



AGENDA CITY COUNCIL AND PLANNING COMMISSION WORKSHOP

7651 E. Central Park Ave, Bel Aire, KS

Video Available at belaireks.gov

October 13, 2026 7:00 PM



I. Zoning Code Updates- Workshop #3

A. Draft Updates

Notice

It is possible that sometime between 6:30 PM and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body and the Planning Commission may be present in the meeting room or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed on www.belaireks.gov and on YouTube. Please make sure all cell phones and other electronics are turned off and put away.



STAFF REPORT

DATE: October 9, 2026
TO: Mayor Benage and City Council
FROM: Paula Downs, Director of Community Development
RE: Zoning Workshop #3

PURPOSE

The City is continuing its update of the Zoning Regulations through a series of joint City Council and Planning Commission workshops. Workshop 3 will focus on two new components of the draft regulations:

- Part 6, Dimension Standards; and
- Section 8.8, Residential Neighborhood Pattern Standards.

The attached materials are provided in advance to support an informed discussion. Staff and the Consultant seek consensus direction on the policy approach, the general standards, and any targeted revisions needed before drafting continues.

BACKGROUND

Workshop 1 established project priorities and the overall approach to the update. Workshop 2 focused on the proposed zoning districts, use categories, use definitions, and use table. Feedback from those workshops has been incorporated into the current draft materials.

The regulations are being organized as a concise, plain-English document that separates related subjects and minimizes unnecessary repetition. The City's goal is to create a usable code that clearly communicates expectations to residents, property owners, elected and appointed officials, City staff, and the development community.

MATERIALS PROVIDED FOR REVIEW

The attached draft materials include the cover and table of contents, Part 4, Part 5, Part 6, and a partial draft of Part 8.

The cover and table of contents show the proposed organization of the complete regulations. The document is structured to separate administration, districts, uses, dimensional standards, supplemental standards, site development standards, nonconformities, and enforcement. It is provided for general reference and to show how the individual draft sections will fit within the final regulations.

Part 4 establishes the base zoning districts, district intent statements, the Official Zoning Map, map interpretation rules, and overlay districts. The proposed base districts and their intended development patterns reflect the direction discussed during Workshop 2. Part 4 also includes the Planned Unit Development Overlay District, Protective Overlay District, and Airport Hazard Overlay District framework. This material is provided for review in regulation form but is not a primary Workshop 3 discussion item.

Part 5 contains the Use Catalog and Use Table. It organizes uses into clear categories, provides plain-English definitions, and identifies where each use is permitted, conditional, or not permitted. The use classifications and permissions reflect the Workshop 2 discussion, including the City's direction to allow a broader range of housing types in the Neighborhood Residential District and

more intensive districts. Part 5 is also provided for reference rather than substantive Workshop 3 discussion.

DISCUSSION: PART 6--DIMENSION STANDARDS

Part 6 is a new draft section that establishes the basic physical standards for development in each zoning district. Rather than repeating standards in separate district sections, the draft uses one Master Dimension Standards Table. This approach is intended to make the regulations shorter, easier to compare, and easier to administer. The table addresses lot frontage, front, side, and rear setbacks, lot coverage, separation between principal buildings, and maximum building height. It is coordinated with the district intent statements and distinguishes between rural, suburban, neighborhood, activity-center, employment, industrial, and open-space settings. The draft does not establish minimum lot area requirements. Instead, it relies on frontage, setbacks, lot coverage, height, access, parking, and other site standards to shape development. This approach provides flexibility while retaining predictable physical standards.

Part 6 also includes standards for common-wall lots and a zero-lot-line option for one-unit residential development. These provisions are intended to allow practical residential formats by right while ensuring that resulting lots remain compliant with applicable zoning, access, utility, and safety requirements. The included illustrations are explanatory tools intended to help users understand how setbacks, lot configurations, common walls, alleys, and zero-lot-line development are measured and applied.

DISCUSSION: SECTION 8.8--RESIDENTIAL NEIGHBORHOOD PATTERN STANDARDS

Section 8.8 is a new draft section intended to address repetitive residential development patterns without prescribing architectural styles, building materials, paint colors, or a mandatory mix of housing types. The standards apply to new residential developments with 12 or more dwelling units. They focus on the arrangement of homes along a block face and require variation in building form, building width, roof form, entry or garage configuration, or orientation. The draft limits the number of consecutive homes with the same form and requires additional variation on longer block faces. The standards do not require a developer to include a particular mix of one-unit, two-unit, or small multi-unit residential uses. Those housing types are addressed through the Use Table and district standards. Instead, Section 8.8 is focused on avoiding long, repetitive runs of substantially identical buildings and creating a more varied and coherent neighborhood pattern.

ZONING REGULATIONS

CITY OF BEL AIRE, KANSAS



CITY OF BEL AIRE, KANSAS

ZONING REGULATIONS

EFFECTIVE DATE: _____

ADOPTED BY ORDINANCE NO: _____

AMENDMENTS	
ORDINANCE NO.	DATE



CONTENTS

PART 1. General Provisions 1

1.1 Title, Purpose, and Authority 1

1.2 Applicability 1

1.3 Relationship to Other Laws and Plans 1

1.4 Severability..... 1

PART 2. Interpretation, General Definitions, and Measurement..... 2

2.1 Rules of Construction and Interpretation 2

2.2 General Definitions 2

2.3 Rules of Measurement..... 2

PART 3. Administrative and Development Decisions 3

3.1 Administration and Authority 3

3.2 General Application and Decision Procedures 3

3.3 Administrative Decisions and Zoning Permits..... 3

3.4 Conditional Use Permits 3

3.5 Zoning Map and Text Amendments 3

3.6 Planned Unit Development Approval and Amendment Procedures..... 3

3.7 Variances, Appeals, and Interpretations 4

PART 4. Zoning Districts and Official Zoning Map 5

4.1 Establishment of Base Districts 5

4.2 Official Zoning Map and District Boundaries 7

4.3 Annexed and Deannexed Land..... 8

4.4 Establishment of Overlay Districts..... 8

4.5 Planned Unit Development Overlay District (PUD)..... 9

4.6 Protective Overlay District (PO)..... 10

4.7 Airport Hazard Overlay District (AO)..... 12

PART 5. Use Regulations 19

5.1 General Use Rules..... 19

5.2 Use Classification and Interpretation 19

5.3 Use Catalog 20

5.4 Use Table..... 24

PART 6. Dimension Standards 26

6.1 General Application of Dimension Standards..... 26

6.2 Master Dimension Standards Table 31

6.3 Dimension Standards Illustrations 32

PART 7. Accessory and Supplemental Use Standards..... 35

7.1 General Applicability..... 35

7.2 Accessory Uses and Structures..... 35

7.3 Accessory Dwelling Units 35

7.4	Home Occupations	35
7.5	Temporary Uses and Structures.....	35
7.6	Use-Specific Standards	35
PART 8.	Site Development Standards	36
8.1	General Applicability.....	36
8.2	Access, Parking, and Loading.....	36
8.3	Landscaping and Screening	36
8.4	Fences and Walls	36
8.5	Signs.....	36
8.6	Exterior Lighting.....	36
8.7	Performance Standards.....	36
8.8	Residential Neighborhood Pattern Standards.....	37
PART 9.	Nonconformities and Transition	40
9.1	Purpose and Applicability.....	40
9.2	Existing Approvals and Vested Development Rights.....	40
9.3	Nonconforming Lots	40
9.4	Nonconforming Structures	40
9.5	Nonconforming Uses	40
9.6	Damage, Discontinuance, Expansion, and Change	40
9.7	Transition Provisions.....	40
PART 10.	Enforcement and Penalties.....	41
10.1	Violations.....	41
10.2	Enforcement Authority and Remedies.....	41
10.3	Penalties.....	41
10.4	Continuing Violations.....	41

PART 4. ZONING DISTRICTS AND OFFICIAL ZONING MAP

4.1 ESTABLISHMENT OF BASE DISTRICTS

4.1.1 BASE DISTRICT NAMES AND ABBREVIATIONS

Table 4-1. Base Zoning Districts

DISTRICT NAME	ABBREVIATION
Agricultural District	AG
Large-Lot Residential District	LR
Neighborhood Residential District	NR
Community Residential District	CR
Neighborhood Activity District	NA
Community Activity District	CA
Institutional and Employment District	IE
Industrial and Logistics District	IL
Parks and Open Space District	OS

The districts listed in Table 4-1 are base zoning districts. An overlay district applies in addition to the applicable base district as provided in Section 4.4 through 4.7.

