The lines bounding a property.
- (u-2) REAR SETBACK: A line established, in general, parallel to the rear property line between which and said property line no part of a building shall project, except as otherwise provided.
- (v-2) RIGHT-OF-WAY: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (w-2) RINGELMANN CHART: A smoke chart giving shades of gray to which the density of columns of smoke rising from stacks may be compared. Each such shade of gray is categorized according to a Ringelmann Number.

- (x-2) SETBACK LINE: The building restriction nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way line.
- (y-2) SIDE SETBACK: A line established on a corner lot, in general, parallel to the property line of the side street between which and said property line no part of a building shall project, except as otherwise provided.
- (z-2) SIDEWALK: That paved portion of the right-of-way designed and intended for the movement of and use of pedestrian traffic.
- (a-3) SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic, charitable, religious, patriotic, fraternal or similar organizations, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- (b-3) STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above, then the space between any floor and the ceiling next above it.
- (c-3) STREET: That portion of the right-of-way designated to carry traffic which affords the principal means of public access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.
- (d-3) STRUCTURE: Anything constructed or erected with a fixed location on the surface of the ground, or underground, or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, fences, billboards, and signs.
- (e-3) STRUCTURE, ATTACHED: A structure connected to another structure.
- (f-3) STRUCTURE, DETACHED: A structure not connected to another structure.
- (g-3) SUBDIVIDER: A person, firm or corporation undertaking the subdividing or the resubdividing of a lot, tract or parcel of land into separate lots, or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines.
- (h-3) SUBDIVISION: Any division, development, or resubdivision of any part, lot, area or tract of land by the owner or agent, either by lots or by metes and bounds, into separate lots, for the purpose, whether immediate or future, of conveyance, transfer, improvements, or sale, with the appurtenant streets and easements, dedicated or intended to be dedicated to public use.
- (i-3) THOROUGHFARE, MAJOR: A street or road of great continuity, which serves or is intended to serve as a major trafficway, and is designated in the Comprehensive Plan, or otherwise designated, as a limited access highway, major thoroughfare, boulevard, parkway, or other equivalent term, to identify those streets comprising the basic structure of the street plan.
- (j-3) THOROUGHFARE, MINOR: A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.
- (k-3) TOWN HOUSES: A building arranged, intended or designed for residential occupancy by three or more families in three or more units, each unit sharing a common wall.
- (l-3) USE: The specific purpose of which land, a structure or premises, is designed, arranged, intended, or for which it is or may be occupied or maintained according to the provisions of this Chapter.

- (m-3) UNIFIED CONTROL: A legal entity formed among adjacent property owners binding them to a common set of responsibilities and privileges for land use purposes.
- (n-3) USE-PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use.
- (o-3) VARIANCE: A deviation from the regulations or standards adopted by this Ordinance which the Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.
- (p-3) VEHICLE: A conveyance, either self-propelled or non-self-propelled, in or on which persons and/or goods are transported on the surface of the ground, including automobiles, motor buses, motor trucks, tractors, sleighs, wagons, earth-moving equipment, and other such conveyances.
- (q-3) WINDOW: An opening in an exterior wall of a building, other than a door, which provides all or part of the natural light or ventilation, or both, to an interior space.
- (r-3) YARD: An open space of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (s-3) YARD, FRONT: A yard extending the full width of a lot and situated between the front lot line and the nearest line or point of a building or structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line, both such yards shall be classified as front yards. The front yard of a corner lot consisting of one platted lot shall be adjacent to that street on which the lot has its least dimension. When there is a question as to which is the least dimension, the City Architect shall make the final determination. The building entrance need not be located on the front yard side.
- (t-3) YARD, REAR: A yard extending the full width of a lot and situated between the rear lot line and the nearest line or point of a structure or building located on said lot.
- (u-3) YARD, SIDE: A yard situated between the side lot line and the nearest line or point of a structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard.
- (v-3) ZONE: Section or district in a city restricted by law for a particular uniform use.
- (w-3) ZONING DISTRICT MAP: Official map showing presently zoned use districts.

ARTICLE I DEFINITIONS AND PROHIBITIONS

## 15-102 PROHIBITIONS.

- a) No business building shall be erected in a residentially zoned district, nor shall any dwelling be converted to or used for any business purpose or character in a residentially zoned district, which business or service is secondary to the main use of the premises as a dwelling place or which changes the character thereof or changes the appearance with signs, material or equipment, or emits noise, odor, or other nuisances or causes unusual pedestrian or vehicular traffic pertinent to such business occupation or service, or which business or service uses or requires employment by other than members of a family residing in the dwelling, or which business, occupation or service uses or requires stock in trade, or commodities for sale, or solicitation, which are located on the premises.
- b) No person, firm, or corporation shall erect, maintain or use for residential purposes, either temporarily or permanently, any temporary or incompleated building, automotive equipment, trailer, garage or appurtenance incident to a family dwelling.
- c) No incompleated building, structure or appurtenance shall be permitted or maintained for a period longer than six months.
- d) No building, structure or appurtenance damaged by fire or windstorm shall be permitted to remain in such damaged condition for a period longer than three months.
- e) No sign of any kind or description shall be placed or permitted to remain in any residence district or in any street adjacent thereto. This prohibition shall not apply to street markers, traffic signs and other appropriate signs displayed by the City of Leawood nor shall this prohibition apply to a sign not exceeding 100 square inches in area, upon which there shall be exhibited the street number, or emblem, picture or decal, in color or colors, or name of a resident, or both, or a contractor's job number.
- f) No building material, construction equipment, machinery, or refuse shall be maintained or kept in the open upon any lot, plot, tract or premise within a residence district other than during actual construction operations upon said premises or related premises.
- g) No building, structure or appurtenance, or any lot, plot, tract or premise shall be used or occupied for any of the following purposes, to wit:
- (1) Junk Yard
  - (2) Tourist Cabin or trailer camp
  - (3) Processing (except as herein specifically provided)
  - (4) Lodging House or hotel
  - (5) Tavern, saloon

ARTICLE I DEFINITIONS AND PROHIBITIONS

h) No weeds or grass shall be permitted to exceed 12 inches in height in any platted area. No weeds or grass shall be permitted to exceed 12 inches in height within 100 feet of any unplatted area. Each property owner shall be responsible for areas between his property and the paving. Any person violating this subsection shall be given notice of such violation by the street commissioner. Such notice shall be sent by registered mail. Unless such condition is corrected within 10 days after such mailing the street commissioner shall cause to be cut the weeds and grass and such violator shall pay the City for the reasonable cost of such cutting, in an amount to be determined by the street commissioner. Liability for such cost shall be separate from and in addition to any criminal penalties.

i) The use of septic tanks for disposal of sewage from buildings hereafter erected or moved into the City of Leawood is prohibited, except in areas where sewer mains of a public or private sewer system are economically or physically impractical. In such cases use of septic tanks shall be subject to the approval of the Board of Zoning Appeals.

j) ~~PARKING OF CERTAIN VEHICLES IN RESIDENTIALLY ZONED AREAS AND EXCEPTIONS THERETO. Other than children's toys, garden carts or lawn equipment, no wheeled vehicle, boats, helicopters, campers, trailers, mobile homes (self-propelled or otherwise) or any other type of wheeled vehicle, shall be parked or placed for a time exceeding fifteen (15) days during any three consecutive months in any area zoned for residential use or in the street adjacent thereto so that such prohibited vehicle or any part thereof is visible from the street in front of the residence or in the view of any adjoining property owners, whether from the side streets or from their residences or businesses. For the purposes of this ordinance a part of a day shall be considered a full day. This ordinance shall not apply to vehicles so parked during construction of a residence or addition thereto. It shall be unlawful for any person to occupy any camper or mobile home or permit such use thereof by another.~~

(2) PERMIT FOR ADDITIONAL TIME. Upon application to the Board of Zoning Appeals and for good cause shown the Board of Zoning Appeals may grant in its discretion additional time during any (3) consecutive months in which such prohibited vehicle may be parked or placed provided, however, if objections are received from two or more owners of separate properties who can view such prohibited vehicle from their premises no such permit shall be granted.

(3) GRACE PERIOD. The present owner or owners of any such prohibited vehicle shall have a period of one year after the

*Repealed  
by ordinance  
# 396 G  
4/5/71  
All back of  
book*

ARTICLE I DEFINITIONS AND PROHIBITIONS

effective date of this ordinance in which to construct an attached garage to the house or otherwise screen the same from the visibility described in subsection j 1 and 2 above and in the event of screening by vegetation such vegetation shall be planted within a period of one year from the effective date of this ordinance and shall effectively screen said prohibited vehicle within a period of three (3) years. All such screening by vegetation shall be located to the rear of the residence.

- k) PERMIT. The permit for such construction or screening shall be granted by the City Clerk after approval of the plans, therefor by the City Architect.

ADD - 15-102 k = 15-903 - ADDITIONS - ORD 403 E - 7/6/71  
 15-103 NON-CONFORMING USES. No provision of this code shall apply to existing buildings, structures or appurtenances, nor to the existing use of any building, structure or appurtenance or land, at the time of the adoption of such provision, but the provisions shall apply to any alteration, change, structural or otherwise, repair or restoration of a building, structure or appurtenance to provide for a purpose or a use in a manner different from the use or purpose to which it was put before such alteration, change, structural or otherwise, repair or restoration; provided nothing herein shall prevent the restoration or repairs of a building, structure, or appurtenance, damaged not more than 50% of its value by fire, explosion, act of God or public enemy or prevent the continuance of the use of such building, structure or appurtenance, or part thereof, as such use existed at the time of such damage. A non-conforming use changed to a conforming use may not thereafter be changed back to a non-conforming use. When a non-conforming use has been discontinued for a period of six months, it shall not be re-established and future use shall be in conformity with the provisions of this code notwithstanding the purposes for which the premises were erected or used.

ARTICLE 2 CITY PLAN COMMISSION

Repealed  
Ord. 412  
9/20/71

~~15-201 CREATION OF COMMISSION. There is hereby created a city plan commission consisting of seven taxpayers, five of whom shall be electors of the city and two of whom shall reside outside of, but within three miles of the corporate limits of the city.~~

15-202 TERMS. Within 30 days of the meeting at which this ordinance is adopted, the mayor shall, by and with the consent of the council, appoint such members, three to serve until the first regular meeting of the city council in the next succeeding month of May, two to serve until the first regular meeting of the city council in the second succeeding month of May and two to serve until the first regular meeting of the city council in the third succeeding month of May. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the commission shall serve without compensation for their service.

15-203 MEETINGS: CHAIRMAN: RECORD. The members of the city planning commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their members as chairman and one as vice-chairman who shall serve one year and until their successor has been selected. Special meetings may be called at any time by the chairman or in his absence, by the vice-chairman. A majority of the commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept at its proceedings.

15-204 POWERS AND DUTIES OF COMMISSION. The powers and duties of the commission shall be to make plans and maps of the whole or any portion of the municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable, and do and perform all things permitted by statute. Such maps or plans shall show the commission's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, park, playgrounds, or any other public ground of public improvements; and the removal, relocation, widening or extension of such public works then existing with a view to the systematic planning of the municipality. The commission may make recommendations to the governing body concerning the location of streets, transportation and communication facilities, public buildings and grounds. Whenever the commission shall have made and agreed upon a plan for the development of the municipality or any portion thereof, such plan or plans shall be submitted to the governing body for their consideration and action.

15-205 PLANS AND PLATS: REGULATIONS. All plans, plats or replats of lands laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys of public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon

ARTICLE 2 CITY PLAN COMMISSION

or adjacent thereto which is not intended to be platted into lots or other designated tracts, and located within the city limits, or any addition or plan of streets or public ways located outside the city limits, provided such territory is within same county in which said city is located and entirely or in part within three miles of the nearest point on the city limits, shall be submitted to the city planning commission for their consideration, and their recommendation shall then be submitted to the governing body of the city for their official consideration and action. And no such plat or replat or dedication or deed of street or public way shall be filed with the register of deeds as provided by law until such plat or replat or dedication of deed shall have endorsed on it the fact that it has first been submitted to the city planning commission and by the city planning commission to the governing body of the city and by the governing body duly approved.

### ARTICLE 3 PLATS AND RESTRICTIONS

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15-301 FILING OF PLATS AND RESTRICTIONS. All plats of lands laid out in buildings lots, including plans and descriptions of all streets, alleys, public ways or other land intended to be deeded or dedicated for public use, and all declarations of restrictions and restriction agreements, relating to land located within the city limits of The City of Leawood, shall be filed with the City Clerk.

15-302 APPROVAL OF EXISTING PLATS. Any such plat which is accompanied by adequate proof that it or a duplicate thereof was of record in the office of the register of deeds in and for Johnson County, Kansas on June 6, 1949 is hereby approved by the City Council.

15-303 APPROVAL OF NEW PLATS. Any other plat shall be filed in triplicate and shall be submitted by the City Clerk to the City Council for approval or disapproval and shall not be filed in the office of the register of deeds until approved by the City Council by resolution. If any such proposed plat conforms in all respects with the ordinances of the city, and if the lots as shown thereon are not less than 100 feet in width at the front building line established by this chapter, and if the area included in the plat is made subject to restrictions which impose burdens on the property and its use which are equal to or greater than those imposed by this chapter or which, in lieu thereof, are otherwise satisfactory to the Council as protecting the public health, safety, morals and general welfare, and if the proposed streets, alleys and public ways conform in location and width with existing and planned streets and provide for the proper handling of traffic, and if the proposal includes adequate provision financial and otherwise for the improvement, surfacing and completion of proposed or existing streets and curbs included in or bordering upon the area involved, and for installation and servicing of utilities, sewer or other sanitary arrangements, and includes proper access for fire fighting apparatus, adequate park, playground and recreational facilities, adequate provision for light and air and for the avoidance of congestion, the City Council shall by resolution approve such plat.

ARTICLE 3 PLATS AND RESTRICTIONS

15-304 CERTIFICATE OF APPROVAL. In the case of each plat approved as provided in Section 15-303, the City Clerk shall certify, upon the triplicates so filed, the following legend, to wit:

I hereby certify that the above plat of

an addition in The City of Leawood, Johnson County, Kansas, has been approved by the City Council of said city on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

City Clerk of The City of Leawood

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

and two of such triplicates shall be released to the person making the filing for the purpose of filing with the register of deeds and County Clerk respectively.

## ARTICLE 4 ZONING REGULATIONS

15-401 USE DISTRICT AND AREA REGULATIONS. In order to regulate and restrict the location of trades, callings, industrial commercial enterprises and location of buildings in the following "use and area districts" listed in ascending order (for purposes of interpreting phrases such as "R-3 or above"), designated as:

- a. R-1 Single Family Residential District
- b. R-2 Planned Single Family Residential District
- c. R-3 Planned Multi-family District
- d. C-1 Park, Recreation and Club District
- e. B-1 Planned Business District
- f. B-4 Limited Office District
- g. B-3 Light Industrial District
- h. B-5 Planned Industrial District
- i. B-2 Heavy Industrial District

The City of Leawood is hereby divided into the aforesaid districts, and within the boundaries of which no building, structure or appurtenance shall be erected, altered structurally or otherwise changed, repaired, restored or improved nor shall any building, structure, appurtenance, lot, plot, tract or premise be used for any purpose, other than is permitted by this article in the use and area district in which said building, structure, appurtenance, lot, plot, tract or premise is located.