4.1.2 BASE DISTRICT INTENT STATEMENTS

- A. **AGRICULTURAL DISTRICT (AR).** The Agricultural District preserves Bel Aire’s rural landscape, productive land, natural systems, and open character. It provides a low-intensity setting at the edge of the City and for land not yet ready for urban development. The district protects land from premature fragmentation while allowing a deliberate transition to urban development when public facilities, access, and planning support that change.
- B. **LARGE-LOT RESIDENTIAL DISTRICT (LR).** The Large-Lot Residential District provides a spacious, low-intensity residential setting characterized by larger lots, detached homes, generous open areas, and a rural or semi-rural character. It serves as a transition between agricultural land and more conventional suburban neighborhoods. Development should retain a sense of separation between homes and preserve the district’s open appearance.
- C. **NEIGHBORHOOD RESIDENTIAL DISTRICT (NR).** The Neighborhood Residential District provides primarily detached-home neighborhoods with a familiar suburban character. It is intended to retain the qualities valued in existing Bel Aire neighborhoods, including yards, streets, and open space, while allowing gradual diversification in housing form and neighborhood character. Development should fit comfortably within its surroundings and support stable, connected, and welcoming neighborhoods.
- D. **COMMUNITY RESIDENTIAL DISTRICT (CR).** The Community Residential District provides connected residential neighborhoods with a broader range of housing forms, building scales, and neighborhood activity than the Neighborhood Residential District. It is intended to create a more compact and walkable pattern while retaining a comfortable residential character. The district provides a transition between lower-intensity neighborhoods and more active community areas.

- E. **NEIGHBORHOOD ACTIVITY DISTRICT (NA).** The Neighborhood Activity District provides small-scale activity centers that are integrated with and serve surrounding neighborhoods. It is intended for development that is convenient, visible, and accessible while remaining compatible with nearby homes. Buildings, streets, parking, landscaping, and pedestrian connections should work together to create an orderly and approachable neighborhood setting.
- F. **COMMUNITY ACTIVITY DISTRICT (CA).** The Community Activity District provides community-scale destinations along major corridors, key intersections, and other highly accessible locations. It is intended to accommodate a greater concentration and intensity of development than the Neighborhood Activity District while creating cohesive, well-designed activity centers. Development should provide safe circulation, coordinated site design, and appropriate transitions to nearby residential areas.
- G. **INSTITUTIONAL AND EMPLOYMENT DISTRICT (IE).** The Institutional and Employment District provides locations for larger campuses and employment-oriented development. It is intended for areas with access to major streets and the capacity to support larger sites, buildings, and coordinated development patterns. The district should provide an organized transition between community activity areas, residential areas, and industrial development.
- H. **INDUSTRIAL AND LOGISTICS DISTRICT (IL).** The Industrial and Logistics District protects land for development characterized by larger buildings, freight movement, equipment, outdoor operations, and employment activity. It is intended for locations with appropriate transportation access, site capacity, and separation from lower-intensity development. Development should be organized to reduce visual, operational, and traffic impacts on nearby property and public streets.
- I. **PARKS AND OPEN SPACE DISTRICT (OS).** The Parks and Open Space District protects land that contributes to Bel Aire’s parks, greenways, drainage systems, natural features, scenic areas, and connected open-space network. It is intended to preserve environmental resources and provide space for recreation, gathering, trails, and outdoor enjoyment. Buildings and improvements should remain secondary to the district’s open-space and natural-resource character.

4.1.3 EFFECT OF BASE DISTRICTS

The base zoning districts listed in Table 4-1 are the primary zoning classifications for land within the City. Each lot, tract, or parcel within the City is subject to the base district shown on the Official Zoning Map.

Except as expressly allowed by these Regulations, no land, building, or structure may be used, established, constructed, enlarged, moved, or altered except in compliance with the applicable base district, any applicable overlay district, and all other applicable provisions of these Regulations. Part 5 establishes use permissions; Part 6 establishes district standards; Part 7 establishes accessory and supplemental use standards; and Part 8 establishes site development standards.

A district intent statement guides interpretation of district standards but does not independently permit, prohibit, or condition a use. The Use Table and applicable district standards control.

No lot, tract, or parcel may be created, divided, reduced, or otherwise altered in a manner that causes a use, building, structure, yard, setback, lot coverage, density, parking area, or other site feature to become nonconforming with these regulations.

4.2 OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES

4.2.1 OFFICIAL ZONING MAP

- A. The location and boundaries of all base zoning districts and overlay districts are shown on the Official Zoning Map.
- B. The Official Zoning Map, including all district labels, boundary lines, legends, notations, references, and other information shown on the map, is adopted as part of these Regulations.
- C. The Official Zoning Map shall identify:
 - The base zoning district applicable to each property;
 - The location and designation of each Planned Unit Development Overlay District;
 - The location and designation of each Protective Overlay District; and
 - The general location of the Airport Hazard Overlay District.
- D. The City Clerk shall maintain the official copy of the Official Zoning Map as a public record. The Zoning Administrator may maintain paper, electronic, and public-reference copies of the map; however, the official copy maintained by the City Clerk controls in the event of a conflict.
- E. A change to the Official Zoning Map is effective only after approval under Part 3 and adoption of the applicable ordinance.

4.2.2 OVERLAY DISTRICT DESIGNATIONS AND RECORDS

- A. An overlay district shall be identified on the Official Zoning Map using the applicable map code and a unique identifying number where needed to connect the mapped property with its approving ordinance or plan.
- B. A Protective Overlay District shall be identified by the designation “PO,” followed by the two-digit year of approval and a sequential number assigned within that calendar year. For example, the first Protective Overlay District approved in 2026 shall be identified as “PO-26-01.”
- C. A Planned Unit Development Overlay District shall be identified by the designation “PUD,” followed by the two-digit year of approval and a sequential number assigned within that calendar year. For example, the first Planned Unit Development Overlay District approved in 2026 shall be identified as “PUD-26-01.”
- D. The ordinance approving a Protective Overlay District shall contain the complete list of applicable restrictions. The approved PUD plan and approving ordinance shall contain the complete requirements for a Planned Unit Development Overlay District.
- E. The Airport Hazard Zoning Map adopted under Section 4.7 controls the exact boundaries, airport overlay surfaces, height limits, and other Airport Hazard Overlay District requirements. The Official Zoning Map may show the AO district for general reference but does not replace the Airport Hazard Zoning Map.
- F. The City shall maintain an overlay district index that identifies each PUD and PO designation, the affected property, the approving ordinance, and the controlling plan or restriction document.

4.2.3 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Where a district boundary follows a street, highway, alley, or railroad right-of-way, the boundary follows the centerline of that feature unless the Official Zoning Map clearly indicates otherwise. Where a boundary follows a lot, tract, or other property line, the boundary follows that line.
- B. Where the Official Zoning Map identifies a boundary by a stated distance or as a strip along a street, highway, or railroad right-of-way, that dimension controls. If a distance is not shown and the exact location is unclear, the Zoning Administrator shall determine the location using the map scale and other reliable evidence of the map's intent.
- C. Where a district boundary divides a lot, the owner may apply the regulations of either district to the entire lot, provided the extension does not exceed 25 feet beyond the actual district boundary.
- D. Where the location of a street, alley, or other public way on the ground differs from its location on the Official Zoning Map, the Zoning Administrator shall apply the mapped district designation to the feature as constructed in a manner consistent with the intent of these regulations.
- E. When a public way is vacated, the zoning districts on each side extend to the centerline of the vacated area unless otherwise provided by an adopted ordinance or zoning map amendment.
- F. The boundary of a Planned Unit Development Overlay District or Protective Overlay District is controlled by the legal description and map attached to the approving ordinance. If the ordinance exhibit and Official Zoning Map conflict, the approving ordinance controls.
- G. The boundary of the Airport Hazard Overlay District is controlled by the Airport Hazard Zoning Map adopted under Section 4.7.
- H. The Zoning Administrator shall issue a written determination when the exact location of a district boundary is uncertain. A determination may be appealed under Section 3.7.

4.3 ANNEXED AND DEANNEXED LAND

4.3.1 ANNEXED LAND

Land annexed into the City shall be classified Agricultural District (AG) on the effective date of annexation unless another base district has been approved under Part 3 to take effect upon annexation.

4.3.2 DEANNEXED LAND

- A. Land remains subject to these regulations until the effective date of deannexation. After that date, the City's zoning classification and regulations no longer apply to the deannexed land.
- B. Following an effective deannexation, the City Clerk shall update the Official Zoning Map and reference copies to show that the land is outside the City's zoning jurisdiction.

4.4 ESTABLISHMENT OF OVERLAY DISTRICTS

4.4.1 APPLICABILITY OF OVERLAY DISTRICTS

An overlay district applies in addition to the base district assigned to property by the Official Zoning Map. Establishment of an overlay district does not replace or change the underlying base district unless a separate zoning map amendment does so.

An overlay district applies only where it is shown on the Official Zoning Map or specifically identified in an ordinance approving the overlay district or an associated development plan.

More than one overlay district may apply to the same property.

4.4.2 EFFECT OF OVERLAY DISTRICT STANDARDS

Property subject to an overlay district shall comply with the standards of the applicable base district, the overlay district, and all other applicable provisions of these regulations.

Where an overlay district standard conflicts with a base district standard, the overlay district standard controls. Where standards of two overlay districts conflict, the more restrictive standard controls unless these regulations or an approving ordinance expressly provides otherwise.

An overlay district modifies a base district standard only when the applicable overlay district standards or an approved development plan clearly states the modification. All standards not expressly modified remain in effect.

An overlay district does not waive applicable building, subdivision, engineering, floodplain, fire, utility, or other City requirements unless relief is separately granted under the regulations that govern that requirement.

4.5 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

4.5.1 PURPOSE

The Planned Unit Development Overlay District allows the City to approve a coordinated development plan when the site, public improvements, or development concept justify a development pattern that differs from strict application of the underlying base-district standards. A PUD is an overlay district and does not replace the applicable base zoning district.

A Planned Unit Development may:

- Coordinate the development of related lots, buildings, streets, parking areas, open space, utilities, and site amenities;
- Allow flexibility in standards that are designed primarily for individual lots;
- Respond to unique site conditions or development opportunities;
- Accommodate a coordinated mix of compatible uses; and
- Achieve a development pattern, public benefit, or other outcome that would not reasonably result from strict application of base-district standards.

4.5.2 APPLICABILITY AND USE AUTHORIZATION

The Planned Unit Development Overlay District may be applied to one or more contiguous zoning lots in any base zoning district. At the time of application, all land included in the PUD must be under unified ownership or control, or the application must include written consent from each affected property owner.

A PUD Plan may authorize a use defined in Part 5 that would otherwise be permitted, conditional, or not permitted in the underlying base district, provided that the use, its location, its scale, and any applicable limitations or conditions are clearly identified on the approved PUD Plan and in the ordinance approving the PUD.

Only uses expressly identified on the approved PUD Plan may be established within a PUD. Approval of a PUD Plan authorizes the uses identified on that Plan. A separately approved Conditional Use Permit is not required unless the ordinance approving the PUD expressly requires one.

A PUD shall not be used solely to obtain an isolated exception from a zoning standard or use limitation. The applicant must demonstrate that the proposed development provides a coordinated design, public benefit, or development outcome that is superior to what could reasonably be achieved through ordinary application of the underlying base-district standards.

An application for a PUD and the required PUD Plan must comply with Section 3.6.

4.5.3 AUTHORIZED MODIFICATIONS

An approved PUD Plan may modify otherwise applicable standards for lot area, lot dimensions, building height, setbacks, lot coverage, open space, parking and loading, access, landscaping, screening, signs, and other site-development standards.

Each approved modification must be clearly identified on the PUD Plan and in the ordinance approving the PUD. All applicable standards not expressly modified by the approved PUD Plan or approving ordinance remain in effect.

4.5.4 EFFECT OF APPROVAL

Approval of a PUD is a zoning map amendment. The ordinance approving the PUD shall incorporate the approved PUD Plan and all conditions of approval by reference.

The approved PUD Plan and all conditions of approval run with the land and are binding on present and future owners, applicants, developers, and occupants.

Development, subdivision, site plans, zoning permits, building permits, and certificates of occupancy within an approved PUD must comply with the approved PUD Plan and all conditions of approval.

A PUD does not exempt development from applicable subdivision, engineering, building, fire, utility, floodplain, or other City requirements. Relief from those requirements must be approved under the regulations that govern that requirement.

An approved PUD may be amended only in accordance with Section 3.6. A minor adjustment or written interpretation may be issued only in accordance with Section 3.6.3.

4.6 PROTECTIVE OVERLAY DISTRICT (PO)

4.6.1 PURPOSE

The Protective Overlay District is a site-specific overlay district that may be applied in combination with any base zoning district.

The purpose of the Protective Overlay District is to:

- Protect nearby property from incompatible or potentially incompatible development;
- Ease the transition between zoning districts or development patterns;
- Address unusual site conditions, access constraints, or other identified development issues; and
- Apply clear, enforceable restrictions to a specific property when the applicable base district alone does not adequately address a compatibility concern.

4.6.2 AUTHORIZED PROTECTIVE OVERLAY RESTRICTIONS

- A. A Protective Overlay District may impose only requirements that are more restrictive than the applicable base-district standards.
- B. A Protective Overlay ordinance may:

- Prohibit a principal, conditional, or accessory use otherwise allowed by the applicable base district;
 - Reduce the maximum number or density of dwelling units;
 - Reduce maximum floor area, lot coverage, or building height;
 - Increase minimum lot area, lot width, open-space, or setback requirements;
 - Require additional screening, landscaping, buffering, lighting, building-placement, or site-design standards authorized by these Regulations;
 - Restrict the number, location, design, or use of driveways, access points, parking areas, loading areas, outdoor storage areas, or service areas;
 - Restrict access to an adjoining property, street, or roadway; or
 - Impose another specific and objectively measurable development restriction authorized by these Regulations.
- C. Each Protective Overlay restriction shall be stated in clear, measurable terms. A restriction shall not depend upon a future discretionary approval unless another provision of these Regulations expressly requires that approval.

4.6.3

LIMITATIONS

- A. A Protective Overlay District shall not:
- Authorize a use not otherwise permitted or conditionally permitted by the applicable base district;
 - Reduce a required setback, lot area, lot width, parking requirement, landscaping requirement, or other base-district or citywide standard;
 - Increase permitted density, building height, floor area, lot coverage, or development intensity;
 - Convert a permitted use into a conditional use; or
 - Substitute for a Planned Unit Development Overlay District when a coordinated site plan, a mixture of uses, or modifications to base-district standards are requested.
- B. A Protective Overlay District is intended to resolve defined compatibility issues at the time of zoning. It shall not be used to impose vague operational requirements, create continuing case-by-case review, or require a detailed development plan unless a Planned Unit Development Overlay District is also approved.

4.6.4

EFFECT, AMENDMENT, AND REMOVAL

Each Protective Overlay restriction must be identified in the ordinance establishing the overlay district and in any adopted exhibit incorporated by reference. The restrictions run with the land and apply to each owner, tenant, developer, and successor in interest.

A zoning permit, building permit, site plan, plat, or other development approval must comply with all applicable Protective Overlay restrictions. A violation of a Protective Overlay restriction is a violation of these Regulations.

A Protective Overlay District may be amended or removed only through a zoning map amendment in accordance with Part 3. An administrative interpretation may clarify the application of a Protective Overlay restriction but shall not modify, waive, add, or remove a restriction.

A lawful use or structure made nonconforming by establishment of a Protective Overlay District is subject to Part 9.

4.7

AIRPORT HAZARD OVERLAY DISTRICT (AO)

4.7.1

TITLE, AUTHORITY, AND PURPOSE

- A. This Section is the Airport Hazard Overlay District. It regulates airport hazards within the vicinity of Colonel James Jabara Airport.
- B. This Section is adopted under K.S.A. 3-701 through 3-713, as amended. It regulates the height of structures, objects, natural vegetation, terrain, and other natural or constructed conditions that may create hazards to air navigation.
- C. The City recognizes Colonel James Jabara Airport as an important public facility and an economic-development asset. The purposes of this Section are to:
 - Prevent the creation or establishment of airport hazards;
 - Protect the public health, safety, and welfare;
 - Protect the safe landing, takeoff, and maneuvering of aircraft;
 - Protect the public investment in the airport; and
 - Promote land development that is compatible with airport operations.
- D. An airport hazard is a public nuisance and is contrary to the public interest. Preventing new airport hazards, and eliminating, removing, altering, mitigating, marking, or lighting existing airport hazards, is a public purpose.

4.7.2

APPLICABILITY, MAP, AND RELATIONSHIP TO OTHER REGULATIONS

- A. This Section applies to land within the Airport Hazard Overlay District shown on the Wichita-Sedgwick County Airport Hazard Zoning Map, as applicable to the City of Bel Aire.
- B. The Wichita-Sedgwick County Airport Hazard Zoning Map, including its notations, elevations, zone boundaries, airport overlay surfaces, and other information, is adopted by reference as part of these Regulations. The official map shall be kept on file in the office of the City Clerk.
- C. The Airport Hazard Overlay District applies in addition to the applicable base zoning district and any other overlay district. It does not replace the base district.
- D. Where this Section conflicts with another provision of these Regulations, the more restrictive requirement applies.
- E. The requirements of this Section control over a permitted use, development standard, exception, or approval otherwise available under these Regulations when necessary to prevent an airport hazard.