15-402 SINGLE FAMILY RESIDENTIAL DISTRICT. (R-1) This district is designed to permit the development of single family residences and community facilities of a public or semipublic nature which are customarily considered an integral part of residential neighborhood development.

15-402(a) PERMITTED USES. The following uses are permitted in Single Family Residential Districts:

- A. Single Family Dwellings and uses customarily incident to and located on the same lot or premises as the dwellings.
- B. All public and semipublic uses enumerated herein, after a public hearing and review and recommendation by the CITY PLAN COMMISSION and approval of the CITY COUNCIL by ordinance.
  1. Athletic fields
  2. Cemeteries
  3. Churches and synagogues
  4. Community center buildings
  5. Covents, when a part of a school or church complex
  6. Country Clubs and other public or private clubs of a recreational nature
  7. Day nurseries associated with a public, private or parochial school, or a church
  8. Dormitories in conjunction with a college or university
  9. Fire station
  10. Golf Course, with the exception of miniature golf or driving range

#### ARTICLE 4 ZONING REGULATIONS

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11. Libraries
12. Nurseries and truck gardens limited to the propagation and cultivation of plants. No retail or wholesale business shall be conducted on the premises. No obnoxious fertilizer shall be stored upon the premises and no obnoxious soil or fertilizer renovation may be conducted thereon.
13. Parks, playgrounds, and other recreational areas of a non-commercial nature
14. Police stations
15. Schools (public, private or parochial)
16. Swimming pools (public or private)
17. Telephone exchanges
18. Utility stations and substations

C. Accessory Uses - Uses customarily incident to and located on the same lot or premises as the uses enumerated above.

15-402(b) PERFORMANCE STANDARDS. The uses enumerated above may be approved only after the Planning Commission and the City Council has found that the plans submitted for approval clearly demonstrate that:

1. The use does not materially damage or curtail the appropriate use of neighboring property.
2. The use is compatible with the general character of the district.
3. The use does not jeopardize the public health, safety or welfare.
4. The use does not violate the general spirit and intent of the zoning ordinance and is compatible with the long-range plan used as a guide for the development of the City.
5. Adequate hard surfaced, all weather, dustless off-street parking space is provided for the employees and patrons of the use.
6. Any other ordinance to the contrary notwithstanding, peripheral landscape screening and/or walls, and/or fences are provided at least six (6) feet in height of sufficient depth to adequately screen the view of all proposed structures and parking facilities during the four seasons of the year from all abutting properties zoned for or developed with residential structures.
7. Structures and off-street parking areas, taken as a whole, do not occupy more than 60% of the building site, and at least 40% of the site is maintained as open, unobstructed green space.
8. Vehicular access to the use is provided only from a major thoroughfare or trafficway unless specifically waived by the City Council.
9. A landscape plan and construction details for walls and/or fences accompany the development plan and have been approved by the City Plan Commission and the City Architect.

ARTICLE 4 ZONING REGULATIONS

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15-402(c) HEIGHT

1. Residential structures shall not exceed 2 stories in height except that structures may be built on a natural slope in such a manner as to expose a third story on the downhill side of the slope. The three story portion of a structure shall not face on any street and the overall height shall not exceed 30 feet.
2. Public and semipublic buildings enumerated in this Section shall be erected to a height approved by the City Plan Commission and the City Council provided that such buildings shall set back one additional foot on all sides for each additional foot that such buildings exceed the specified height limit of 30 feet.
3. Parapets, ornamental railings, chimneys, gables, false mansards, cupolas, and mechanical appurtenances on residential structures may extend not more than 4 feet above the specified height limit unless approved by the Board of Zoning Appeals.

15-402(d) SETBACK

- Repealed  
See  
Ord.  
4130*
1. All buildings and structures shall set back a distance of at least 35 feet from any property line adjacent to a street.
  2. All buildings and structures shall set back a distance of at least 30 feet from any rear property line.
  3. All buildings and structures shall set back a distance of at least 10 feet from any side property line.

15-402(e) WIDTH

1. The homesite upon which a dwelling is to be erected shall not be less than 100 feet in width at the front building line. No more than one dwelling shall be erected upon any such 100 foot plot. In the case of a homesite including not more than one lot which is narrower than 100 feet in width at the front building line and which is included in a plat which was of record in the office of the register of deeds in and for Johnson County, Kansas, on June 6, 1949, the 100 foot restriction set forth in this subsection shall not apply but in lieu thereof the restriction shall be the width of the lot as shown on such plat.
2. The property upon which a public or semipublic use is located shall not be less than 150 feet in width at the front building line.

15-402(f) AREA

1. No building shall be erected or altered on a lot which makes provision for less than 12,000 square feet of lot area. In the case of a single platted lot of record or an unplatted lot having an area of less than 12,000

ARTICLE 4 ZONING REGULATIONS

square feet on or before April 1, 1968, as an ownership separate and apart from the ownership of any adjoining property, this regulation will not prohibit the erection of a one family dwelling or the modification or alteration of an existing dwelling provided the setback regulations described herein are observed. If the average size of lots in an existing subdivision in single ownership or under unified control is established at over 12,000 square feet, abutting undeveloped property in the same ownership may not be subdivided with lots of less area than the established average size on the existing subdivision unless specifically waived by the Board of Zoning Appeals after a public hearing.

2. A one story dwelling shall have a ground floor area of not less than 1500 square feet, and one and a half or two story dwelling shall have a ground floor area of not less than 1200 square feet, and such area requirements shall be exclusive of porches, patios or other appurtenances but inclusive of attached garages, but when such dwelling is within an area for which a higher minimum ground floor area requirement is established by a declaration of restrictions, or a restriction agreement, which shall have been filed with the City Clerk, such dwelling shall have a ground floor area not less than the requirement established by such declaration or agreement.

**15-402(g) TYPE OF CONSTRUCTION.**

Exterior walls of all dwellings shall be of brick, stone, stucco, wood shingles, wood siding, wood paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot, shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate or tile. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, asbestos shingles, slate or tile.

**15-402(h) EXCEPTIONS.**

The Board may, in its discretion, when deemed advisable, authorize exceptions to the within regulations and restrictions (1) by a special temporary permit for a period not exceeding two years or (2) by a special permit for a specific purpose, after conducting a public hearing thereon with due notice thereof by publication prior thereto.

**15-403 PLANNED SINGLE FAMILY RESIDENTIAL DISTRICT. (R-2)** The purpose of a Planned Single Family Residential District is to provide flexibility in the design, location and arrangement of homes of superior quality within large self-contained residential developments. The wider latitude permitted in the design of Planned Single Family Residential Districts requires more stringent regulations and standards than in a Single Family Residential District in order to provide an aesthetically pleasing development having an appropriate and compatible relationship with adjacent land uses.

#### ARTICLE 4 ZONING REGULATIONS

15-403(a) PERMITTED USES. The following uses are permitted in Planned Single Family Residential Districts:

1. Single Family Dwellings subject to the requirements of this Section 15-403.
2. All public and semipublic uses enumerated herein, after a public hearing and review and recommendation of the CITY PLAN COMMISSION and approval of the CITY COUNCIL by ordinance.
  - a. Athletic fields
  - b. Cemeteries
  - c. Churches and synagogues
  - d. Community center buildings
  - e. Convents, when a part of a school or church complex
  - f. Country clubs and other public or private clubs of a recreational nature
  - g. Day nurseries associated with a public, private or parochial school, or a church
  - h. Dormitories in conjunction with a college or university
  - i. Fire stations
  - j. Golf courses, with the exception of miniature golf or driving ranges
  - k. Libraries
  - l. Nurseries and truck gardens limited to the propagation and cultivation of plants. No retail or wholesale business shall be conducted on the premises. No obnoxious soil or fertilizer shall be stored upon the premises and no obnoxious soil or fertilizer renovation may be conducted thereon.
  - m. Parks, playgrounds, and other recreational areas of a non-commercial nature
  - n. Police stations
  - o. Schools (public, private or parochial)
  - p. Swimming pools (public or private)
  - q. Telephone exchanges
  - r. Utility stations and substations
3. Accessory Uses - Uses customarily incident to and located on the same lot or premises as the uses enumerated above.

15-403(b) PERFORMANCE STANDARDS. The uses enumerated above may be approved only after the City Council has found that the plans submitted for approval clearly demonstrate that:

1. The use does not materially damage or curtail the appropriate use of neighboring property.
2. The use is compatible with the general character of the district
3. The use does not jeopardize the public health, safety or welfare.
4. The use does not violate the general spirit and intent of the zoning ordinance and is compatible with the long range plan used as a guide for the development of the City.

ARTICLE 4 ZONING REGULATIONS

5. Adequate hard surfaced, all weather, dustless off-street parking space is provided for the employees and patrons of the use
6. Any other ordinance to the contrary notwithstanding, peripheral landscape screening and/or walls, and/or fences are provided at least 6 feet in height of sufficient depth to adequately screen the view of all proposed structures and parking facilities during the four seasons of the year from all abutting properties zoned for or developed with residential structures
7. Structures and off-street parking areas, taken as a whole, do not occupy more than 60 per cent of the building site, and at least 40 per cent of the site is maintained as open, unobstructed green space
8. Primary vehicular access to the use is provided only from a major thoroughfare or trafficway unless specifically waived by the City Council
9. A landscape plan and construction details for walls and/or fences accompany the development plan and have been approved by the City Plan Commission and the City Architect

15-403(c) LOT AREA AND DENSITY. A Planned Single Family Residential District must provide for an average lot area of at least 12,000 square feet per dwelling unit or not more than a density of 3.63 dwelling units per net residential acre. A net residential acre is the total area of the District less the area in streets and non-residential uses.

15-403(d) HEIGHT

1. Residential structures shall not exceed 2 stories in height except that structures may be built on a natural slope in such a manner as to expose a third story on the downhill side of the slope. The three story portion of a structure shall not face on any street, and the overall height shall not exceed 30 feet.
2. Public and semipublic buildings enumerated in this Section shall be erected to a height approved by the City Plan Commission and the City Council provided that such buildings shall set back one additional foot on all sides for each additional foot that such buildings exceed the specified height limit of 30 feet.
3. Parapets, ornamental railings, chimneys, gables, false mansards, cupolas, and mechanical appurtenances on residential structures shall not extend more than 4 feet above the specified height limit unless approved by the Board of Zoning Appeals.

15-403(e) SETBACK

1. All buildings, structures, and parking facilities shall set back a distance of at least 40 feet from any property line which defines the boundary of the Planned Single Family Residential District.

## ARTICLE 4 ZONING REGULATIONS

2. All buildings and structures shall set back a distance of at least 25 feet from any property line adjacent to a street except where the street is also the boundary line of the District in which case a setback of 40 feet is required.
3. All buildings and structures shall set back a minimum of 20 feet from any adjacent structure.
4. Buildings and structures shall not extend closer than 5 feet from any side or rear property line.

### 15-403(f) AREA

1. A Planned Single Family Residential District shall comprise a contiguous area of at least 40 acres in single ownership or under unified control if in more than one ownership.
2. No building or structure shall be built on a lot which has less than 9,350 square feet.
3. A one-story dwelling shall have a ground floor area of not less than 1,500 square feet, and one and a half or two-story dwelling shall have a ground floor area of not less than 1,000 square feet, and such area requirements shall be exclusive of porches, patios or other appurtenances or attached garages. Each garage in the district shall provide for the parking of at least two automobiles.

### 15-403(g) WIDTH

No lot shall have less than 85 feet at its least dimension.

### 15-403(h) DEPTH

No lot shall have less depth than an average of 110 feet.

### 15-403(i) OPEN SPACE AND BUILDING COVERAGE REQUIREMENTS.

1. Minimum Open Space Requirement. All buildings and structures shall provide for a minimum amount of open, unobstructed green space, exclusive of off-street parking facilities, patios, and other accessory uses, equal to 40 per cent of the gross area of the lot.
2. Maximum Building Coverage. Structures or buildings shall not occupy in excess of 25 per cent of the gross area of the lot on which they are constructed.

### 15-403(j) BUFFER AND LANDSCAPE REQUIREMENTS.

1. The required setback along the perimeter of the Planned Residential Development shall be landscaped with grass, trees, shrubs, and/or other appropriate materials.
2. All required open space shall be landscaped with grass, trees, shrubs, and/or other appropriate materials in such a manner as to provide a park-like setting for the residence. These areas shall be kept free of debris and refuse and shall be maintained by the owner, occupant or developer.

## ARTICLE 4 ZONING REGULATIONS

### 15-403(k) SIGN REGULATIONS

Only the following types of signs are permitted in this district:

1. Identification signs giving only the name of the development. Said signs shall be located only at the entrances to the development and shall be incorporated into the design of an entrance gate or other ornamental design motif which identifies the development. All such designs shall accompany the development plan for approval by the City Plan Commission and the City Architect.
2. No sign of any kind or description shall be placed or permitted to remain in any residence district or in any street adjacent thereto. This prohibition shall not apply to street markers, traffic signs and other appropriate signs displayed by the City of Leawood nor shall this prohibition apply to a sign not exceeding 100 square inches in area, upon which there shall be exhibited the street number, or emblem, picture or decal, in color or colors, or name of a resident or both, or to a contractor's job number or to identification signs as described above.

### 15-403(1) OFF STREET PARKING REGULATIONS.

1. Off street parking shall be provided at the ratio of at least 2 spaces for each dwelling unit.
2. A club house or community building serving the development shall provide at least one off-street space for every eight lots as shown on the approved development plan.
3. One off-street parking space and the back-up space adjacent thereto shall be an area of at least 30 feet by 10 feet (300 square feet).
4. All off-street parking areas and all access drives shall be improved with a permanent, dustless, all-weather surface approved by the City Engineer.
5. Parking lot lighting - fixtures for the lighting of parking lots shall not be higher than 12 feet above the surface that they illuminate. The fixtures shall be designed, constructed and positioned so that their light radiation does not extend directly beyond the property line and so that the light intensity at the parking area surface does not exceed 1.5 foot candles.

15-403(m) SUBMISSION REQUIREMENTS. The proponent of a Planned Single Family Residential District shall submit a PRELIMINARY DEVELOPMENT PLAN to the City Plan Commission for its analysis, comments and recommendations. After receipt of the City Plan Commission's comments and recommendations pertaining to the PRELIMINARY DEVELOPMENT PLAN, the proponent shall prepare a FINAL DEVELOPMENT PLAN incorporating the Commission's recommendations to the extent believed feasible by the proponent. The required plans shall cover the entire tract within the proposed district and shall comply with the regulations, requirements and standards set forth in this section. All plans shall be

#### ARTICLE 4 ZONING REGULATIONS

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drawn to a scale of 1" - 100' or larger to clearly demonstrate the intent of the proponent. The plans, which shall be submitted at regular meetings of the City Plan Commission open to the public, shall include the following information and meet the following conditions:

15-403(n) PRELIMINARY PLAN. This plan must accompany the proponent's initial application and shall contain the following:

1. The existing topographic pattern with contour intervals not greater than two (2) feet except in areas where slopes are in excess of 10 per cent in which case intervals of 5 feet will be acceptable.
2. The proposed size, location and arrangement of all existing and proposed buildings and structures other than single family houses.
3. The location of all streets and off-street parking areas showing the arrangement of the parking bays, entrance and exit drives, means of drainage, and means of illumination.
4. A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total area in off-street surface parking, the total number of off-street parking spaces provided, the proposed density of development, and a legal description of the property under consideration.
5. A generalized landscape plan.
6. A vicinity sketch at a legible scale showing the relationship of the development plan to the properties within 500 feet of its boundaries. Utility connections too remote to be shown on the development plan shall be shown on the sketch. Land uses of properties outside the development shall be shown on the sketch.
7. The proponents shall also submit a true copy of existing private covenants or restrictions and a copy of any proposed covenant or restriction to be placed by the proponents, on the property proposed for rezoning.