4.7.3

AIRPORT HAZARD DEFINITIONS

The following definitions apply only within this Section. If a definition in this Section conflicts with a general definition in Part 2, the definition in this Section controls.

- A. **AIRCRA'** A device used or intended to be used for flight in the air, including fixed-wing aircraft, helicopters, gliders, drones, airships, balloons, powered parachutes, and seaplanes.
- B. **AIRPORT.** Land or water designed and set aside for the landing and takeoff of aircra' The term includes a heliport.

- C. **AIRPORT ELEVATION.** The established elevation, above mean sea level, of the highest point on the airport landing area used or intended for takeoff and landing.
- D. **AIRPORT HAZARD.** Regardless of height, a natural or constructed condition that may create glare, visual impairment, wildlife attractants, or another hazard to pilots or aircraft operations.
- E. **AIRPORT HAZARD ZONING MAP.** The Wichita-Sedgwick County Airport Hazard Zoning Map prepared using the criteria in 14 CFR Part 77. The map shows airport hazard zones, airport overlay surfaces, runway locations, airport boundaries, elevations, topography, and applicable height limitations.
- F. **AIRPORT OVERLAY SURFACE.** A surface intended to establish height and land-use conditions on land affected by airport operations while retaining the underlying zoning district. The airport overlay surfaces include the Runway Protection Surface, Runway Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface.
- G. **AIRPORT REFERENCE POINT.** The point at the approximate center of an airport landing area, as shown on the Airport Hazard Zoning Map.
- H. **APPROACH SURFACE.** A surface centered on the extended runway centerline that extends outward and upward from the end of the Primary Surface at the applicable slope.
- I. **CONICAL SURFACE.** A surface extending outward and upward from the edge of the Horizontal Surface at a slope of 20 horizontal feet for each 1 vertical foot for a distance of 4,000 feet.
- J. **DRONE.** An unmanned aircraft operated without the possibility of direct human intervention from within or on the aircraft.
- K. **FAA.** The Federal Aviation Administration.
- L. **GOVERNING BODY.** The City Council of the City of Bel Aire.
- M. **HARD SURFACE.** A runway surfaced with asphalt or concrete. The term does not include a grass or dirt runway.
- N. **HEIGHT.** Unless otherwise specified, elevation above mean sea level used to determine the maximum height of an object within an airport hazard zone or airport overlay surface.
- O. **HELIPORT.** An area on land, water, or a structure set aside for the landing and takeoff of helicopters and related fueling, repair, or storage activities.
- P. **HORIZONTAL SURFACE.** A horizontal plane located 150 feet above the established Airport Elevation. The surface begins at the edge of the Primary and Transitional Surfaces and extends 5,000 feet for visual approach runways and 10,000 feet for other runways.
- Q. **JABARA.** Colonel James Jabara Airport, a civilian general-aviation reliever airport located partly within the City of Bel Aire and partly within the City of Wichita.
- R. **LARGER THAN UTILITY RUNWAY.** A runway constructed for propeller-driven aircraft with a maximum gross weight greater than 12,500 pounds and for jet-powered aircraft.
- S. **MANAGER.** The Director of Airports of the Wichita Airport Authority for Colonel James Jabara Airport.
- T. **NATURAL VEGETATION.** A tree or other object of natural growth.
- U. **NONCONFORMING USE.** A preexisting structure, object of natural growth, or use of land that does not comply with this Section.
- V. **NON-PRECISION INSTRUMENT RUNWAY.** A runway with an approved or planned instrument approach using horizontal guidance only and without a precision approach system.

- W. **NON-PUBLIC USE AIRPORT.** An airport designated for private or restricted use and not open to the general public.
- X. **PERSON.** An individual, firm, partnership, corporation, company, association, governmental entity, trustee, receiver, assignee, or similar representative.
- Y. **PRECISION INSTRUMENT RUNWAY.** A runway with an existing or planned instrument approach using an instrument landing system, precision approach radar, or another FAA-recognized precision approach system.
- Z. **PRIMARY SURFACE.** A surface centered on a runway. Its length, width, and elevation are determined by the runway type and the most precise existing or planned approach, consistent with 14 CFR Part 77.
- AA. **PUBLIC USE AIRPORT.** An airport available for use by the general public without prior approval of the airport owner or operator.
- BB. **RUNWAY.** A defined area of an airport prepared for aircraft landing and takeoff.
- CC. **RUNWAY APPROACH SURFACE.** The critical surface centered on the extended runway centerline that protects aircraft approach and departure areas.
- DD. **RUNWAY PROTECTION SURFACE.** An area beyond the end of a runway intended to remain clear of above ground obstructions to protect people, property, and aircraft operations.
- EE. **STRUCTURE.** An object constructed or installed by people, including a building, tower, smokestack, pole, pole line, light pole, sign, earth formation, or overhead transmission line.
- FF. **TRANSITIONAL SURFACE.** A surface extending outward and upward at right angles from the sides of the Primary Surface and Runway Approach Surface at a slope of 7 horizontal feet for each 1 vertical foot.
- GG. **UTILITY RUNWAY.** A runway constructed for and intended to serve propeller-driven aircraft with a maximum gross weight of 12,500 pounds or less.
- HH. **VERTIPORT.** An area of land, water, or a structure used or intended to support the landing, takeoff, taxiing, parking, or storage of powered-lift aircraft.
- II. **VISUAL APPROACH.** An approach conducted with visual reference to terrain.
- JJ. **VISUAL RUNWAY.** A runway intended solely for aircraft using visual approach procedures, with no straight-in instrument approach procedure or instrument designation shown on an FAA-approved airport layout plan or other FAA planning document.

4.7.4

AIRPORT OVERLAY SURFACES AND JABARA HEIGHT LIMITS

- A. The Airport Hazard Overlay District includes all land beneath the Runway Protection Surface, Runway Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces for Jabara, as shown on the Airport Hazard Zoning Map.
- B. The established Airport Elevation for Jabara is 1,420 feet above mean sea level.
- C. The following airport surfaces and height limits apply:
 - 1. Runway 36 Approach Surface. The inner edge is 1,000 feet wide and coincides with the Primary Surface. The surface extends outward to a width of 4,000 feet at a distance of 10,000 feet from the end of the Primary Surface. The height limitation rises 1 foot for each 40 horizontal feet.

2. Runway 18 Approach Surface. The inner edge is 1,000 feet wide and coincides with the Primary Surface. The surface extends outward to a width of 16,000 feet at a distance of 50,000 feet from the end of the Primary Surface. The height limitation rises 1 foot for each 50 horizontal feet for the first 10,000 feet, then 1 foot for each 40 horizontal feet for an additional 40,000 feet.
3. Transitional Surfaces. Height limitations rise 1 foot for each 7 horizontal feet outward from the sides of the Primary Surface and Runway Approach Surface until reaching 150 feet above Airport Elevation. Where a precision approach surface extends beyond the Conical Surface, the Transitional Surface extends 5,000 feet outward at right angles from the extended runway centerline.
4. Horizontal Surface. The Horizontal Surface is established using arcs with a radius of 5,000 feet for utility and visual runways and 10,000 feet for other runways. The height limitation is 150 feet above Airport Elevation.
5. Conical Surface. The Conical Surface extends 4,000 feet outward from the Horizontal Surface. The height limitation rises 1 foot for each 20 horizontal feet, from 150 feet to 350 feet above Airport Elevation.

4.7.5

SPACING OF ADJACENT AIRPORTS

- A. A new airport shall not be established, and an existing airport shall not be improved with approach-guidance equipment intended to improve instrument-flight capability, if any part of its boundary would lie within an airport overlay surface or within 8 miles of the Airport Reference Point of an airport existing on the effective date of this Section, unless approved under this Section.
- B. The Governing Body may approve an exception only after:
 1. Receipt of a complete application;
 2. Referral to the FAA, the Manager, the Zoning Administrator, and other affected planning agencies for review and recommendation;
 3. A public hearing; and
 4. A finding that literal enforcement would create an unnecessary hardship and that the exception would not be contrary to the public interest.
- C. An agency receiving a referral has 60 days to provide a report, unless the Governing Body grants a reasonable extension. Failure to respond within that period is deemed approval.
- D. An approved exception shall include conditions necessary to protect air safety, the public interest, and public and private investment in airports.