15-403(o) FINAL PLAN. After receipt of the City Plan Commission's comments and recommendations pertaining to the PRELIMINARY DEVELOPMENT PLAN, the proponent shall submit a FINAL DEVELOPMENT PLAN that contains at least the following:

1. The existing and proposed topographic pattern with contours at sufficient intervals to give a clear understanding of the proposed grading, but in no case shall the contour interval be greater than two (2) feet except in areas where slopes are in excess of 10 per cent, in which case intervals of 5 feet will be acceptable.
2. The proposed size, location and arrangement of all existing and proposed buildings, structures, streets, alleys, railroads, utility lines and easements with all site and building

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- dimensions, the width of buffer strips, the distance between buildings, and all set back distances clearly shown. Single family residences need not be shown if designated on platted lots; however, the use of each lot shall be shown.
3. The location of all off-street parking areas, other than for single family homes, showing the arrangement of each individual parking stall, entrance and exit drives, means of drainage, means of illumination, and type of surface material.
  4. A landscape plan for perimeter planting, prepared by a qualified landscape architect, showing the location and arrangement of all trees, shrubs, and other plant materials, giving their species and specifying their size at the time of planting.
  5. A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total area in off-street parking, the total number of off-street parking spaces provided, the proposed density of development and a legal description of the property under consideration.
  6. Architectural elevations in sufficient detail to give the Commission a clear understanding of the architectural character of the development. An 8x10 photograph of an architectural rendering of the proposed development may be substituted for architectural elevations if it shows sufficient detail to clearly establish the character of the development.
  7. All public facilities and utilities must be shown and identified and the proposals approved by the City Engineer.
  8. A subdivision layout, when the property is to be subdivided, showing all proposed lots and blocks,
  9. Street profiles shall be furnished for each street proposed to be dedicated showing existing grades and proposed approximate grades and gradients on the centerline and along the property lines of the street. Proposed culverts and bridges shall also be shown.
  10. The location and size of any area to be considered for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the development and any condition of such dedication or reservation.
  11. A true copy of all existing private covenants and a copy of any proposed private covenant which is to be placed by the proponent on the property proposed for rezoning.

#### 15-403(p) PROCESSING OF ZONING CLASSIFICATION ORDINANCES AND AMENDMENTS.

If the City Plan Commission recommends tentative approval of the FINAL DEVELOPMENT PLAN and the proposed zoning amendment, it shall give public notice and hold a public hearing on said recommendation as required by law.

If, at the conclusion of the public hearing, the City Plan Commission recommends approval of the FINAL DEVELOPMENT PLAN and the proposed zoning amendment, it shall cause a proposed ordinance to be prepared

#### ARTICLE 4 ZONING REGULATIONS

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for the establishment of a Planned Single Family Residential District and shall incorporate the approved plan as part of said ordinance. All subsequent action on the proposed ordinance by the City Plan Commission and the City Council shall be in conformance with the Kansas Statutes, City Ordinances, and internal procedures of the City Plan Commission and the City Council of the City of Leawood, Kansas.

If, at the conclusion of the public hearing, the action of the City Plan Commission is other than approval of the Planned Single Family Residential District, the City Plan Commission shall submit the PLAN and the proposed zoning amendment, together with all other required information, for action by the City Council. All subsequent action by the City Council and the City Plan Commission shall be in conformance with the Kansas Statutes, City Ordinances, and internal procedures of the City Plan Commission and the City Council of the City of Leawood, Kansas.

15-403(q) ADJUSTMENTS OF CHANGES IN THE FINAL PLAN AFTER ADOPTION BY ORDINANCE. After an area has been zoned for a Planned Single Family Residential District, changes in the approved development plan may not be made except through a new application to the City Plan Commission and the City Council; however, minor building location adjustments may be made by the Board of Zoning Appeals, after report and recommendation from the City Plan Commission, at a public hearing.

15-403(r) TYPE OF CONSTRUCTION. Exterior walls of all dwellings shall be of brick, stone, stucco, wood shingles, wood siding, wood paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot, shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate or tile. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, asbestos shingles, slate or tile. All plans must be approved for design and construction by the City Architect before the issuance of a building permit.

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5-404 PLANNED BUSINESS DISTRICT (B-1) This district is designed to encourage the development of unified centers of business activity which are primarily retail or service oriented. This district shall be established upon property which is in single ownership or under unified control. Said District shall consist of ten or more uses on five or more acres. Said district shall have a unique identity which is assured through the organized arrangement of buildings and services into a single architectural entity with a consistent design motif.

Planned Business Districts shall be located at, or near, the center of their trade territory and shall not be indiscriminately located along traffic routes without relationship to the neighborhoods and communities which they serve. Planned Business Districts are intended to supplant strip commercial districts and shall not be so employed as to create them.

5-404(a) PERMITTED USES. The following land uses are permitted in Planned Business Districts:

A. Enumerated Uses. The following land uses are permitted in Planned Business Districts:

A. Enumerated Uses

1. Airline Ticket Sales
2. Amphitheater (when physically integrated with the design of the shopping center as part of a mall, court or plaza)
3. Amusement Devices (for special promotions of philanthropic organizations or the merchants' association. Not permitted over three (3) times in 1 calendar year for a duration not to exceed 1 week on each occasion.)
4. Antique Shop
5. Apparel Shop
6. Appliance Store
7. Art Shop or Studio
8. Athletic Club
9. Athletic Equipment Store
10. Automotive Service (all operations to be conducted in a soundproof building)
11. Automobile Dealership (no outside automobile storage or used car lots permitted. All service operations to be conducted within a soundproof building.)
12. Automobile Parking
13. Bakery (retail only)
14. Bank (drive-in facilities permitted)
15. Barber Shop
16. Beauty Shop
17. Bicycle Shop (no outside storage display or repairs permitted)
18. Blueprinting and Photocopying Service
19. Book Store
20. Bowling Alley (permitted only in a soundproofed and air conditioned building)
21. Building and/or Savings and Loan Associations

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22. Cafe (no food or drink shall be served for consumption within a car on the premises)
23. Cafeteria
24. Camera Shop (including photographic supplies)
25. Candy Store
26. Carpet Showroom
27. Catering Service
28. Ceramic Shop
29. Children's Day Nursery
30. China and Glass Shop
31. Cigar and Tobacco Store
32. Clothing Store
33. Clubs (private)
34. Coffee Shop
35. Confectionary Store
36. Dairy Products Store (no product to be served for consumption within a car on the premises)
37. Dancing School or Studio
38. Delicatessen
39. Department Store
40. Drapery Store
41. Dress Shop
42. Dressmaking Shop
43. Drugstore
44. Dry Cleaning Shop and Laundry Pick-up Station
45. Dry Goods Store
46. Duplicating Service
47. Electrical Appliance Store
48. Embroidery Shop
49. Filling or Service Station (merchandise shall not be displayed, stored or offered for sale outside the building except for gasoline and oil. All repair operations must be conducted within the building. Penants, signs in motion, twirlers, and other similar attention getting devices will not be permitted)
50. Finance and Loan Company
51. Floor Covering Store
52. Food Specialty Shop
53. Frozen Food Locker (no killing or butchering of whole animals)
54. Furrier
55. Gift Shop
56. Glass and China Shop
57. Grocery Store
58. Gymnasium
59. Hardware Store
60. Hat Shop
61. Health Shop
62. Health Food Store
63. Hemstitching and Pleating Shop
64. Hobby Shop
65. Household Furnishings Store
66. Ice Cream Parlor (no product to be served for consumption within a car on the premises)
67. Interior Decoration Shop

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68. Jewelry Store
69. Juice Bar
70. Laundry Pick-up Station and Dry Cleaning Shop
71. Launderette or Washateria (self-service laundries)
72. Leather Goods Store
73. Legitimate Theater
74. Lighting Fixture Store
75. Linen Shop
76. Loan and Finance Companies
77. Luggage Shop
78. Magazine and Newspaper Store
79. Mail Order House
80. Massage Parlor
81. Meat Market
82. Millinery Shop
83. Miniature Golf (when physically integrated with the design of the shopping center as part of a mall, court or plaza)
84. Movie Theater (drive-in theaters are not permitted)
85. Music Store or Studio
86. Newspaper and Magazine Store
87. Notions Store
88. Novelty Store
89. Offices and Office Buildings
90. Optical Goods
91. Package Liquor Store
92. Paint Store
93. Pastry Shop
94. Pet Shop (to be operated entirely within a building. No outside pens will be permitted)
95. Pharmacy
96. Photocopying and Blueprinting Service
97. Photographic Studio
98. Photographic Supplies
99. Pipe Shop
100. Play Lot (noncommercial-integrated with the design of the shopping center)
101. Plumbing Supplies Showroom (no repairs or outside storage permitted)
102. Portrait Studio
103. Post Office
104. Pottery Shop
105. Printing Shop (permitted only in a soundproofed and air conditioned building)
106. Private Clubs
107. Professional Offices
108. Radio and Television Stores and Service
109. Radio and Television Broadcasting Studios
110. Reducing Salon
111. Restaurant (no product to be served for consumption within a car on the premises)
112. Roller Skating Rink (permitted only in a soundproofed and air conditioned building)

**ARTICLE 4 ZONING REGULATIONS**

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- 113. Savings and/or Building and Loan Associations
- 114. Service or Filling Stations (merchandise shall not be displayed, stored or offered for sale outside the building except for gasoline and oil. All repair operations must be conducted within the building. Pennants, signs in motion, twirlers, and other similar attention getting devices will not be permitted)
- 115. Shoe Repair Shop
- 116. Shoe Shine Shop
- 117. Shoe Store
- 118. Skating Rink (Ice or Roller) (permitted only in a soundproofed and air conditioned building)
- 119. Souvenir Shop
- 120. Sporting Goods Store
- 121. Stationery Store (including office supplies)
- 122. Stenographic Service
- 123. Supermarket
- 124. Tailor Shop
- 125. Tea Room
- 126. Telegraph Service
- 127. Television and Radio Stores and Service
- 128. Television and Radio Broadcasting Studios
- 129. Theater (Legitimate or Movie) (drive-in theaters are not permitted)
- 130. Tie Shop
- 131. Tobacco Store
- 132. Tourist Information Center
- 133. Tot Lot (noncommercial-integrated with the design of the shopping center)
- 134. Toy Shop
- 135. Variety Store
- 136. Veterinary Clinic (to be operated entirely within a sound-proofed and air conditioned building. No outside pens will be permitted)
- 137. Washateria or Launderette (self service laundries)
- 138. Watch Repair Shop

15-404(b) NONENUMERATED USES. A use not enumerated above which is of a retail, service or recreational nature may be permitted by the Board of Zoning Appeals after a public hearing provided:

1. It is not enumerated elsewhere in this chapter as a use permitted in another district.
2. It is of the same character and intensity as the uses permitted in this district.
3. It does not violate the performance standards set forth in this chapter below.
4. It is in compliance with the general spirit and intent of the Zoning Ordinance.

15-404(c) PERFORMANCE STANDARDS. All uses enumerated above shall meet the following minimum standards.

1. All businesses shall be conducted within an enclosed building, unless specifically excepted from this provision below.
2. There shall be no outside storage of supplies, merchandise, equipment, waste material, garbage and/or other material, unless specifically excepted from this provision below.

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- a. Filling or Service Stations may dispense gasoline and oil products outside the main building. However, all repair operations shall be conducted within the building.
  - b. Merchandise may be displayed outside an enclosed building in connection with a special promotion sponsored by a philanthropic organization or the merchant's association for a limited time not to exceed one week during not more than 3 nonconsecutive 1 week periods in any one calendar year.
  - c. Amusement devices may be operated outside an enclosed building in connection with a special promotion sponsored by a philanthropic organization or the merchant's association. This use shall not be permitted over 3 nonconsecutive times in 1 calendar year for a duration not to exceed 1 week on each occasion.
  - d. Open air newstands, bookstalls, sidewalk cafes, miniature golf course, information kiosks, playlots, and noncommercial amphitheaters may be permitted outside an enclosed building when the design of these uses is clearly integrated with the design of the other public open space.
3. No use shall create noise in excess of that normal of daily traffic, measured at the lot lines of the business center.
  4. No use shall create smoke, radiation, vibration or concussion, heat or glare which is perceptible without special instruments outside a building, and no dust, obnoxious odor, vapor or gas that is toxic, caustic, or injurious to humans or property shall be produced.
  5. All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties in an area zoned for or developed with residential structures.
  6. A planned Business District shall have direct access to at least one major thoroughfare. In the event that the major thoroughfare is a freeway, direct access shall be from a marginal access road. (No direct access to a street zoned for or developed with single family residence shall be permitted unless it is a major thoroughfare.)
  7. The City Plan Commission and the City Council shall find that the Planned Business District will not adversely affect the appropriate use of abutting properties or endanger the public health, safety, or welfare.
  8. The City Plan Commission and the City Council shall find that the location of the proposed Planned Business District is in keeping with the general development plan adopted by the City Council as a guide for the orderly development of all areas within the City's jurisdiction.

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9. The use shall be free from all fire hazards.

## 15-404(d) HEIGHT

1. The height of any building shall not exceed 3 stories or 36 feet. (Not including cooling towers, elevator bulkheads, stairway penthouses, chimneys, and mechanical equipment appurtenances.)
2. Ornamental structures such as pylons, minarets, towers, flagpoles, motif sculptures, and carillons may exceed this height when set back an additional foot for each foot that the structures exceed the 36 foot height limitation. (Identification pylons are specifically excluded.) (See SIGN REGULATIONS.)

## 15-404(3) SETBACK

1. There shall be a setback from any street right-of-way line of at least 40 feet for any building or structure and at least 10 feet for any surface parking facility. (Loading docks and service areas are not permitted on the street side.)
2. There shall be a setback from any other property line of at least 40 feet for any building or structure and at least 25 feet for any surface parking facility, loading dock, service area or entrance drive except where adjoining a commercial or industrial district in which case the minimum setback requirements may be reduced, or in some special cases even nullified, by the City Plan Commission if, in reviewing the plan, they find that the provision of the required setback would not serve a useful public purpose, such as but not limited to an instance where the parking lot of one commercial district abuts the parking lot of another commercial district.
3. Multistory parking facilities shall have the same setback requirements as a building.

## 15-404(f) AREA

1. A Planned Business District shall consist of at least 10 or more uses on at least 5 contiguous acres in single ownership or under unified control if in more than one ownership.

## 15-404(g) OPEN SPACE AND BUILDING COVERAGE REQUIREMENTS.

1. Minimum Open Space Requirement. At least 30 per cent of the Planned Business District shall be set aside as open space exclusive of all buildings, parking facilities, and access drives. This open space shall be utilized for plazas, courts, malls, and other public open spaces.

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2. Maximum Building Coverage. The area covered by buildings in a Planned Business District shall not exceed 25 per cent of the total gross area of the property on which the planned business district is located, exclusive of all public streets abutting the property.

#### 15-404(h) BUFFER AND LANDSCAPE REQUIREMENTS.

1. Along any property line adjacent to an area zoned for or developed with residential structures, a wall and/or fence and/or landscape buffer at least 6 feet high (any other ordinance to the contrary notwithstanding) and of sufficient depth to serve the purpose of a solid screen shall be provided except that along any property line abutting a major street which is also the primary entrance to the planned business district, the required height may be reduced to 3 1/2 feet. At street intersections the required screen or buffer shall be set back a sufficient distance to not interfere with the vision of approaching vehicles or create a traffic hazard. All fences shall be approved by the City Architect prior to the issuance of a fence permit.
2. All required setback areas and open spaces shall be landscaped with grass, trees, shrubs, or other appropriate materials. These areas shall be kept free of debris and refuse and shall be maintained by owner, occupant or developer.

#### 15-404(i) SIGN REGULATIONS

1. In a Planned Business District, (any other ordinance to the contrary notwithstanding) only flat, stationary signs affixed against and parallel to the face of a wall or flat stationary signs on the face of or beneath a marquee, canopy, or awning shall be permitted to advertise the individual uses. Signs hanging beneath a canopy, marquee or awning shall not exceed 4 square feet in area. Signs affixed to the face of a building, marquee, canopy or awning shall not exceed 30 square feet in area. Individual letters with no background shall be measured by the minimum rectangular area necessary to encompass the letters of irregular dimensions.
2. One pole (or pylon) sign shall be permitted to identify the planned business district. This sign shall not exceed 36 feet in height.
3. Signs showing only the name of the shopping center shall be permitted at driveway entrances. These signs shall not extend more than 4 feet above the ground and shall not exceed 20 square feet in area.
4. No sign shall extend above the roof line of the building on which it is located. A sign shall not extend into a required yard area.

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## 15-404(j) PARKING REGULATIONS

1. Six off-street parking spaces shall be provided in the Planned Business District for each 1000 square feet of gross leaseable floor area.
2. One off-street parking space and the back-up space adjacent thereto shall be an area of at least 30 feet by 9 feet (270 square feet).
3. All off-street parking areas, service areas and all access drives shall be improved with a hard-surfaced, dustless all-weather material approved by the City Engineer.
4. There shall be a setback from any street right-of-way line of at least 10 feet for any surface parking facility. There shall be a setback from any other property line of at least 25 feet for any surface parking facility except where adjoining a commercial or industrial district, in which case the minimum setback requirement may be reduced, or in some special cases even nullified, by the City Plan Commission if, in reviewing the plan, it finds that the provision of the required setback would not serve a useful purpose, such as, but not limited to, an instance where the parking lot of one commercial district abuts the parking lot of another commercial district.
5. Multistory parking facilities shall have the same setback requirements as a building.
6. There shall be no yard requirements for subsurface parking facilities except that any portion of a subsurface parking structure which extends above the ground surface shall have the yard requirements for surface parking facilities. If the subsurface parking facility extends more than six feet above the ground it shall have the same setback requirements as a building.
7. Parking Lot Lighting. Fixtures for the lighting of parking lots shall not be higher than 12 feet above the surface that they illuminate. The fixtures shall be designed, constructed and positioned so that their light radiation does not extend directly beyond the property line and so that the light intensity at the parking area surface does not exceed 1.5 foot candles.

15-404(k) SUBMISSION REQUIREMENTS. The proponent of a Planned Business District shall submit a PRELIMINARY DEVELOPMENT PLAN to the City Plan Commission for its analysis, comments and recommendations. After receipt of the City Plan Commission's comments and recommendations pertaining to the PRELIMINARY DEVELOPMENT PLAN, the proponent shall prepare a FINAL DEVELOPMENT PLAN incorporating the Commission's recommendations

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to the extent believed feasible by the proponent. The required plans shall cover the entire tract within the proposed district and shall comply with the regulations, requirements, and standards set forth in this section. All plans shall be drawn to a scale of 1" - 100' or larger to clearly demonstrate the intent of the proponent. The plans, which shall be submitted at regular meetings of the City Plan Commission open to the public, shall include the following information and meet the following conditions..

15-404(1) PRELIMINARY PLAN. This plan shall accompany the proponents initial application and shall contain the following:

1. The existing topographic pattern with contour intervals not greater than two (2) feet except in areas where slopes are in excess of 10 per cent in which cases intervals of 5 feet will be acceptable.
2. The size, location and arrangement of all existing and proposed buildings and structures (including pylon identification sign), streets, alleys, railroads, utility lines and easements.
3. The location of all off-street parking areas showing the arrangement of the parking bays, entrance and exit drives, means of drainage, and means of illumination.
4. A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total area in off-street parking spaces provided, the total leasable floor area, the total area in open space, the total number of uses proposed in the development, and the legal description of the property under consideration.
5. A generalized landscape plan.
6. A vicinity sketch at a legible scale showing the relationship of the development plan to the properties within 500 feet of its boundaries. Utility connections too remote to be shown on the development plan shall be shown on the sketch. Land uses of properties outside the development shall be shown on the sketch.
7. The proponents shall also submit a true copy of existing private covenants or restrictions and a copy of any proposed covenant or restriction to be placed by the proponents, on the property proposed for rezoning.

15-404(m) FINAL PLAN. After receipt of the City Plan Commission's comments and recommendations pertaining to the PRELIMINARY DEVELOPMENT PLAN, the proponent shall submit a FINAL DEVELOPMENT PLAN that contains at least the following:

1. The existing and proposed topographic pattern with contours at sufficient intervals to give a clear understanding of the proposed grading, but in no case shall the contour interval be greater

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than two (2) feet except in areas where slopes are in excess of 10 per cent, in which case intervals of 5 feet will be acceptable.

2. The proposed size, location and arrangement of all existing and proposed buildings and structures (including pylon identification sign), streets, alleys, railroads, utility lines, and easements with all site and building dimensions, the width of buffer strips, the distance between buildings, and all setback distances clearly shown.
3. The location of all off-street parking areas showing the arrangement of each individual parking stall, entrance and exit drives, means of drainage, means of illumination and type of surface material.
4. A landscape plan, prepared by a qualified landscape architect, showing the location and arrangement of all trees, shrubs, and other plant materials, giving their species and specifying their size at the time of planting, and construction details for walls and fences.
5. A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total leaseable floor area, the total area in off-street surface parking spaces provided, the total number of uses proposed in the development, and the legal description of the property under consideration.
6. Architectural elevations of the proposed buildings in sufficient detail to give the Commission a clear understanding of the architectural character of the development. An 8x10 photograph of an architectural rendering of the proposed development may be substituted for architectural elevations if it shows sufficient detail to clearly establish the character of the development.
7. All public facilities and utilities shall be shown and identified and the proposals approved by the City Engineer.
8. Street profiles shall be furnished for each street proposed to be dedicated showing existing grades and proposed approximate grades and gradients on the centerline and along the property lines of the street. Proposed culverts and bridges shall also be shown.
9. A true copy of all existing private covenants and a copy of any proposed private covenant which is to be placed by the proponent on the property proposed for rezoning.

15-404(n) PROCESSING OF ZONING CLASSIFICATION ORDINANCES AND AMENDMENTS

1. If the City Plan Commission recommends tentative approval of the FINAL DEVELOPMENT PLAN and the proposed zoning amendment, it

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shall give public notice and hold a public hearing on said recommendation as required by law.

2. If, at the conclusion of the public hearing, the City Plan Commission recommends approval of the FINAL DEVELOPMENT PLAN and the proposed zoning amendment, it shall cause a proposed ordinance to be prepared for the establishment of a Planned Business District and shall incorporate the approved plan as part of said ordinance. All subsequent action on the proposed ordinance by the City Plan Commission and the City Council shall be in conformance with the Kansas Statutes, City Ordinances and internal procedures of the City Plan Commission and the City Council of the City of Leawood, Kansas.
3. If, at the conclusion of the public hearing, the action of the City Plan Commission is other than approval of the Planned Business District, the City Plan Commission shall submit the PLAN and the proposed zoning amendment, together with all other required information, for action by the City Council. All subsequent action by the City Council and the City Plan Commission shall be in conformance with the Kansas Statutes, City Ordinances, and internal procedures of the City Plan Commission and the City Council of the City of Leawood, Kansas.

15-404(o) ADJUSTMENTS OF CHANGES IN THE FINAL PLAN AFTER ADOPTION BY ORDINANCE.

After an area has been zoned for a Planned Business District, changes in the approved development plan may not be made except through a new application to the City Plan Commission and the City Council; however, minor building location adjustments necessitated by unforeseeable circumstances may be approved by the Board of Zoning Appeals, after report and recommendation from the City Plan Commission, at a public hearing.

15-404(p) APPROVAL OF CITY ARCHITECT.

All plans must be approved for design and construction by the City Architect before the issuance of a building permit.

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15-405 LIGHT INDUSTRIAL DISTRICT. In a light industrial district no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed, repaired, restored or improved, unless otherwise provided in this article, except as follows, to-wit:

- a) Municipal buildings. For a municipal building, city hall, community center, or fire station.
- b) Warehouse. For the storage of materials and tools of a sub-divider or contractor.
- c) Garage. For the storage of automobiles and trucks and other machinery of a sub-divider or contractor.
- d) Woodwork shop. For a sub-divider or contractor.
- e) Other businesses. Any and all uses enumerated in sub-sections (a), (b) and (c) of section 15-404, but any building, structure or appurtenance to be used for any such purposes shall be subject to the provisions of section 15-403.
- f) Other uses. Any and all uses enumerated in section 15-403, but any building, structure or appurtenance to be used for any such purposes shall be subject to the provisions of section 15-403.
- g) Type of construction. Exterior walls of all buildings, structures and appurtenances thereto shall be of brick, stone, stucco, wood shingles, wood siding, wood paneling, glass blocks, tile, or any combination thereof. Windows, doors and louvres shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate or tile. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, asbestos shingles, slate or tile.
- h) Building lines, setbacks and height requirements. Buildings, structures and appurtenances to be used for any of the purposes enumerated in sub-sections (a), (b), (c) and (d) of this section shall not exceed two stories in height and no such building, structure or appurtenance shall be erected closer to the property lines than the building lines for such premises as shown on the official city map.

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- i) Exceptions. The board may in its discretion, when deemed advisable, authorize exceptions to the within regulations and restrictions (1) by a special temporary permit for a period not exceeding two years or (2) by a special permit for a specific purpose after conducting a public hearing thereon, with due notice thereof by publication prior thereto.

15-406 HEAVY INDUSTRIAL DISTRICT. In a heavy industrial district no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered structurally, or otherwise changed, repaired, restored or improved, unless otherwise provided in this article, except as follows to-wit:

- a) Manufacturing, process, fabrication or assembling of any commodity except junk or salvage.
- b) Warehousing, wholesaling and storage of any commodity except junk or salvage.
- c) Offices
- d) Public utility facilities
- e) Structures and uses clearly accessory and necessary to the normal operation of the above uses unless otherwise specifically prohibited.
- f) Other uses and businesses. Any and all uses enumerated in sub-section (a), (b), (c) and (d) of Section 15-405, but any building, structure or appurtenance to be used for any such purposes shall be subject to the provisions of Section 15-404 and any and all uses enumerated in Section 15-403 but any building, structure or appurtenance to be used for any such purpose shall be subject to the provisions of Section 15-403.

15-406(g) TYPE OF CONSTRUCTION. Exterior walls of all buildings, structures and appurtenances thereto shall be of brick, stone, stucco, painted concrete block, wood shingles, wood siding, wood paneling, glass blocks, tile, or any combination thereof. Windows, doors and louvres shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate, tile or approved metal. Roofs with a pitch of three inches or more per foot shall be covered with metal, wood shingles, wood shakes, asbestos shingles, slate, tile or approved metal. All construction shall be subject to and conform with the Building Code and Fire Prevention Code.

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15-406(h) BUILDING LINES, SETBACKS AND HEIGHT REQUIREMENTS. Building structures and appurtenances to be used for any of the purposes enumerated in sub-sections (a), (b), (c), (d), (e) and (f) of this section shall not exceed two stories in height and shall not be erected closer than 35 feet to the front property line, nor closer than 10 feet to the side property line unless said side property line borders on a street in which case said side setback line shall be 30 feet.

15-406(i) SCREENING. Any materials, products, or equipment stores outside of a building shall be so screened that they are not visible from a Leawood residential district. Any such screen shall be of a permanent type and constructed of materials compatible with and the color of the materials in the main building. All such screens shall be approved by the City Architect.

15-406(j) OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking shall be provided on the premises or in a community parking lot which is within five hundred (500) feet from the premises to be served, and in accordance with the following requirements. All parking areas shall be hard-surfaced, and bordered on sides facing any street by a solid fence, wall, or screen planting at least three(3) feet in height which shall be well-maintained.

For industrial uses. Off-street parking for industrial uses shall be provided on the basis of the following requirements: One off-street parking space for each 1.5 employees on the largest of any shifts except that where the number of employees is not known at the time of submitting the final site plan, parking shall be provided at the rate as tabulated below:

1 parking space per each 1,000 square feet of floor area up to 10,000 square feet, plus;

1 parking space per each 2,500 square feet of floor area in excess of 10,000 square feet but not exceeding 20,000 square feet, plus;

1 parking space per each 5,000 square feet of floor area in excess of 20,000 square feet.

No industrial building, however, shall be occupied which provides less than a total of one parking space per each 1.5 employees on the largest of any shifts.

#### 15-406(k) PERFORMANCE STANDARDS.

1. All heavy and light industrial operations shall be conducted within a fully enclosed building normal loading and unloading of materials excepted.
2. No use shall be permitted or so operated as to produce or emit:
  - aa Smoke or particulate matter of a number 4 or darker on the Ringelmann Chart.

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- bb Dust, fly ash, radiation, gases, heat glare or other effects which are obviously injurious to humans at the property line.
- cc Vibration or concussion perceptible without instruments at the property line.
- dd The noise level shall not exceed the following levels at any point along the property line:

Octave Band

0-75 Hertz	55 db
75-1200 Hertz	40 db
1200-4800 Hertz	25 db
above 4800 Hertz	22 db

- ee Industrial wastes shall be of such a quantity and nature as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.

15-406(1) EXCEPTIONS. The board may in its discretion, when deemed advisable, authorize exceptions to the within regulations and restrictions (1) by a special temporary permit for a period not exceeding two years or (2) by a special permit for a specific purpose, after conducting a public hearing thereon, with due notice thereof by publication prior thereto.