4.7.6

HEIGHT LIMITATIONS, MARKING, AND LIGHTING

- A. A structure, object, natural vegetation, or terrain shall not be erected, altered, allowed to grow, or maintained at a height that exceeds the applicable limitation shown on the Airport Hazard Zoning Map.
- B. Where two or more airport overlay surfaces overlap, the more restrictive height limitation controls.
- C. Lighting and marking requirements shall be determined through an FAA Form 7460-1 airspace analysis or other FAA process required by the Zoning Administrator.

- D. A permit or variance may require the owner of a structure, object, natural vegetation, or terrain to install, operate, and maintain lights, markers, or navigational aids necessary to identify an airport hazard. Requirements shall comply with the current FAA Advisory Circular 70/7460-1.
- E. The Governing Body may instead require the owner to allow the affected airport to install, operate, and maintain required marking or lighting at the expense of the airport owner.

4.7.7**USE LIMITATIONS**

- A. A land or water use shall not:
 - Make it difficult for pilots to distinguish airfield lights from other lights;
 - Create glare in the eyes of pilots;
 - Create smoke or impair visibility;
 - Create a bird-strike hazard; or
 - Otherwise endanger or interfere with aircraft landing, takeoff, or maneuvering.
- B. Outdoor lighting installed after the effective date of this Section within a Horizontal, Transitional, or Runway Approach Surface shall be shielded to direct light downward and reduce light visible from above. This requirement does not apply to lighting incidental to a residential use.
- C. This Section does not prohibit a structure or natural vegetation that does not exceed 25 feet above the ground surface, unless another provision of this Section requires an Airport Hazard Zoning Permit.

4.7.8**NONCONFORMING STRUCTURES, VEGETATION, AND USES**

- A. This Section does not require the removal, lowering, alteration, or discontinuance of a structure, natural vegetation, or use that was lawful when it became nonconforming.
- B. This Section does not interfere with construction, alteration, or a change in intended use when work began before the effective date of this Section and is diligently pursued.
- C. Notwithstanding Subsection A, the owner of a nonconforming structure or natural vegetation shall maintain required marking and lighting. The affected airport owner is responsible for installation, operation, and maintenance costs for marking and lighting required for an existing nonconforming structure or natural vegetation.

4.7.9**ADMINISTRATION AND AIRPORT HAZARD ZONING PERMITS**

- A. The Zoning Administrator shall administer and enforce this Section and may issue written interpretations.
- B. Applications for an Airport Hazard Zoning Permit, variance, appeal, or interpretation shall be submitted to the Zoning Administrator on forms provided by the City.
- C. An Airport Hazard Zoning Permit is required for:
 - A tower, structure, or object that transmits a signal, regardless of height; and
 - Any other structure, object, or natural vegetation that exceeds the applicable height limit shown on the Airport Hazard Zoning Map.
- D. An Airport Hazard Zoning Permit is not required for:
 - A structure less than 25 feet in vertical height above ground within Zone A;

- A structure less than 50 feet in vertical height above ground within Zone B, unless terrain or topography would cause it to penetrate an applicable airport overlay surface;
 - A structure less than 100 feet in vertical height above ground within Zone C, unless terrain or topography would cause it to penetrate an applicable airport overlay surface; or
 - A structure less than 200 feet in vertical height above ground within Zone D, unless terrain or topography would cause it to penetrate an applicable airport overlay surface.
- E. An applicant proposing a structure, object, or natural vegetation that exceeds an applicable height limitation, or a signal-transmitting tower, structure, or object of any height, shall use the FAA Notice Criteria Tool and submit one of the following:
- Documentation showing that FAA Form 7460-1 is not required; or
 - An FAA Obstruction Evaluation/Airport Airspace Analysis Determination.
- F. The applicant shall provide information reasonably necessary for review, including contact information, structure information, site information, drawings, effective radiated power and frequencies, proximity to navigation facilities, potential compatibility concerns, and FAA documentation.
- G. The Zoning Administrator shall approve an Airport Hazard Zoning Permit only when the proposal is compatible with this Section. The Zoning Administrator shall deny the permit if the FAA issues a determination of hazard or another adverse determination affecting airport operations, or if the proposal is otherwise incompatible with this Section.

4.7.10**VARIANCES**

- A. A person seeking to erect or increase the height of a structure, allow natural vegetation to grow, or use property contrary to this Section may apply to the Governing Body for a variance.
- B. A variance application shall include an FAA determination regarding the effect of the proposal on air-navigation facilities and the safe and efficient use of navigable airspace.
- C. The Governing Body may approve a variance only upon finding that:
1. Literal enforcement would create an unnecessary hardship;
 2. The relief is not contrary to the public interest;
 3. The relief will not create an airport hazard;
 4. The relief will do substantial justice; and
 5. The relief is consistent with the purpose and intent of this Section.
- D. Before acting on a variance, the City shall provide the Manager with a copy of the application and an opportunity to comment on its aeronautical effects. The Governing Body may act if the Manager does not respond within 15 days after receipt.
- E. A person aggrieved by a final decision of the Governing Body may seek judicial review as provided by law.

4.7.11**APPEALS**

- A. A person aggrieved by a decision of the Zoning Administrator under this Section may appeal to the Governing Body.

- B. An appeal shall be filed within 30 days after the decision by submitting a written notice that states the grounds for appeal. The Zoning Administrator shall transmit the record to the Governing Body.
- C. Filing an appeal stays further action on the decision unless the Zoning Administrator certifies that a stay would create imminent peril to life or property. In that circumstance, action is stayed only by order of the Governing Body for good cause shown.
- D. The Governing Body shall hold a hearing after publishing notice at least 15 days before the hearing and providing notice to interested parties.
- E. The Governing Body may affirm, reverse, modify, or remand the decision. A majority vote of the Governing Body is sufficient to act on an appeal or variance under this Section.
- F. A person aggrieved by a final decision of the Governing Body may seek judicial review as provided by law.

4.7.12 AMENDMENTS

- A. Amendment or repeal of this Section shall follow the procedure required by K.S.A. 3-705, as amended.
- B. A change to an airport zoning classification or airport overlay boundary requires review and recommendation by the Planning Commission, a public hearing and action by the Governing Body, and amendment of the applicable Airport Hazard Zoning Map.
- C. The City shall maintain current copies of the Airport Hazard Zoning Map in the office of the Zoning Administrator and provide updates to the Wichita-Sedgwick County Metropolitan Area Planning Department when required.

4.7.13 ENFORCEMENT AND PENALTIES

- A. The Zoning Administrator may pursue any lawful action to prevent, restrain, correct, or abate a violation of this Section or an order issued under this Section.
- B. A violation of this Section, or of a regulation, order, or ruling issued under this Section, is a misdemeanor. Each day a violation continues is a separate offense.
- C. The penalty for a violation shall not exceed a fine of \$2,500, imprisonment for 6 months, or both, unless a different penalty is required by state law.

4.7.14 CONFLICTING REGULATIONS

- A. Where this Section conflicts with another applicable regulation, including 14 CFR Part 77, the more stringent limitation or requirement controls.

4.7.15 SEVERABILITY AND EFFECTIVE DATE

- A. The severability and effective-date provisions in Part 1 apply to this Section.

PART 5. **USE REGULATIONS**

5.1 **GENERAL USE RULES**

5.1.1 **CONFORMITY WITH THE USE TABLE**

A principal use may be established only when it is identified as permitted or conditional in Table 5-1 for the applicable base district, except where these regulations expressly provide otherwise for an overlay district.

A use identified as permitted is subject to all applicable district, dimension, site, and supplemental standards of these regulations. Permitted status does not exempt a development from applicable limits on building scale, housing mix, parking, access, or other standards. A conditional use requires approval of a Conditional Use Permit under Part 3 before it may be established.

5.1.2 **USE TABLE CONVENTIONS**

- In Table 5-1:
- P means the use is permitted by right.
 - C means the use is allowed only with a Conditional Use Permit.
 - - means the use is not permitted.

5.1.3 **STATE AND FEDERAL HOUSING PROTECTIONS**

Nothing in these Regulations, including a use classification, Use Table entry, definition, district standard, or other zoning requirement, shall be interpreted or applied to exclude a Residential Care Home that qualifies as a group home under K.S.A. 12-736, and amendments thereto, from a zoning district where One-Unit Residential is permitted. Such a Residential Care Home shall not be subject to zoning requirements that do not apply to other One-Unit Residential dwellings in the same zoning district.

A Residential Care Home that qualifies as a group home under K.S.A. 12-736, and amendments thereto, remains subject to nondiscriminatory regulations applicable to other property and buildings in the same zoning district.

This section does not change the classification or applicable standards for a Residential Care Home that does not qualify as a group home under K.S.A. 12-736, and amendments thereto. Nothing in these Regulations limits the City's obligation to consider a reasonable accommodation or comply with another applicable protection under federal or state law.