15-407 PARK, RECREATION AND CLUB DISTRICT. In a park, recreation and club district no building, structure, appurtenance, lot, plot, tract, or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed repaired, restored or improved, unless otherwise provided in this article except as follows, to-wit:

- a) Park. For a private or public park.
- b) Private or public clubs for recreational purposes. For a private or public club and club house, bath houses, locker room, having swimming pools, tennis courts, picnic areas, horse shoe courts, ice skating arenas and other facilities or structures usually incident thereto, and such structures may be used for the operation of snack bars, soda fountains, restaurants, and dining used for the operation of snack bars, soda fountains, restaurants, and dining rooms for the benefit of the members of such clubs or of the public in general.
- c) Golf Course: For a public or private golf course.
- d) Other uses: Any and all uses enumerated in Section 15-403, but any building, structure or appurtenance to be used for any such purposes shall be subject to the provisions of Section 15-403.
- e) Type of Construction. Exterior walls of all buildings, structures and appurtenances thereto shall be of brick, stone, stucco, wood shingles, wood siding, wood paneling, glass blocks, tile

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or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate or tile. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, asbestos shingles, slate or tin.

- f) Building lines, setbacks and height requirements. Buildings, structures and appurtenances to be used for any of the purposes enumerated in subsections (a), (b) and (c) of this section shall not exceed two stories in height and no such building, structure or appurtenance shall be erected closer to the property lines than the building lines for such premises as shown on the official city map.
- g) Exceptions. The Board may in its discretion, when deemed advisable, authorize exceptions to the within regulations and restrictions (1) by a special temporary permit for a period not exceeding two years or (2) by a special permit for a specific purpose, after conducting a public hearing thereon, with due notice thereof by publication prior thereto.

15-408 LIMITED OFFICE DISTRICT. A limited office district classification is established to provide for the development of offices for activities of limited contact with the general public, in a reasonable manner and in keeping with the general intent and spirit of the zoning regulations. The requirements of this classification shall not be interpreted or implemented in a manner that will adversely affect the uses of property immediately adjacent to the property proposed for a limited office district zoning, or that will be detrimental to the public welfare and the interests of the community. The plan for developments proposed under subclassifications (2) and (3) of limited office districts shall present a unified and organized arrangement of buildings and service facilities which shall have a fundamental relationship to the properties comprising the proposed development.

15-408(a) SUB-CLASSIFICATIONS: There are hereby created three (3) sub-classifications of "Limited Office District" as follows:

Sub-Classification (1)

To cover small tracts on which only one building will be erected (one-half acre minimum; up to, but not including three acres).

Sub-Classification (2)

To cover intermediate tracts on which one or more buildings will be erected (three acre minimum up to but not including ten acres).

Sub-Classification (3)

To cover large tracts on which two or more buildings will be erected (ten acres minimum).

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1. The size of the sub-classifications of the limited office district as used above shall be exclusive of any dedicated highways, streets, alleys or other public ways or public property.
2. In order to qualify for any of the sub-classifications set forth above for limited office district zoning, the entire area in the sub-classification shall be in single ownership or legally binding control or under unified control and evidence thereof shall be furnished by any person, group or corporation seeking such zoning.

15-408(b) OFFICES PERMITTED. Usage in Limited Office Districts shall be as follows:

1. Office Buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
2. Other offices limited to the following:

Brokers  
 Accountants  
 Architects  
 Engineers  
 Lawyers  
 Real Estate and Insurance Agencies  
 Manufacturer's Agents

Any other administrative function that is approved by the Board of Zoning Appeals prior to use as being of a nature that has limited contact with the general public and that otherwise conforms to the intent and requirements of this article.

Customary accessory and incidental uses, except that there shall be no display or handling of products and merchandise other than as display and demonstration samples not visible from outside the building and no manufacturing.

3. Equipment, material or vehicles other than passenger motor vehicles shall not be stored outside a building in this district. The outside burning of trash and other waste or combustible materials shall be prohibited within this district.
4. Parking areas within Limited Office Districts may be used by employees and customers of retail districts, light or heavy industrial districts, or park-recreational-club districts, only to the extent that the parking area so occupied is specifically designated for this purpose and does not reduce the parking area provided for office facilities to less

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than the minimum requirements specified for Limited Office Districts. Use of parking areas within Limited Office Districts for other purposes not related to uses permitted within the district shall be prohibited.

5. The following usages may be permitted in sub-classifications (2) and (3) of this district if approved by the Board of Zoning Appeals after a public hearing to determine that they will not adversely effect the surrounding community.

Laboratories and Research Facilities  
Offices and Clinics of Doctor, Dentists, Psychologists and similar professional individuals engaged in the treatment of humans.

6. The normal business hours for Limited Office areas shall be within the period from 6:00 A.M. through 6:00 P.M. on Monday through Saturday. Occasional and infrequent usage during other periods shall be permissible.

15-408(c) LOCATIONS ENTIRELY WITHIN CITY. Property proposed for development as a Limited Office District shall abut a major thoroughfare that is capable of carrying the additional traffic generated by the development, and property proposed for zoning in sub-classification (1) shall either:

1. Abut an existing district zoned for purposes other than single or multifamily residential use.
2. Have its largest dimension parallel to the major thoroughfare and abut a district zoned for single or multifamily residential purposes only at its rear and not more than one side.

15-408(d) LOCATIONS PARTLY IN THE CITY. Any proposed Limited Office District, the location of which will include land both within and without the city limits, shall be considered in its entirety and the portion lying within the city limits will be considered as part of the entire development in the consideration of area, set-back, off-street parking, and land coverage requirements. If the major portion of the development is outside the city, and the governing body having jurisdiction over that portion of land has similar provisions for control of a Limited Office District, some of the requirements for Limited Office District pertaining to the presentation of a plan for that portion lying within the city may be varied or waived by the City Plan Commission, and its recommendations concerning the entire project may be forwarded to the above-mentioned governing body.

15-408(e) TYPE OF CONSTRUCTION.

- (a) The exterior design of all buildings and appurtenances shall be compatible with the style and materials predominant in developed districts adjacent to the proposed

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district and shall be approved by City Architect prior to construction. All construction shall be in accordance with existing building codes and fire ordinances.

- (b) In sub-classification (1) of this district, only buildings having an exterior design that is predominantly residential in character shall be permitted.

**15-408(f) HEIGHT REQUIREMENTS.**

1. In sub-classification (1) of this district, the building shall not exceed one story.
2. Height of buildings in sub-classifications (2) and (3) of this district shall not exceed two stories excluding basements.
3. A basement is defined as a story having part but not more than one half the area of any given side above finished grade, but in any case not more than 5 feet may be exposed at any given point - a story being the height between the finished grade of one floor and the finished grade of the adjacent floor.

**15-408(g) SETBACK REQUIREMENTS.**

1. In sub-classification (1) of this district, there shall be a side yard on each side of the building not less than twenty (20) per cent of the width of the lot, except that such side yard shall not be less than fifteen (15) feet and need not be more than fifty (50) feet with the further exception that side yards abutting residentially zoned property shall not be less than thirty-five (35) feet. Rear yards shall not be less than 30 feet and front yards shall not be less than 35 feet.
2. In sub-classifications (2) and (3) of this district, all buildings or structures in the district shall be set back as follows:
  - a) At least one hundred twenty five (125) feet from any boundary of a residentially zoned district.
  - b) A minimum of one hundred (100) feet from the right-of-way line of the major thoroughfare.
  - c) A minimum of one hundred (100) feet from their front lot lines.
  - d) A minimum of fifty (50) feet from their side lot lines.
  - e) A minimum of fifty (50) feet from their rear lot lines.

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## 15-408(h) LOT AREA PER BUILDING UNDER SUB-CLASSIFICATIONS (2) and (3)

1. Lot area for building sites. Each building shall be situated on a lot with a net area of at least three (3) acres. The net area of any lot shall be the area bounded by the lot lines, the right of way line of any street adjoining the lot and the easement right of way line of any private access road adjoining the lot. Except as otherwise provided by 15-408(h) 2., each building site shall have a minimum frontage of three hundred (300) feet on a major thoroughfare, or three hundred (300) feet frontage on a private interior access road, when building sites are to be served by such interior roads as proposed in a development plan.
2. Lot area for sub-lots of building sites. Any lot of a building site, which is platted in the preliminary plan to a net area of seven (7) or more acres, may be further subdivided, in the final plan, into not more than two (2) sub-lots, each of which shall have a net area of at least three (3) acres and each may be used for a building. Any building site lot so divided into sub-lots shall have direct access to a major thoroughfare or private interior access road, as required by 15-408(h) 1. However, any sub-lot within the building site lot may have access by means of a private easement drive, to be made of record, through the adjoining sub-lot, as set forth for this district under provisions for interior access roads.

## 15-408(i) INTERIOR ACCESS ROADS, SUB-CLASSIFICATIONS (2) and (3)

1. When the approved plan includes private roads to serve as access to building site lots in the interior of the district, such private roads shall be established by easement, to be made of record. Where serving less than six (6) interior building site lots within the district, such private access road shall provide a pavement width of not less than twenty-six (26) feet, and where serving six (6) or more interior building site lots within the district, shall provide a pavement width of not less than thirty (30) feet. In addition to the above minimum pavement widths, such private roads shall provide easement for an additional ten (10) feet of right of way on the side of the pavement toward any interior building site lot served by such private road. Any such private road shall provide access to the interior of the district only from the major thoroughfare bordering the district.
2. Any building site lot which is divided into sub-lots, as set forth in 15-408(h) 2., may provide within the interior of the building lot area, a private easement driveway, to be made of record, and with a pavement width of not less than twenty (20) feet, to serve as access to any sub-lot. Such private easement driveway shall provide access to any sub-lot only from a major thoroughfare bordering the district or from a private access road within the interior of the district.

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## 15-408(j) PARKING AREAS AND EXCEPTIONS.

1. Off-street parking shall be provided on the basis of six off-street parking places for each one thousand (1000) square feet of floor area including basement area devoted to the usages stated above but excluding any area devoted to dead storage, building mechanical equipment rooms and parking.
2. Off-street parking areas constructed on the ground surface shall not extend closer than six (6) feet from any property line except when such property line is also a dedicated street property line. In such case, there shall be a setback from such street property line of at least twenty-five (25) feet. For subclassification (2) and (3) off-street surface parking areas shall have a setback of at least ten (10) feet from the edge of the pavement of interior access roads. There shall be no yard requirements for sub-surface parking facilities except that any portion of a sub-surface parking structure which may extend above the ground surface shall observe the yard requirement for surface parking lots.
3. Along any property line abutting or adjoining a residentially zoned district there shall be a setback of at least twenty-five (25) feet, unless proponents have previously provided a setback in that amount or larger.
4. Parking compounds may be provided to serve more than one building, if they are located within six hundred (600) feet of the building or buildings they serve. All such parking compounds shall meet the required setbacks enumerated above.
5. The parking area shall be hard surfaced and surrounded on all sides where visible from a residential district, with a fence, wall or hedge at least six (6) feet in height that is sufficiently thick to serve the purpose of a screen and that shall be maintained in good condition.
6. The location and limitation of access streets and other area-ways for ingress and egress within the districts described within this Zoning Regulation shall be reserved to the Commission and to the approval of the City Council. Any plan for the proposed development shall present a unified and organized arrangement of such access streets and area-ways and shall be approved by the Commission and City Council before development may be commenced within the use district.
7. Exceptions to Parking Area Requirements. The Board of Zoning Appeals may modify any of the specific off-street parking requirements after a public hearing if undue hardship in complying with any of said provisions is shown. Before granting any modification of the requirements of this section, the board shall determine:

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- a. That the amount of off-street parking to be provided is reasonable in relation to the nature of the use to be served and that the number of parking spaces as required by this section is not compatible with the actual off-street parking requirements of the particular use because of unusual circumstances regarding any such use.
- b. That any off-street parking proposed to be provided other than on the lot of the use to be served is reasonably located and readily accessible in relation to the use to be served and is reasonably related to surrounding uses of land and that said parking area is either within the same block or not more than five hundred (500) feet distant from the boundaries of the lot to be served.
- c. That modification of any setback or yard requirement for the parking area or modification of any construction requirement is necessary because of unique or unusual circumstances which render the specific requirements of this section unreasonable and without benefit to surrounding property.

## 15-408(k) EXTERIOR LIGHTING

1. Flood Lighting of Buildings. Flood lights shall be mounted at ground level with the top of the fixture not over 2 feet above the ground and not more than 25 feet from the building. The light fixtures shall be concealed by low hedges, shrubbery, or walls, or by other suitable inconspicuous methods. Other methods of lighting exterior building surfaces may be used if approved by the City Architect as being of a substantially **concealed type that will concentrate the radiated light predominantly on the building surfaces.** Flashing or rapidly changing lighting shall not be permitted. Light intensity at the building surface shall not exceed 20 foot candles.
2. Parking Lot Lighting. Fixtures for the lighting of parking lots shall not be higher than 12 feet above the surface that they illuminate. The fixtures shall be designed, constructed and positioned so that their light radiation does not extend directly beyond the property line and so that the light intensity at the parking area surface does not exceed 1.5 foot candles. Parking lot lighting shall be turned off not later than 10:00 P.M.
3. The radiating elements of all lighting fixtures shall be mounted inside of suitable opaque shields, reflectors, etc.

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15-408(1) EXTERIOR SIGNS. Only one sign or nameplate shall be allowed, not over twenty (20) square feet in size, and giving the name only of the organizations occupying the building and located as approved by the Planning Commission. Any such sign affixed upon or against a canopy or wall of the building shall not extend above the roof line and shall be in harmony with the general architectural design of the structure to which it is affixed.

15-408(m) SUBMISSION OF PRELIMINARY AND FINAL PLANS. Plans and supplementary information shall be submitted in accordance with the following requirements:

Preliminary Plan -

The proponents of a Limited Office District shall prepare and submit a preliminary development plan to the Planning Commission for its inspection and review.

This preliminary plan of the property to be zoned as a Limited Office District, drawn to scale, shall show the boundaries of the property proposed to be zoned, the existing topography with contour intervals not greater than five (5) feet, unless waived by the Commission, and the proposed size, location and arrangement of buildings, parking area, with proposed arrangement of stalls and number of cars, entrance and exit driveways, and their relationship to existing and proposed streets, alleys and other public ways or public property, drainage plans and any additional information required by the Commission. The Plan shall show sufficient proposed control grades to interpret the intent of the developer. The preliminary plan shall also show the development of adjacent properties within two hundred (200) feet, including the location and type of buildings and structures thereon. If the Limited Office District is proposed in an unplatted area, the preliminary plan shall be accompanied by a plat, giving the full legal description of the boundaries of the property to be included in the areas sought to be zoned as a Limited Office District.

It shall also be accompanied by a plan, drawn to scale, showing the general arrangements of streets within the remainder of this ownership, which plat need not include more than one thousand (1000) feet from the boundaries of the area to be zoned as a Limited Office District.

The Developer shall indicate on the preliminary plan the stages which will be followed in the construction of the Limited Office District.

The proponents shall also submit whatever private covenants exist, or are to be placed by the proponents, on the property proposed for rezoning.

If this preliminary plan is found to be in substantial compliance with the intent of the requirements set forth in this section the Commission shall by resolution recommend that the Council provide for and establish a Limited Office District zoning for the land covered by the preliminary plan and as bounded in the plat.

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Upon approval of the zoning change by the City Council, the proponent shall submit a final development plan to the Commission for its review and approval. The final development plan may be submitted separately for the first and each successive stage of construction.

15-408(n) FINAL PLAN. It shall be the responsibility of the Commission to determine that each stage, or all, of the final development plan conforms to the intent of the preliminary plan on which the zoning change was made. The Commission, having reviewed the final development plan, for any and all stages of the development, and finding that it conforms to the intent of the preliminary plan, shall approve such plan and recommend its approval to the City Council, and such plan shall be filed for record in the office of the City Clerk.

If, in the opinion of the Commission, the final development plan fails to conform to the intent of the preliminary plan such final development plan may be submitted to the Commission as an amended preliminary plan, upon which the Commission may, if it deems proper, advertise and hold a public hearing. All subsequent procedure shall be the same as for the original preliminary plan.

A final development plan, prepared for each successive stage, shall also be reviewed by the Commission and when approved shall be submitted to the City Council for approval and, if approved by the Council, shall be filed in the office of the City Clerk.

The proponents of a Limited Office District, shall prepare and submit a schedule of construction in one or more stages which construction shall begin within a specified period following the approval of the final development plan or any stage thereof. Failure to begin the construction as scheduled shall void the plan, as approved, unless a request for an extension of time is made by the proponents to the Commission and Council and approved by both bodies. If, for any reason, the plan is abandoned, or if the construction is terminated during or after completion of any stage, and there is ample evidence that further development is not contemplated, the Commission may recommend to the City Council the rezoning of any remaining portion of the district to a suitable classification.

After the final development plan has been approved and the rezoning change made, and when in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or open spaces are requested by the proponents and such requests do not conform to the standards established by the approved final development plan such adjustments shall be approved by the Commission and the City Council.

The plan shall meet the requirements as to use, height, open spaces, off-street parking, methods of ingress and egress, and all other criteria applicable to the appropriate Limited Office District sub-classification described within this ordinance.

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No building permit shall be issued for any construction in this district until the City Council has approved the final development plan covering the applicable stage of development and until the City Architect has reviewed the construction plans to be certain they conform to the final development plan and the proponent makes application for building permit as set forth in section 113.0 in the BOCA Code and other applicable sections as provided in City Ordinance #210.

15-409 FENCES AND WALLS. No fence or wall, detached or attached to any building, shall be erected or constructed upon any lot, plot, tract or premises, unless the owner, contractor or duly authorized agent shall have first applied for and received from the City Clerk a permit therefor and except pursuant to the application upon which such permit is based. The fence and wall requirements shall be as follows: a) No fence or wall shall exceed four (4') feet in height if located within ten (10') feet of any property line; b) No fence or wall shall exceed four (4') feet in height if located at or in front of the front building line; c) No fence or wall shall be located closer than 35' to the front property line, or closer than 35' to a side property line where the lot or tract is adjacent to a street on more than one side; d) Fences or walls around swimming and/or bathing pools shall not be less than four (4') feet or more than six (6') feet in height. Such pool fences shall not be greater than 4' if located ten (10') feet or less from any property line. Pool fences, if greater than four (4') feet in height shall not be more than twenty (20') feet from the adjacent water's edge of the pool being fenced. e) Privacy or screening fences shall be allowed provided that said privacy and screening fences shall not exceed six (6') feet in height and shall be constructed in an area not to exceed six (6') feet from the patio. All other sections and provisions shall be applicable to this section of the ordinance. All fences and walls must be suitable to and conforming with the improvements with respect to type and design. Application for such permit shall be filed with the City Clerk upon prescribed form setting forth the type, height and location of the fence or wall. No such permit will be issued by the City Clerk unless the applicant sets forth in reasonable detail all the information herein required and the information supplied conforms with the above regulations.

The Board may, in its discretion, when deemed advisable, authorize exceptions to the above regulation and restriction by (1) a special temporary permit for a period not exceeding two years, or (2) by a special permit for a specific purpose, after conducting a public hearing thereon with due notice thereof by publication prior thereto.

15-410 DETACHED STRUCTURES. No garage, barn, doll house, tool shed, greenhouse or any other type of detached structure whose maximum height is greater than three (3) feet above the prevailing ground level except a structure whose total ground area is 12 sq. ft. or less, shall be placed, built, or constructed on any lot, plot or tract within the City limits of Leawood, Kansas.

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The Board of Zoning Appeals may, in its discretion, when deemed advisable, authorize exceptions to this regulation and restriction, by a special permit for a specific purpose, after conducting a public hearing thereon, with due notice thereof by publication in the official city newspaper prior thereto.

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15-4301 **PLANNED MULTIFAMILY RESIDENTIAL DISTRICT.** This district is designed to permit the development of garden apartment or townhouse projects of superior quality consisting of 2 or more buildings on tracts of 5 or more acres at a density not exceeding 12 units per acre in an aesthetically pleasing and compatible relationship with adjacent land uses.

15-4302 **PERMITTED USES.** The following uses are permitted in Planned Multifamily Residential Districts:

- a) Any use permitted in the Single Family Residential District subject to the same conditions and restrictions.
- b) Garden apartment and townhouse projects.
- c) All uses customarily incident to multifamily developments provided they are located on the same lot or premises as the main buildings in the project.

15-4303 **PERFORMANCE STANDARDS.** All buildings in garden apartment and townhouse projects shall meet the following minimum standards:

- a) All lights, other than publicly installed street lights, shall be situated and installed to reflect away from abutting properties zoned for or developed with single family residential structures.
- b) A Planned Multifamily Residential District must have direct access to at least one major thoroughfare. In the event that the major thoroughfare is a freeway, direct access shall be from a marginal access road. No direct access to a street zoned for or developed with single family residences will be permitted unless it is a major thoroughfare.
- c) The City Plan Commission and the City Council shall find that the Planned Multifamily Residential District will not adversely affect the appropriate use of abutting properties or endanger the public health, safety and welfare.
- d) The City Plan Commission and the City Council shall find that the location of the proposed Planned Multifamily Residential District is in keeping with the comprehensive plan adopted by the City Council as a guide for the orderly development of all areas within the city's jurisdiction.

15-4304 **HEIGHT.** Apartment and townhouse buildings and all structures accessory thereto shall not exceed 2 stories in height except that buildings and structures may be built on a natural slope in such a manner as to expose a third story on the downhill side of the slope; however, the three-story portion of a building shall not face on any street, and the overall height shall not exceed 30 feet.

15-4305 **SETBACK.** All buildings and structures, except covered parking facilities as described infra, shall set back a distance of at least:

- a) 30 feet from any property line adjacent to a street.
- b) 30 feet from any rear property line.

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- c) 30 feet from any other interior property line adjacent to a single family residential district or a lot developed with a single family residence.
- c) 20 feet from any interior property line adjacent to an area zoned for apartment, commercial or industrial use.

### 15-4306 SEPARATION BETWEEN APARTMENT UNITS.

All apartment units within the development shall observe the following minimum distances between facade and facade:

- a) Front facade opposite front facade: minimum distance, any extension except patio and balconies - 80 feet.
- b) Front facade opposite side facade: minimum distance, any extension except patio and balconies, - 60 feet.
- c) Rear facade to rear facade: minimum distance, any extension except patio and balconies - 75 feet.
- d) Rear facade to side facade; or corner of building: any extension except patios or balconies, minimum distance - 60 feet.
- e) Side facade to side facade: any extension, except balconies or patios, minimum distance - 45 feet.
- f) Corner of building to corner of adjacent building: minimum distance - 45 feet.

### 15-4307 SETBACK FOR TOWNHOUSE UNITS.

All town houses within the development shall observe the following minimum distances:

- a) Front building line to property line: minimum distance - 30 feet.
- b) Minimum distance, side to side - 30 feet.
- c) Minimum rear yard, any extension except patios - 30 feet.
- d) Rear to side minimum distance, any extension except patios - 40 feet.
- e) Side street property line to building line, minimum distance - 30 feet.
- f) All garages shall observe the same setback requirements as set forth for townhouses herein.

### 15-4308 AREA.

1. Apartment and townhouse projects shall comprise a contiguous area of at least 5 acres in single ownership or under unified control if in more than one ownership.
2. In a townhouse project, one-story dwelling shall have a ground floor area of not less than 1,200 square feet, and a one and a half or two story dwelling shall have a ground floor area of not less than 700 square feet; however, such area requirements shall be exclusive of porches, patios or other appurtenances or attached garages.

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15-4309 DENSITY. Overall density may not exceed 12 dwelling units per acre exclusive of streets.

15-4310 MINIMUM OPEN SPACE REQUIREMENT. All apartment and townhouse projects shall provide for a minimum amount of open, unobstructed green space, exclusive of off-street parking facilities, patios, and other accessory uses, equal to no less than 40 per cent of the gross area of the property to be developed.

15-4311 MAXIMUM BUILDING COVERAGE. Apartments, townhouses and accessory structures shall not occupy more than 30 per cent of the gross area of the lot or property on which they are constructed.

15-4312 BUFFER REQUIREMENTS. Along any property line adjacent to an area zoned for or developed with residential structures, a wall and/or fence and/or landscape buffer strip shall be provided of sufficient height and depth to serve the purpose of a solid screen such that the projection of a horizontal line of sight originating six (6) feet off the existing terrain at the adjacent residential lot line will be cut off by the buffering, but in no case shall the buffering strip be less than 6 feet in height. At street intersections, this required screen or buffer shall be set back a sufficient distance to avoid interference with the vision of approaching vehicles and creation of a traffic hazard. All fences shall be approved by the City Architect prior to the issuance of a fence permit.

15-4313 LANDSCAPE REQUIREMENTS. All required setback areas and open space shall be landscaped with grass, trees, shrubs, and other appropriate materials in such a manner as to provide a park-like setting for the building or buildings. These areas shall be kept free of debris and refuse and shall be maintained by the owner, occupant, or developer.

15-4314 SIGN REGULATIONS.

Only the following types of signs are permitted in the Planned Multi-family Residential District:

- a) Identification signs giving only the name of the development. Said signs shall be located only at the entrances to the development and shall be incorporated into the design of an entrance gate or other ornamental design motif which identifies the development. All such designs shall accompany the final development plan for approval by the City Plan Commission and the City Architect.
- b) No sign of any kind or description shall be placed or permitted to remain in any residence district or in any street adjacent thereto. This prohibition shall not apply to street markers, traffic signs and other appropriate signs displayed by the City of Leawood nor shall this prohibition apply to a sign not exceeding 100 square inches in area, upon which there shall be exhibited the street number, or emblem, picture or decal, in color or colors, or name of a resident or both, or a contractor's job number or to identification signs as described above.

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## 15-4315 OFF STREET PARKING REGULATIONS.

- a) All apartment and townhouse projects shall provide off-street parking at the ratio of two spaces for each dwelling unit, at least one-half of which shall be covered parking as described infra.
- b) A club house or community building servicing an apartment or townhouse project shall provide at least one off-street parking space for every eight (8) units in the project.
- c) One off-street parking space and the back-up space adjacent thereto shall be considered an area of at least 30 feet by 10 feet (300 square feet).
- d) All off-street parking areas and all access drives shall be improved with a hard-surfaced, dustless, all-weather surface, specifications for which shall be approved in advance of installation by the City Engineer.
- e) Off-street parking areas constructed on the ground surface shall not extend closer than 25 feet to any property line adjacent to an area developed with or zoned for single family residential use. Such areas shall not extend closer than 10 feet to any property line adjacent to an area developed or zoned for commercial or industrial use. There shall be no yard requirements for subsurface parking structure which extends above the ground surface shall have the yard requirements for surface parking facilities. If the parking facility extends more than 10 feet above the ground, it shall have the same setback requirement as a building.
- f) All covered off-street parking areas (carports, garages, automobile canopies, etc.) shall have the same setback requirements as uncovered surface off-street parking areas described in Paragraph (3) above. Such areas shall be designed in a manner which is compatible with architectural style of the development, and shall be arranged on the site in a manner which will conceal the automobiles parked therein from view along the perimeter of the apartment development.

## 15-4316 LIGHTING REGULATIONS.

- a) Fixtures for the lighting of parking lots shall not be higher than 12 feet above the surface that they illuminate. The fixtures shall be designed, constructed and positioned so that their light radiation does not extend directly beyond the property line and so that the light intensity at the parking area surface does not exceed 1.5 foot candles.
- b) All architectural lighting shall be set forth on the final development plan and approved by the City Architect for conformance to general architectural character of the project and the applicable performance standards.

15-4317 SUBMISSION PROCEDURE. The proponent of a Planned Multifamily Residential District shall submit a preliminary development plan to the City Plan Commission for its analysis, comments and recommendations. After receipt of the City Plan Commission's comments and recommendations

#### ARTICLE 4 ZONING REGULATIONS

pertaining to the preliminary development plan, the proponent shall prepare a final development plan incorporating the Commissions recommendations to the extent believed feasible by the proponent. The required plans shall cover the entire tract within the proposed district and shall comply with the regulations, requirements and standards set forth in this section. All plans shall be drawn to a scale of 1" - 100' or larger to demonstrate clearly the intent of the proponent. The plans, which shall be submitted to the City Plan Commission in accordance with prevailing "Rules and Regulations Governing the City Plan Commission of the City of Leawood" shall include the following conditions:

15-4318 PRELIMINARY PLAN. This plan shall accompany the proponent's initial application and shall contain the following:

- a) The existing topographic pattern with contour intervals not greater than two (2) feet except in areas where slopes are in excess of ten, (10) per cent in which case intervals of five (5) feet will be acceptable.
- b) The size, location and arrangement of all existing and proposed buildings and structures other than single family houses.
- c) The location of all streets and off-street parking areas showing the arrangement of the parking bays, entrance and exit drives, means of drainage and means of illumination. All disposal of sewage or other liquid outflow shall be previously approved by Leawood Sewer Committee.
- d) A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total area in off-street surface parking, the total number of off-street parking spaces provided, the proposed density of development, and a legal description of the property under consideration.
- e) A generalized landscape plan.
- f) A vicinity sketch at a legible scale showing the relationship of the development plan to the properties within 500 feet of its boundaries. Utility connections too remote to be shown on the development plan shall be shown on the sketch. Land uses of properties outside the development shall be shown on the sketch.
- g) The proponents shall also submit a true copy of existing private covenants or restrictions and a copy of any proposed covenant or restriction to be placed by the proponents, on the property.

15-4319 FINAL PLAN. After receipt of the City Plan Commission's comments and recommendations pertaining to the preliminary development plan, the proponent shall submit to the City Plan Commission in accordance with prevailing "Rules and Regulations Governing the City Plan Commission of the City of Leawood" a final development plan that contains at least the following:

ARTICLE 4 ZONING REGULATIONS

- a) The existing and proposed topographic pattern with contours at sufficient intervals to give a clear understanding of the proposed grading, but in no case shall the contour interval be greater than two (2) feet except in areas where slopes are in excess of ten (10) per cent, in which case intervals of five (5) feet will be acceptable.
- b) The proposed size, location, height and arrangement of all existing and proposed buildings, structures, streets, alleys, railroads, utility lines and easements with all site and building dimensions, the width of buffer strips, the distance between buildings, and all setback distance clearly shown. Single family residences need not be shown if designated on platted lots; however, the use of each lot shall be shown.
- c) The location of all off-street parking areas, other than for single family homes, showing the arrangement of each individual parking stall, entrance and exit drives, means of drainage, means of illumination, and type of surface material.
- d) A landscape plan for perimeter planting, prepared by a licensed landscape architect, showing the location and arrangement of all trees, shrubs, and other plant materials, giving their species and specifying their size at the time of planting.
- e) A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total area in off-street parking, the total number of off-street parking spaces provided, the proposed density of development and a legal description of the property under consideration.
- f) Architectural elevations in sufficient detail to give the Commission a clear understanding of the architectural character of the development. An 8x10 photograph of an architectural rendering of the proposed development may be substituted for architectural elevations if it shows sufficient detail to clearly establish the character of the development.
- g) All public facilities and utilities shall be shown and identified: said proposals shall be approved by the City Engineer. All disposal of sewage or other liquid outflow shall be approved by the Leawood Sewer Committee.
- h) A subdivision layout, when the property is to be subdivided, showing all proposed lots and blocks.
- i) Street profiles shall be furnished for each street proposed to be dedicated showing existing grades and proposed approximate grades and gradients on the centerline and along the property lines of the street, as well as typical utility locations. Proposed culverts and bridges shall also be shown.
- j) The location and size of any area to be considered for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the development and any condition of such dedication or reservation.