5.2 **USE CLASSIFICATION AND INTERPRETATION**

5.2.1 **PRINCIPAL AND ACCESSORY USES**

A principal use is the primary use of a zoning lot or development site. An accessory use is customarily incidental and subordinate to a permitted principal use and may be established only when a lawful principal use exists or is established at the same time.

5.2.2 **MULTIPLE AND COMBINED USES**

When a site includes more than one principal use, each use must be separately allowed by the Use Table and comply with all applicable standards.

When a business combines activities, the Zoning Administrator shall classify the business according to its principal character and the activities that are integral to its operation. When a use is specifically included within a Use Catalog definition, that classification controls.

5.2.3 UNLISTED USES

A use that is not listed in the Use Catalog may be classified by the Zoning Administrator as a substantially similar listed use when the use has a similar purpose, operational character, intensity, and potential effects on surrounding property.

A use determination may not create a new use category, expand a listed use beyond its ordinary meaning, or allow a use that is inconsistent with the purpose of the applicable district.

5.2.4 USE DETERMINATIONS

The Zoning Administrator shall issue use determinations in writing. A written determination may be appealed under Section 3.7.

5.3 USE CATALOG

5.3.1 RESIDENTIAL USES

- A. **ONE-UNIT RESIDENTIAL.** A residential use consisting of one principal dwelling unit in a detached building on a zoning lot. Includes a site-built home, Modular Home, or Manufactured Home installed on an individual zoning lot. Does not include an Accessory Dwelling Unit.
- B. **TWO-UNIT RESIDENTIAL.** A residential building containing exactly two principal dwelling units. The dwelling units may be side-by-side, one above the other, or otherwise arranged within an attached building. The units may occupy one zoning lot or separate contiguous zoning lots. A lot line along a common wall does not change the use classification.
- C. **SMALL MULTI-UNIT RESIDENTIAL.** A residential development containing three to six principal dwelling units in one building, or in multiple buildings developed and functioning as one coordinated site. The creation of separate lots or condominium units does not change the classification. This use does not include a conventional subdivision of separate detached homes on individual lots that do not share buildings, access, parking, or common-site improvements.
- D. **MULTI-UNIT RESIDENTIAL.** A residential development containing seven or more principal dwelling units in one building, or in multiple buildings developed and functioning as one coordinated site. The creation of separate lots or condominium units does not change the classification.
- E. **LIVE-WORK UNIT.** A dwelling unit that includes an integrated nonresidential workspace operated by a resident of the unit. The dwelling unit remains part of the applicable One-Unit Residential, Two-Unit Residential, Small Multi-Unit Residential, or Multi-Unit Residential classification. A Live-Work Unit differs from a Home Occupation, which is an accessory activity conducted within a dwelling unit.

- F. **RESIDENTIAL CARE HOME.** A residential care use that provides room, board, supervision, and supportive care for no more than eight residents, excluding up to two live-in caregivers. A Residential Care Home may operate in one or more dwelling units within a One-Unit Residential, Two-Unit Residential, or Small Multi-Unit Residential building or coordinated residential development. When the care home occupies more than one dwelling unit, the units must be contiguous or located within the same coordinated residential development, under common ownership or control, and operated together as one care home. The resident and caregiver limits apply to the entire operation. A Residential Care Home does not include a Residential Care Facility or Health Care Facility.
- G. **RESIDENTIAL CARE FACILITY.** A residential facility that provides room, board, ongoing supervision, personal care, or assistance with daily living and either serves more than eight residents or otherwise does not meet the definition of Residential Care Home. It may include nursing services that support residents. A Residential Care Facility does not include a Health Care Facility.

5.3.2 LODGING USES

- A. **SHORT-TERM RENTAL.** The rental of all or part of a dwelling unit for compensation for periods of fewer than 30 consecutive days. A Short-Term Rental does not change the underlying residential-use classification of the dwelling unit.
- B. **LODGING ESTABLISHMENT.** A building or portion of a building that provides guest rooms or suites to the public for temporary lodging. Includes hotels, motels, inns, and extended-stay lodging. Does not include a Short-Term Rental or a dwelling unit rented as a home.

5.3.3 COMMERCIAL, VEHICLE-ORIENTED, AND OFFICE USES

- A. **RETAIL SALES.** An establishment that sells, leases, or rents goods or merchandise directly to customers for personal, household, or business use. Includes a convenience store without motor-fuel sales. Does not include motor-vehicle sales, rental, or service; a convenience store with motor-fuel sales; or a use in which outdoor storage, display, or processing is a principal component.
- B. **EATING AND DRINKING ESTABLISHMENT.** An establishment that prepares, sells, or serves food or beverages for consumption on or off the premises. Includes restaurants, cafes, coffee shops, bars, taprooms, and brewpubs. Does not include a business where Entertainment is the principal activity.
- C. **PERSONAL SERVICE.** An establishment that provides personal care, grooming, instruction, or minor repair services directly to customers. Minor repair is limited to personal or household items within an enclosed establishment. Does not include motor-vehicle service, medical or dental services, or repair involving outdoor or industrial activity.
- D. **ENTERTAINMENT.** An establishment that provides amusement, recreation, cultural activity, or spectator experiences for patrons. Includes theaters, live-performance venues, indoor amusement establishments, bowling facilities, and similar businesses. Does not include a Parks and Recreation use or a Cultural and Community Facility.
- E. **VEHICLE-ORIENTED SERVICE.** An establishment where motor vehicles are fueled, washed, repaired, maintained, sold, rented, leased, or otherwise accommodated as an integral part of the business. Includes motor-fuel stations, convenience stores with motor-fuel sales, car washes, motor-vehicle sales or rental businesses, repair shops, and similar vehicle-oriented establishments. A business that includes motor-fuel sales is classified as a Vehicle-Oriented Service regardless of the relative floor area or sales volume devoted to convenience goods. Food, beverages, and other merchandise sold within a Vehicle-Oriented Service are accessory to that use.

- F. **OFFICE.** An establishment that provides administrative, financial, governmental, professional, medical, dental, or similar services primarily in an office setting. Includes routine medical and dental offices and outpatient clinics that do not provide emergency care, surgery, or inpatient care. Does not include a Health Care Facility.

5.3.4 CIVIC USES

- A. **EDUCATIONAL FACILITY.** A facility whose principal purpose is providing structured academic, vocational, technical, career, or other instruction. Includes elementary and secondary schools, colleges, trade schools, and training facilities. Does not include a Childcare Facility or religious instruction that is accessory to a Religious Facility.
- B. **CHILDCARE FACILITY.** A facility that provides regular nonresidential care, supervision, or early education for children. Includes daycare and preschool facilities. Does not include childcare provided within a dwelling unit as a Home Occupation.
- C. **RELIGIOUS FACILITY.** A facility used primarily for religious worship, fellowship, instruction, or related activities. Includes customary accessory offices, meeting rooms, and fellowship areas.
- D. **GOVERNMENTAL FACILITY.** A building or facility owned, leased, or operated by a governmental entity to provide public administration, public safety, public meetings, or similar public-facing civic services. Includes administrative offices, police and fire stations, and similar facilities. Does not include a public works maintenance yard, fleet yard, storage yard, utility facility, or another use with substantial outdoor operations.
- E. **CULTURAL AND COMMUNITY FACILITY.** A facility used primarily for cultural, social, library, museum, meeting, or community-service functions. Does not include commercial Entertainment, Parks and Recreation, or a special-event venue as a principal use.
- F. **HEALTH CARE FACILITY.** A facility whose principal services include emergency medical care, surgery, inpatient care, intensive clinical rehabilitation, or other medical services typically provided in a hospital or similar clinical setting. Includes hospitals, emergency rooms, freestanding emergency facilities, surgical centers, and inpatient rehabilitation facilities. Does not include a routine medical or dental office or outpatient clinic without those services.

5.3.5 EMPLOYMENT AND INDUSTRIAL USES

- A. **ARTISAN PRODUCTION.** Small-scale creation, fabrication, assembly, repair, or production of goods conducted primarily within an enclosed building and with limited off-site impacts. Includes maker spaces and similar small-scale production activities. Retail sales directly related to products made or repaired on the site may be accessory. Does not include motor-vehicle repair, Contractor Services, Light Production, or Manufacturing.
- B. **CONTRACTOR SERVICES.** A business that provides construction, maintenance, repair, landscaping, utility, or similar trade services, including the dispatch of crews, equipment, or materials to off-site locations. Customary offices, indoor storage, and employee or fleet parking are included. Principal outdoor storage or operations are also subject to the Outdoor Storage and Operations classification.
- C. **RESEARCH AND DEVELOPMENT.** A facility used for scientific, technological, engineering, medical, or product research, testing, development, or experimentation. Includes laboratories, testing facilities, and incidental prototype fabrication. Does not include Manufacturing as a principal use.

- D. **LIGHT PRODUCTION.** Production, processing, fabrication, assembly, packaging, or repair activities conducted primarily within enclosed buildings and with limited off-site impacts. Does not include industrial-scale Manufacturing or principal Outdoor Storage and Operations.
- E. **MANUFACTURING.** Industrial-scale production, processing, fabrication, assembly, packaging, or refining activities that may generate substantial freight movement, equipment use, outdoor activity, or other operational impacts.
- F. **WAREHOUSING AND DISTRIBUTION.** The storage, handling, fulfillment, distribution, or movement of goods and materials. Includes customary loading, administrative offices, and indoor sales or showroom space that is clearly secondary to goods manufactured, stored, or distributed on the same site. Does not include Manufacturing or principal Outdoor Storage and Operations.
- G. **OUTDOOR STORAGE AND OPERATIONS.** The use of land for the principal outdoor storage, handling, staging, processing, display, or operation of materials, equipment, vehicles, or goods. Does not include routine loading and unloading, customer parking, or accessory outdoor display allowed as part of another use.

5.3.6

AGRICULTURE, OPEN SPACE, AND UTILITY USES

- A. **AGRICULTURAL.** The use of land for growing crops, horticulture, raising livestock, and customary on-site farming activities. Does not include animal boarding, veterinary services, slaughtering, commercial processing, retail sales as a principal use, or salvage-related activities.
- B. **PARKS AND RECREATION.** Land, buildings, or facilities used primarily for public or private recreation, play, sports, trails, or leisure activities. Includes parks, playgrounds, athletic fields, trails, and recreation centers. Does not include spectator entertainment, commercial amusement, or a special-event venue as a principal use.
- C. **CONSERVATION/OPEN SPACE.** Land maintained predominantly in a natural, undeveloped, or landscaped condition for conservation, drainage, flood management, habitat protection, scenic preservation, or passive recreation. May include trails and customary improvements that support passive use.
- D. **MINOR UTILITY FACILITY.** A utility facility, structure, or equipment installation that serves a local area and has limited visual and operational impacts. Does not include transmission-scale, generation, storage, treatment, or regional-distribution facilities.
- E. **MAJOR UTILITY FACILITY.** A utility facility, structure, or equipment installation that provides citywide or regional service; involves transmission, generation, storage, treatment, or regional distribution; or otherwise exceeds the scale of a Minor Utility Facility.

5.4 USE TABLE

Table 5-1. Use Table

P = Permitted By Right | C = Conditional Use Permit Required | - = Not Permitted

USE	AG	LR	NR	CR	NA	CA	IE	IL	OS
RESIDENTIAL									
One-Unit Residential	P	P	P	P	P	P	P	-	-
Two-Unit Residential	-	-	P	P	P	P	P	-	-
Small Multi-Unit Residential	-	-	P	P	P	P	P	-	-
Multi-Unit Residential	-	-	-	P	P	P	P	-	-
Live-Work Unit	-	-	-	P	P	P	P	-	-
Residential Care Home	P	P	P	P	P	P	P	-	-
Residential Care Facility	-	-	-	P	P	P	P	-	-
LODGING									
Short-Term Rental	P	P	P	P	P	P	P	-	-
Lodging Establishment	-	-	-	-	-	P	P	-	-
COMMERCIAL, VEHICLE-ORIENTED, AND OFFICE									
Retail Sales	-	-	P	P	P	P	P	-	-
Eating and Drinking Establishment	-	-	P	P	P	P	P	-	-
Personal Service	-	-	P	P	P	P	P	-	-
Entertainment	-	-	C	C	C	P	P	-	-
Vehicle-Oriented Service	-	-	-	-	C	C	C	P	-
Office	-	-	C	P	P	P	P	-	-
CIVIC									
Educational Facility	-	-	P	P	P	P	P	-	-
Childcare Facility	-	-	P	P	P	P	P	-	-
Religious Facility	-	-	P	P	P	P	P	-	-
Governmental Facility	-	-	P	P	P	P	P	-	-
Cultural and Community Facility	-	-	P	P	P	P	P	-	-
Health Care Facility	-	-	C	C	C	P	P	-	-
EMPLOYMENT AND INDUSTRIAL									
Artisan Production	-	-	-	-	P	P	P	P	-

USE	AG	LR	NR	CR	NA	CA	IE	IL	OS
Contractor Services	-	-	-	-	-	-	-	P	-
Research and Development	-	-	-	-	-	-	P	P	-
Light Production	-	-	-	-	-	-	-	P	-
Manufacturing	-	-	-	-	-	-	-	P	-
Warehousing and Distribution	-	-	-	-	-	-	-	P	-
Outdoor Storage and Operations	-	-	-	-	-	-	-	C	-
AGRICULTURE, OPEN SPACE, AND UTILITIES									
Agricultural	P	P	-	-	-	-	-	-	-
Parks and Recreation	P	P	P	P	P	P	P	-	P
Conservation/Open Space	P	P	P	P	P	P	P	P	P
Minor Utility Facility	P	P	P	P	P	P	P	P	P
Major Utility Facility	C	-	-	-	-	C	C	C	C

Note: Section 5.1.3 may control where a Residential Care Home is allowed when state or federal housing protections apply.

PART 6. DIMENSION STANDARDS

6.1 GENERAL APPLICATION OF DIMENSION STANDARDS

6.1.1 APPLICABILITY

The dimension standards in this Part apply to each zoning lot and to every building, structure, and site improvement established, constructed, enlarged, moved, or altered on that lot, unless these Regulations expressly provide otherwise.

Compliance with this Part does not authorize a use, eliminate the need for a zoning permit, or excuse compliance with another applicable provision of these Regulations or other City requirements.

A development must comply with Table 6-1, all applicable table notes, and the applicable standards in Parts 7 and 8. Sections 6.1.4 and 6.1.5 establish limited alternatives for common-wall lots and zero-lot-line one-unit residential development.

An approved Planned Unit Development Plan, Protective Overlay District, Airport Hazard Overlay District, or other approved plan or ordinance may modify a dimension standard only when it expressly states the modification. All standards not expressly modified remain applicable.

6.1.2 HOW TO USE THE DIMENSION STANDARDS TABLE

Use Table 6-1 as follows:

- A. Determine the base zoning district that applies to the property using the Official Zoning Map.
- B. Use the column for that district and apply each applicable standard in the table. A property located in more than one base district must comply with the standards applicable to each portion of the property, unless Part 4 provides otherwise.
- C. A standard identified as a minimum establishes the least amount required. A standard identified as a maximum establishes the greatest amount allowed.
- D. A zero-foot setback or building-separation standard permits a building to be located at the applicable lot line or against another building. It does not override Building Code requirements, fire-separation requirements, recorded easements, or other applicable City requirements.
- E. A dash in the table means that Table 6-1 does not establish a standard for that item. A dash does not waive another applicable requirement of these Regulations, an approved plan, or another City regulation.
- F. A superscript number refers to a table note. Table notes are part of Table 6-1 and must be applied with the corresponding standard.
- G. Where a standard in Part 7 or Part 8 is more specific or more restrictive than a standard in Table 6-1, both standards apply. Where the standards directly conflict, the more specific standard controls unless these Regulations expressly provide otherwise.

6.1.3 GENERAL DIMENSION RULES

Unless these Regulations expressly provide otherwise, the following rules apply to the dimension standards in Table 6-1.

- A. **Required Setbacks.** Required setbacks must remain open and free of buildings and structures except as allowed by this Section, Part 7, or Part 8.
- B. **Features Allowed Within Setbacks.** Landscaping, trees, signs, fences and walls, utility lines and poles, sidewalks, walkways, and uncovered patios may be located within a required setback when they comply with all other applicable standards. A driveway may cross or be located within a required setback to provide vehicle access. A parking space or parking area may be located within a required setback only when expressly allowed by Section 8.2.
- C. **Architectural Projections and Access Features.**
 - 1. Eaves, bay windows, chimneys, flues, and similar architectural features may project not more than two feet into a required setback.
 - 2. Unenclosed porches, stoops, decks, exterior stairs, entry hoods, and entry canopies may project not more than five feet into a required front or rear setback or two feet into a required interior side or street-side setback.
 - 3. Except as provided in Section 6.1.5, a permitted projection may not extend across a lot line or into a public right-of-way.
 - 4. An accessible ramp may extend into a required setback to the minimum extent necessary to comply with applicable accessibility requirements. An accessible ramp may not extend into a public right-of-way or across a lot line.
- D. **Multiple Principal Buildings.** Each principal building on a zoning lot must meet the applicable setbacks and the minimum building-separation standard in Table 6-1. This requirement does not apply along a common wall that complies with Section 6.1.4.
- E. **Corner, Through, and Reverse-Frontage Lots.** The front lot line is the line identified on a recorded plat. If no front lot line is identified, the lot line adjoining the primary address street is the front lot line. On a corner lot, the other street frontage is the street-side lot line. On a through or reverse-frontage lot, the frontage opposite the primary address street must meet the street-side setback.
- F. **Future Rights-of-Way and Recorded Building Lines.** Where the Governing Body has approved and adopted a plan for road improvements that identifies a future right-of-way line, the applicable front or street-side setback must be measured from that line. A recorded building line that is more restrictive than Table 6-1 controls. A recorded building line that is less restrictive than Table 6-1 does not reduce the required setback unless it is expressly approved as part of an overlay district.
- G. **Easements and Rights-of-Way.** Compliance with a setback does not authorize a building, structure, or improvement within a recorded easement or public right-of-way. Required approvals from the affected easement holder or public agency must be obtained separately.