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- k) A true copy of all existing private covenants and a copy of any proposed private covenant which is to be placed by the proponent on the property.

## 15-4320 PROCESSING OF ZONING CLASSIFICATION ORDINANCES AND AMENDMENTS.

- a) If the City Plan Commission adopts a tentative recommendation for rezoning, if same is required, after approval of the final plan, such plan and rezoning shall be given public notice and hearing as required by law.
- b) If, at the conclusion of the public hearing, the City Plan Commission recommends approval of the proposed zoning amendment, it shall cause a proposed ordinance to be prepared for the establishment of a Planned Multifamily Residential District and shall incorporate the approved final plan as part of said ordinance. All subsequent action on the proposed ordinance by the City Plan Commission and the City Council shall be in conformance with the Kansas Statutes, City Ordinances, and internal procedures of the City Plan Commission and the City Council of the City of Leawood, Kansas.
- c) If, at the conclusion of the public hearing, the action of the City Plan Commission is other than approval of the Planned Multifamily Residential District, the City Plan Commission shall submit the PLAN and the proposed zoning amendment, together with all other required information, for action by the City Council. All subsequent action by the City Council and the City Plan Commission shall be in conformance with the Kansas Statutes, City Ordinances, and internal procedures of the City Plan Commission and the City Council of the City of Leawood, Kansas.

15-4321 ADJUSTMENTS OR CHANGES IN THE FINAL PLAN AFTER ADOPTION BY ORDINANCE. After an area has been zoned for a Planned Multifamily Residential District, changes in the approved development plan may not be made except through a new application to the City Plan Commission and the City Council; however, minor building location adjustments necessitated by unforeseeable circumstances may be approved by the Board of Zoning Appeals, after report and recommendation from the City Plan Commission, at a public hearing.

15-4322 TYPE OF CONSTRUCTION. Exterior walls of all dwellings shall be of brick, stone, stucco, wood shingles, wood siding, wood paneling, tile or any combination thereof. Windows, doors, and louvers shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot, shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate or tile. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, asbestos shingles, slate or tile.

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15-4323 REQUIREMENTS FOR BUILDING PERMIT. No building permit shall be issued for any construction in this district until the City Council has approved the final development plan covering the applicable stage of development and until the City Architect has reviewed the construction plans to be certain they conform to the final development plan. The proponent shall make application for building permits as provided in City Ordinances.

15-408 PROHIBITIONS. No building, structure or appurtenance, or any lot, plot, tract or premise shall be used or occupied for any of the following purposes, to wit:

- 1) Junk Yard
- 2) Tourist Cabin or trailer camp
- 3) Processing (except as herein specifically provided)  
slaughterhouse, poultry house, or rendering establishment
- 4) Lodging house or hotel
- 5) Tavern, saloon,

#### ARTICLE 4 ZONING REGULATIONS

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15-4501 PLANNED INDUSTRIAL DISTRICT. This district is designed to permit the development of a select number of light industrial uses within a parklike setting on large tracts. By their compliance with certain performance standards, and other requirements, these uses in the aggregate will constitute a unified and stable industrial development which can exist in harmony with the surrounding neighborhood and remain consistent with the character of the abutting uses. This district may be established upon property which is in single ownership or under unified control, having a total area of at least 40 acres.

15-4502 PERMITTED USES. The following uses are permitted in Planned Industrial Districts:

- a) Manufacturing, processing, fabrication, or assembling of any commodity.
- b) Distribution, wholesaling, warehousing, and storage of any commodity.
- c) Offices.
- d) Public utility facilities.
- e) Fire stations.
- f) Structures and uses which are clearly accessory and necessary to the normal operation of the above uses.

15-4503 PERFORMANCE STANDARDS. All uses enumerated above shall meet the following minimum standards.

- a) All operations shall be conducted within a fully enclosed building. Normal loading and unloading of materials is excepted.
- b) All storage of materials, products or equipment shall be within a fully enclosed building.
- c) No use shall create noise in excess of that of normal daily traffic measured at the lot lines of the premises.
- d) No use shall create dust, dirt, particulate matter, smoke, obnoxious odor, radiation, obnoxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises.
- e) All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties in an area zoned for or developed with residential structures.
- f) A Planned Industrial District shall have direct access to at least one major thoroughfare. In the event that the major thoroughfare is a freeway, direct access shall be from a marginal access road. No direct access to a street zoned for or developed with single family residences will be permitted unless it is a major thoroughfare.
- g) The City Plan Commission and the City Council shall find that the Planned Industrial District will not adversely affect the appropriate use of abutting properties or endanger the public health, safety, and welfare.
- h) The City Plan Commission and the City Council shall find that the location of the proposed Planned Industrial District is

**ARTICLE 4 ZONING REGULATIONS**

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in keeping with the general development plan adopted by the City Council as a guide for the orderly development of all areas within the City's jurisdiction.

- i) The use shall be free from all fire hazards.
- j) All disposal of sewage, industrial wastes, process water or other liquid outflow must be previously approved by the Sewer Committee of the City of Leawood.
- k) All utilities shall be underground.

15-4504 HEIGHT. The height of any building or structure shall not exceed three (3) stories or thirty-six (36'), whichever be the more restrictive. (Not including cooling towers, elevator bulkheads, stairway penthouses, chimneys, and mechanical equipment appurtenances.) Height may be increased one (1) foot for each three (3) feet increase in the setback required below; provided that in no case the height of the building, excluding appurtenance roof structures as listed above, exceeds forty-eight (48) feet.

15-4505 SETBACK.

- a) There shall be a setback from any street right of way line of at least fifty (50) feet for any building, structure, parking facility, or service area.
- b) There shall be a setback from any side or rear property line of at least twenty-five (25) feet for any building or structure, and ten (10) feet for any surface parking facility, loading dock, service area, or entrance drive. When a side or rear yard adjoins properties zoned for or developed with residential uses, the required setback from any side or rear property line shall be at least one hundred twenty-five (125) feet for any building or structure, and twenty-five (25) feet for any surface parking area, loading area, service area, or entrance drive.

15-4506 AREA.

- a) A Planned Industrial District shall have a minimum unified area of forty (40) acres in single ownership or under unified control if in more than one ownership.
- b) Each lot in the district shall have a minimum area of two (2) acres.

15-4507 MINIMUM OPEN SPACE REQUIREMENT. At least thirty-five (35) per cent of the area of each individual building site in the Planned Industrial District must be set aside as open space exclusive of all buildings, parking facilities, and access drives. This open space shall be landscaped and maintained in such a manner as to provide a park-like setting for the building or buildings.

15-4508 MAXIMUM BUILDING COVERAGE. Building coverage shall not exceed thirty (30) per cent of the area of each individual building site in the Planned Industrial District.

#### ARTICLE 4 ZONING REGULATIONS

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15-4509 BUFFER REQUIREMENTS. Along any property line adjacent to an area zoned for or developed with residential structures, a wall and/or fence and/or landscape buffer strip shall be provided of sufficient height and depth to serve the the purpose of a solid screen such that the projection of a horizontal line of sight originating six (6) feet off the existing terrain at the adjacent residential lot line will be cut off by the buffering, but in no case shall the buffering strip be less than six (6) feet in height. At street intersections, this required screen or buffer shall be set back a sufficient distance to avoid interference with the vision of approaching vehicles and creation of a traffic hazard. All fences shall be approved by the City Architect prior to the issuance of a fence permit.

15-4510 LANDSCAPE REQUIREMENTS. All required setback areas and open space shall be landscaped with grass, trees, shrubs, and other appropriate materials in such a manner as to provide a park-like setting for the building or buildings. These areas shall be kept free of debris and refuse and shall be maintained by the owner, occupant or developer.

15-4511 LIGHTING REGULATIONS.

- a) Parking Lot Lighting. Fixtures for the lighting of parking lots shall not be higher than sixteen (16) feet above the surface that they illuminate. The fixtures shall be designed, constructed and positioned so that their light radiation does not extend directly beyond the property line and so that the light intensity at the parking area surface does not exceed 1.5 foot candles.
- b) All architectural lighting shall be set forth on the final development plan and approved by the City Architect for conformance to general architectural character of the project and the applicable performance standards.

15-4512 SIGN REGULATIONS. All signs shall be architecturally compatible with the character of the buildings in the district and conform to the following regulations:

- a) One sign, unattached to any building, shall be permitted on each major thoroughfare or marginal access road at an entrance to the Planned Industrial District in order to identify the district and the industries located therein. The total outline of such sign shall be enclosed in a rectangle with one edge on grade, the area of which shall not exceed one hundred sixty (160) feet, and the height of which shall not exceed sixteen (16) feet, measured from grade at the base. The design of such industrial park identifying signs shall be included in the final plan and submitted to the City Architect for approval.
- b) Signs Identifying a Specific Industry or Business.

ARTICLE 4 ZONING REGULATIONS

1. Any sign which identifies a specific industry or business within the Planned Industrial District shall be a flat, stationary sign affixed against and parallel to the face of a wall, or a flat, stationary sign on the face of a marquee, canopy, or awning. No sign shall be painted on the building.
  2. No sign shall extend above the roof line of the building on which it is located. A sign shall not extend into a required yard area.
  3. The total area of an identifying sign shall not exceed five (5) per cent of the total area of the face of the building to which it is attached. Individual letters with no background shall be measured by the minimum rectangular area necessary to encompass the letter or by a combination of rectangles as necessary to encompass.
- c) Directional and Informative Signs. Directional or informative signs, including temporary for sale or for rent signs, shall be permitted if such signs contain no advertising matter and are limited solely to that of providing information or directions. Signs necessary to the proper functions of the district, including for sale or for rent signs, shall not exceed sixteen (16) square feet in area. Signs necessary to the proper functions of individual businesses or industries shall not exceed six (6) square feet in area.

## 15-4513 PARKING REGULATIONS.

- a) Off-street parking shall be provided on the site of the industry or the business which it serves in an amount sufficient to meet the needs of all persons associated with the use, either as employees, customers, suppliers, or visitors; however, in no case shall the use provide less than a total of one parking space for each 1.5 employees (2 spaces for every three employees) on the largest of any shifts.
- b) One off-street parking space and the backup space adjacent thereto shall be an area of at least thirty (30) feet by nine (9) feet (270 square feet).
- c) All off-street parking areas, service areas, and access drives shall be improved with a hard-surfaced, dustless, all-weather material, specifications for which are to be approved by the City Engineer in advance of installation.
- d) There shall be a setback from any street right of way line of at least fifty (50) feet for any parking facility. There shall be a setback from any side or rear property line of at least ten (10) feet for any surface parking facility. When a side or rear yard adjoins properties zoned for or developed with residential uses, the required setback from any side or rear property line shall be at least twenty-five (25) feet for any surface parking facility.
- e) Multi-story parking facilities shall observe the same setback requirements as a building and shall be considered as a building.

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- f) There shall be no yard requirements for subsurface parking facilities except that any portion of a subsurface parking structure which extends above the ground surface shall observe the yard requirements for buildings and shall be considered as a building.

15-5614 SUBMISSION OF PRELIMINARY PLAN. The proponent of a Planned Industrial District shall submit the following information and plans to the City Plan Commission for their review and recommendation. All plans shall be drawn to a scale of 1" = 100' (one inch equals one hundred feet) or larger.

- a) The existing and proposed topographic pattern with contours at sufficient intervals to give a clear understanding of the proposed grading. The contour interval shall not be greater than five (5) feet.
- b) The size, location, and arrangement of all existing buildings, structures, streets, alleys, railroads, utility lines, sewage connections, and easements on the proposed site.
- c) A schedule giving the total number of acres in the proposed development, the legal description of the site under consideration, the total permissible building coverage and required open space based on the percentages given above.
- d) A sketch plan showing the relationship of all proposed land uses, all proposed lots, blocks, streets, site dimensions, buffer strips and setback lines. Proposed buildings need not be shown on the sketch plan.
- e) Provisions for sewage disposal including industrial wastes, process water or any liquid outflow. Prior approval of the Sewer Committee of the City of Leawood shall be secured.
- f) A vicinity sketch at a legible scale showing the relationship of the development plan to the properties within five hundred (500) feet of its boundaries.
- g) A true copy of all existing private covenants and a copy of any proposed private covenant which is to be placed by the proponent on the property proposed for rezoning.
- h) A letter of intent signed by the proponent which includes the following: a detailed description of the intended architectural character of the proposed development and a copy of the architectural controls which would be imposed on said development; a statement concerning the availability of utilities (water, gas, electricity, sewers) at the site including a statement of the proponent's ability to extend utilities to the site if they are not presently available; an outline of the proposed stages of construction if more than one stage is contemplated and a timetable showing that the project has a reasonable expectation of being commenced within five (5) years.
- i) Affidavit of ownership and, if applicant not the owner, power of attorney to act for owner. If submitted under provision for unified control, a copy of the agreement among the owners which shall include the delegation of authority for applicant to act for the group.

ARTICLE 4 ZONING REGULATIONS

15-4515 SUBMISSION PROCEDURES. Based on the plan and other information submitted under the Preliminary Development Plan, the City Plan Commission shall adopt tentative recommendation for the proposed rezoning and shall, in accordance with prevailing "Rules and Regulations Governing the Procedures of the City Plan Commission of the City of Leawood", set the matter for public hearing after notice by advertising all as required by law, and shall thereafter forward its recommendation to the City Council. The City Council shall act on the Commission's recommendation by either denying the proponent's request for rezoning or by establishing by ordinance a Planned Industrial District on the land covered by the Preliminary Development Plan.

15-4516 FINAL DEVELOPMENT PLAN. Any time within five (5) years after the ordinance, which established a Planned Industrial District on the subject property, becomes effective, the proponent may submit a Final Development Plan unless a request for an extension of time is made by the proponents as set forth below. If, for any reason, the plan is abandoned, or if construction is terminated during or after completion of any stage, and there is evidence that further development is not contemplated, the Commission may recommend to the City Council the rezoning of any remaining portion of the district to a suitable classification.

In case construction is not initiated within the five-year period, additional extensions may be obtained by application to the Plan Commission by the proponents no later than ninety (90) days prior to the expiration of the current approval. Such request for extension shall, if favorably recommended by the Plan Commission, be forwarded to the City Council for approval. Such extension shall not exceed the period of one year from the expiration of the current approved period.

It shall be the responsibility of the Commission to determine that each stage, or all, of the Final Development Plan conforms to the intent of the Preliminary Development Plan on which the zoning change was made. The Commission, having reviewed the Final Development Plan, for any and all stages of the development, and finding that it conforms to the intent of the Preliminary Development Plan, shall approve such plan and recommend its approval to the City Council, and such plan shall be filed for record in the office of the City Clerk.

15-4517 AMENDED PRELIMINARY DEVELOPMENT PLAN. If, in the opinion of the Commission, the Final Development Plan fails to conform to the intent of the Preliminary Development Plan, such Final Development Plan may be submitted to the Commission as an amended Preliminary Development Plan, upon which the Commission may, if it deems proper, advertise and hold a public hearing. All subsequent procedure shall be the same as for the original Preliminary Development Plan.

15-4518 STANDARDS OF SUBMISSION OF FINAL DEVELOPMENT PLAN. The proponent shall submit the following information and plans. All plans shall be drawn to a scale of 1" = 100' or larger:

ARTICLE 4 ZONING REGULATIONS

- a) The existing and proposed topographic pattern with contours at sufficient intervals to give a clear understanding of the proposed grading, but in no case shall the contour interval be greater than two (2) feet; except in areas where slopes are in excess of ten (10) per cent, in which case intervals of five (5) feet will be acceptable.
- b) The proposed size, location, height, and arrangement of all existing and proposed buildings, structures, streets, alleys, railroads, utility lines, and easements with all site and building dimensions, the width of buffer strips, the distance between buildings, and all setback distances clearly shown.
- c) The location of all off-street parking areas showing the arrangement of each individual parking stall, entrance and exit drives, means of drainage, means of illumination, and type of surface material.
- d) A landscape plan, prepared by a licensed (in the state of Kansas) landscape architect, showing the location and arrangement of all trees, shrubs, and other plant materials, giving their species and specifying their size at the time of planting, and construction details for walls and fences.
- e) A schedule giving the total number of acres in the proposed development, the total area covered by buildings, the total area in off-street surface parking, the total area in open space, the total number of off-street parking spaces provided, the total number of buildings proposed, and the legal description of the property under consideration.
- f) Architectural elevations of the proposed buildings in sufficient detail to give the Commission a clear understanding of the architectural character of the development. An 8" x 10" photograph of an architectural rendering of the proposed development may be substituted for architectural elevations if it shows sufficient detail to clearly establish the character of the development.
- g) All public facilities and utilities shall be shown and identified and the proposals approved by the City Engineer.
- h) A final subdivision layout showing all proposed lots and blocks.
- i) Street profiles shall be furnished for each street proposed to be dedicated showing existing grades, proposed approximate lines of the street and typical utility locations. Proposed culverts and bridges shall also be shown.
- j) An estimate of the maximum number of employees contemplated for the proposed development during the peak shift, and a description of the proposed industrial operations in sufficient detail to indicate the effects of these operations in producing problems of noise, glare, odor, sewage or air pollution, fire or safety hazards, or other factors detrimental to the health, safety or welfare of the area.
- k) A true copy of all existing private covenants and a copy of any proposed private covenant which is to be placed by the proponent on the property proposed for rezoning.

**ARTICLE 4 ZONING REGULATIONS**

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- 1) A vicinity sketch at a legible scale showing the relationship of the development plan to the properties within five hundred (500) feet of its boundaries. Utility connections too remote to be shown on the development plan shall be shown on the sketch.

15-4519 REQUIREMENTS FOR BUILDING PERMIT. No building permit shall be issued for any construction in this district until the City Council has approved the Final Development Plan covering the applicable stage of development and until the City Architect has reviewed the construction plans to be certain they conform to the Final Development Plan. The proponent shall make application for building permits as provided in the City Ordinances.

15-4520 VALIDITY OF ORDINANCE. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**ARTICLE 5 PENALTIES**

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15-501 PENALTIES FOR VIOLATION. Any person, firm or corporation violating any of the provisions of this model code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 for such offense. Each and every day that such violation continues shall constitute a separate offense.

## ARTICLE 6 ZONING REGULATIONS

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15-601 BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall consist of five (5) members, all of whom shall be residents of the city, and who shall be appointed by the Mayor, by and with the consent of the council.

None of the members shall hold any other public office of the city, EXCEPT that one member may be a member of the Plan Commission.

15-602 TERM. Each member shall serve for a term of three years and shall be appointed at the organizational meeting of the Governing Body held the first Monday in May of each year. Appointments shall be so staggered that no more than two members' terms shall expire in one year.

Vacancies shall be filled by appointment of the Mayor, by and with the consent of the council, as said vacancies occur. The appointment shall be for the balance of the unexpired term.

15-603 COMPENSATION. Members of the Board of Zoning Appeals shall serve without compensation.

15-604 OFFICERS. The Board of Zoning Appeals shall annually elect one (1) of its members as Chairman, and shall appoint a secretary, who may be an officer or an employee of the City.

15-605 RULES. The Board shall from time to time adopt rules of procedure to regulate the conduct of its business. Such rules shall be submitted by recommendation of the Board of Zoning Appeals to the Governing Body in resolution form for approval.

15-606 MEETINGS. Meetings of the Board shall be held on the third Wednesday of each month and at such other times as the Board may determine to be required for the conduct of its meetings or upon call of the chairman. Meetings shall be held at the City Hall unless circumstances make that location impracticable for a particular session, in which case, said meeting shall be held at any convenient place within the city.

15-607 RECORDS. The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decision of the Board and the vote upon each question. Records of all official actions of the Board shall be filed in its office which shall be in the office of the City Clerk and shall be a public record.

15-608 POWERS AND DUTIES. The Board of Zoning Appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning ordinance as hereinafter provided. The Board:

- a) Shall hear and decide appeals by any person, officer of the city, government agency or body effected by any decision of the officer administering the provisions of the zoning ordinance.

ARTICLE 6 BOARD OF ZONING APPEALS

- b) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an officer administering the enforcement of the zoning ordinance.
- c) May, when it shall deem the same necessary, grant variances to the zoning ordinance to authorize, in specific cases, a variance from the specific terms of the ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Such variance shall not permit any use not permitted by the zoning ordinance in the use district within which the particular property be located.

A request for a variance may be granted in such cases, upon a finding of the Board that all of the following conditions have been met:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.
  2. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.
  3. That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
  4. That the variance desired will not adversely affect the public safety, health, morals, order, convenience, prosperity or general welfare; and
  5. That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.
- d) May, when it shall deem the same necessary, grant exceptions to the provisions of the zoning ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance.

In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the Board of Zoning

## ARTICLE 6 BOARD OF ZONING APPEALS

Appeals have the power to grant an exception when conditions of the exception as established by the Governing Body are not found to be present.

- e) Shall have the power, in specific cases, to modify or vary building or setback lines on streets for which a building or setback line has been adopted by the governing body as part of its comprehensive plan in order that unwarranted hardship, which constitutes complete deprivation of use as distinguished from merely granting a privilege, may be avoided, yet the intended purpose of the regulations shall be strictly observed and the public and public safety protected.

In exercising the foregoing powers, the Board, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issuance of a permit.

### 15-609 PROCEDURE ON APPLICATION TO THE BOARD OF ZONING APPEALS.

- a) Appeals to the Board of Zoning Appeals shall be initiated by the applicant within a reasonable time after the decision appealed from has been made. Applicant shall file with the City Clerk a notice of appeal setting forth the specific grounds therefor and paying a fee of twenty-five (\$25.00) dollars to the City of Leawood.
- b) The officer from whom the appeal is taken when notified by the Board or its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- c) The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it.
- d) Notice of the time, place, and subject of the hearing shall be published once in the official city newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the City Plan Commission.

15-610 APPEAL FROM ORDER OF BOARD. Any person, official, or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring action in the district court of Johnson County to determine the reasonableness of any such order or determination.

ARTICLE 7 VALIDITY OF CHAPTER

15-701 VALIDITY OF CHAPTER. Should any section, clause or provision of this model code be invalid or unconstitutional, the same shall not affect the validity of the code as a whole, or any part thereof, other than the part so invalid or unconstitutional.

ORDINANCE NO. 413 G

AN ORDINANCE RELATING TO SETBACK REQUIREMENTS AND REPEAL OF SECTIONS

Be it ordained by the governing body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 15-402(d) SETBACK, (as created by the Code of the City of Leawood, Sept. 8, 1970) is hereby repealed and the following section enacted in lieu thereof:

15-402(d) SETBACK - Section 2.

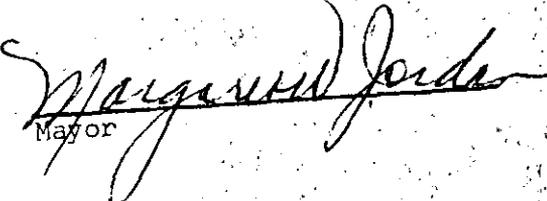
1. FRONT SETBACK.  
All buildings and structures shall set back a distance of at least 35' (thirty-five feet) from any property line adjacent to a street.
2. REAR SETBACK.
  - a. All buildings and structures shall set back a distance of at least 30' (thirty feet) from any rear property line.
  - b. On lots of irregular rear property lines or lots of other than generally rectangular shape, the setback from the rear property line to any building or structure shall be determined as follows: The average depth of the area enclosed by an extension of the side walls; the rear wall; and the rear property line(s), between the extended side wall lines, shall be a minimum of 30' (thirty feet). The average depth shall be determined by measuring the distance between the extended side wall lines over the rear length of the building or structure. In no case shall the building or structure be located less than 10' (ten feet) from any property line.
3. SIDE SETBACK.  
All buildings and structures shall set back a distance of at least 10' (ten feet) from any side property line.
4. FRONT SETBACK, CORNER LOT.  
On lots bounded by two intersecting streets, all buildings and structures with the front elevation fronting on the intersection but on neither street shall have a building line no less than 30' (thirty feet) from each street right-of-way boundary; and all buildings and structures with the front elevation facing only one of the intersecting streets, the front setback from the facing adjacent street shall be 35' (thirty-five feet) and the side setback on the plat, but in no instance shall it be less than 30' (thirty feet).
5. REAR SETBACK, CORNER LOT.  
On lots bounded by two intersecting streets, the rear yard setback shall average a distance of 30' (thirty feet). The average depth of the area enclosed by an extension of the side walls; the rear wall; and the property line(s), between the extended side wall lines, shall be a minimum of 30' (thirty feet). The average depth shall

be determined by measuring the distance between the extended side wall lines over the rear length of the building or structure. In any case shall the building or structure be located less than 10' (ten feet) from any property line.

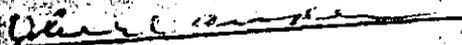
EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Adopted by the City Council this 4th day of October 1971

Approved by the Mayor this 4th day of October 1971

  
Mayor

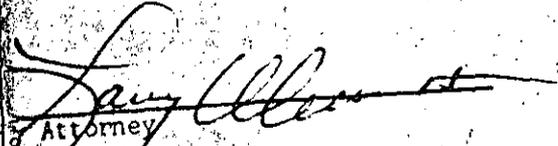
Attest:

  
Clerk

Approved for Content:

  
Finance Committee

Approved for Form:

  
Attorney

ORDINANCE NO. 412 G

AN ORDINANCE TO INCREASE PLAN COMMISSION MEMBERSHIP FROM SEVEN TO NINE MEMBERS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

15-803 DELETIONS. Section 1. Section 15-201 CREATION OF COMMISSION shall be deleted.

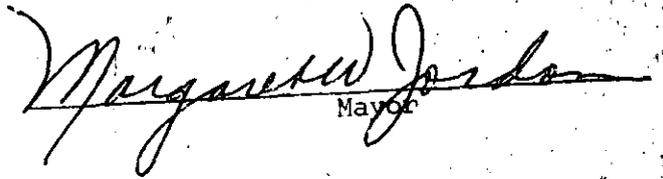
15-904 ADDITIONS. Section 2. 15-201 CREATION OF COMMISSION shall be added as follows:

15-201 CREATION OF COMMISSION. There is hereby created a city plan commission consisting of nine taxpayers, seven of whom shall be electors of the city and two of whom shall reside outside of, but within three miles of, the corporate limits of the city.

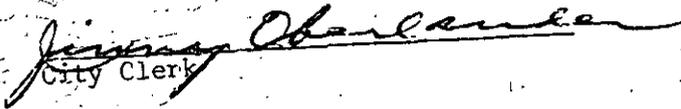
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 20th day of September, 1971.

Approved by the Mayor this 20th day of September, 1971.

  
Mayor

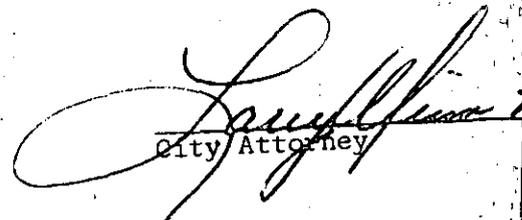
Attest:

  
City Clerk

Approved for Content:

  
Chairman, Ordinance Committee

Approved as to Form:

  
City Attorney

AN ORDINANCE PROVIDING FOR RESIDENTIAL GARAGE PARKING REQUIREMENTS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

15-903 ADDITIONS: Section 1. Sub-Section 15-102 (1) shall be added as follows:

No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles in an area designated as garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper,

Passed by the City Council this 6th day of July 1971

Approved by the Mayor this 6th day of July 1971

*Margaret W. Jordan*  
Mayor

Attest:

*James Oberlander*  
City Clerk

Approved for Content:

*C. Johnson*  
Ordinance Committee

Approved for Form:

*Larry [Signature]*  
City Attorney

An Ordinance providing for PARKING OF CERTAIN VEHICLES IN RESIDENTIALLY ZONED AREAS AND EXCEPTIONS THERETO.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

15-802 DELETIONS. Section 1. PROHIBITIONS Sub-section 15-102 (j) shall be deleted.

15-902 ADDITIONS: Section 2. PROHIBITIONS - sub-section 15-102 (j) shall be added as follows:

- j)
- (1) PARKING OF CERTAIN VEHICLES IN RESIDENTIALLY ZONED AREAS AND EXCEPTIONS THERETO. Other than children's toys, garden carts or lawn equipment, no wheeled vehicle, boats, helicopters, campers, trailers, mobil homes (self-propelled or otherwise) or other type of wheeled vehicle, other than private passenger cars, station wagons, motorcycles and bicycles, shall be parked placed for a time exceeding fifteen (15) days during any three consecutive months in any area zoned for residential use or in the street adjacent thereto so that such prohibited vehicle or any part thereof is visible from the street in front of the residence or in the view of any adjoining property owners, whether from the side streets or from their residences or businesses. For the purposes of this ordinance a part of a day shall be considered a full day. This ordinance shall not apply to vehicles so parked during construction of a residence or addition thereto. It shall be unlawful for any person to occupy any camper or mobile home or permit such use thereof by another.

*Handwritten notes:*  
15-802  
15-902

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 5th day of April 1971

Approved by the Mayor this 5th day of April 1971

Attest:

*V. M. Donald*  
Mayor

*James Oberlander*  
City Clerk

Approved for form:

Approved for Content:

*Margaret W. Jordan*

*Paul O. Taylor*  
City Attorney