6.1.4 COMMON-WALL LOT STANDARDS

- A. **Applicability.** This Section applies when a Two-Unit Residential or Small Multi-Unit Residential building is developed or maintained on two or more contiguous zoning lots and a vertical common wall is located along a shared lot line. A common-wall lot is a lot configuration, not a separate use. The building remains classified according to the number of principal dwelling units it contains.
- B. **Establishment of Common-Wall Lots.**

1. A Two-Unit Residential or Small Multi-Unit Residential building developed on a single zoning lot containing a legally established Two-Unit Residential or Small Multi-Unit Residential building may be divided into separate contiguous zoning lots, when each lot complies with this Section and all other applicable Regulations.
2. A conditional use permit, variance, rezoning, or Planned Unit Development approval is not required solely because a compliant common-wall lot is established.

C. Administrative Zoning Compliance Determination.

1. The Zoning Administrator shall make an administrative determination that a proposed common-wall lot complies with this Section before issuing a zoning permit, building permit, certificate of occupancy, address approval, or authorization for new or separate City utility service for either lot.
2. The determination under this Section is ministerial and must be based only on compliance with the applicable written standards. It does not require discretionary land-use approval.
3. Recording a deed, declaration, survey, or other private instrument does not establish zoning compliance, authorize development, or relieve an owner from compliance with these Regulations.

D. Compliance of Each Lot.

1. Each resulting zoning lot must independently comply with all applicable lot frontage, setback, lot coverage, height, access, parking, utility, and site-development standards.
2. A resulting lot may not rely on the other resulting lot to provide required frontage, setbacks, lot coverage, parking, access, utility service, or other required site area, except for a shared arrangement expressly authorized by these Regulations and secured by a recorded easement.
3. The common wall must coincide with the common lot line. No interior side setback or building-separation standard applies along the common wall.
4. Each exterior end of the building must meet the applicable interior side setback. Each resulting lot must independently meet the applicable front, street-side, rear, and alley setbacks.
5. Other than the common wall, no part of a building, roof, foundation, drainage feature, utility line, driveway, or other improvement may cross a resulting lot line unless allowed by these Regulations and secured by a recorded easement.
6. Construction at or adjacent to a common lot line must comply with all applicable Building Code requirements, including requirements related to fire separation, wall openings, maintenance access, and drainage.

E. Separate Utility Services.

1. Each resulting zoning lot must have separate and independent water, sanitary sewer, electric, and natural-gas service, where those services are available.
2. Independent service means a separate water service and meter, a separate sanitary sewer building service, and separate electric and natural-gas service and meters, where those services are customarily metered.
3. A shared private utility connection, service line, or meter may not serve more than one resulting zoning lot.

4. Where public water or sanitary sewer service is unavailable, each resulting lot must independently comply with all applicable local and State requirements for private utility service.

F. Access and Recorded Rights.

1. Each resulting zoning lot must have legal access to a public street, alley, or approved shared access drive and must comply with all applicable driveway approach requirements.
2. A shared access drive may serve both lots only when a reciprocal ingress, egress, and maintenance easement is recorded.
3. The applicant must submit proposed documents needed for the Zoning Administrator's administrative review. Before the City issues a zoning permit, building permit, certificate of occupancy, address approval, or authorization for new or separate City utility service for either lot, the owner must provide recorded copies of the easements, covenants, or other instruments necessary to establish reciprocal rights of entry and access for construction, inspection, maintenance, repair, replacement, and rebuilding of the common wall and any shared access, drainage, or other improvement permitted by these Regulations. Each recorded document must run with the land and bind future owners. The City's review is limited to confirming that the documents address these matters and does not constitute approval of private ownership, cost-sharing, liability, or other contractual terms.

G. Ownership Arrangements.

1. A recorded declaration, plat of survey, or other instrument submitted under the Kansas Townhouse Ownership Act, K.S.A. 58-3701 et seq., does not by itself create a zoning lot, change a zoning lot line, or alter the application of these Regulations.
2. Unless a replat or other approved subdivision instrument creates separate zoning lots, all dimension, parking, access, and site-development standards apply to the exterior boundaries of the single zoning lot containing the development.
3. A recorded ownership arrangement does not change the use classification of a residential building or waive a requirement of these Regulations.

6.1.5 ZERO-LOT LINE OPTION FOR ONE-UNIT RESIDENTIAL

- A. **Applicability.** The zero-lot line option is permitted by right for One-Unit Residential. It is a dimensional option, not a separate use or zoning district, and does not require a conditional use permit, variance, planned unit development, or other discretionary approval.
- B. **Zero-Foot Interior Side Setback.** A principal building may have a zero-foot setback along one interior side lot line. A zero-foot setback may not be used along a front, rear, or street-side lot line or along both interior side lot lines of the same zoning lot. The building must meet the other interior side setback shown in Table 6-1.
- C. **Adjacent Building Separation and Code Compliance.** A principal building on the adjoining zoning lot must maintain the applicable interior side setback shown in Table 6-1. This Section does not authorize a common wall or an attached building across a lot line. Each building must comply with applicable Building Code requirements for exterior-wall construction, fire separation, and wall openings.

- D. **Encroachments, Drainage, and Access.** Despite Section 6.1.3.C, a roof overhang, eave, gutter, downspout, architectural projection, or similar feature may extend into the zero-lot line side setback. No feature may extend across the lot line or direct drainage onto the adjoining lot unless a recorded access and encroachment easement specifically authorizes the encroachment, drainage, and access needed for construction, inspection, maintenance, repair, or replacement. Any required easement must be recorded before issuance of a building permit.

6.2 MASTER DIMENSION STANDARDS TABLE

Table 6-1. Master Dimension Standards Table.

STANDARD	AG	LR	NR	CR	NA	CA	IE	IL	OS
Minimum Lot Frontage ¹	45'	40'	35'	30'	30'	40'	45'	60'	40'
Common-Wall Lot Frontage ²	25'	25'	25'	25'	25'	25'	25'	25'	25'
Minimum Front Setback ³	20'	20'	15'	6'	6'	15'	20'	25'	15'
Maximum Front Setback ³	-	-	-	20'	20'	-	-	-	-
Minimum Street-Side Setback	20'	20'	12'	10'	10'	15'	15'	20'	15'
Minimum Interior Side Setback ⁴	50'	30'	8'	5'	0' ⁹	0' ⁹	10'	10'	10'
Minimum Rear Setback – No Alley ⁵	20'	20'	15'	12'	12'	12'	20'	20'	20'
Minimum Rear Setback – Alley ⁵	25'	25'	15'	15'	15'	15'	15'	15'	15'
Maximum Lot Coverage ⁶	20%	40%	60%	70%	70%	80%	65%	80%	10%
Minimum Building Separation ⁷	20'	20'	12'	10'	0' ⁹	0' ⁹	15'	20'	20'
Maximum Building Height ⁸	35'	35'	40'	45'	45'	60'	60'	60'	35'
Zero-Lot Line Option ⁹	Permitted for One-Unit Residential only, subject to Section 6.1.5.							-	-

¹ **Lot Frontage.** Lot frontage is measured along the front lot line between the side lot lines. On a lot with curved frontage, lot frontage is measured along the required front setback line.

² **Common-Wall Lots.** A common-wall lot is a lot configuration, not a separate use. Each common-wall lot must have at least 25 feet of lot frontage. A 20-foot minimum frontage is permitted when all required vehicle access is provided from an alley or a shared access drive established by a recorded easement.

³ **Front Setback.** The front setback is measured from the front lot line. In the CR and NA Districts, a principal building must be located not less than 6 feet and not more than 20' feet from the front lot line. The maximum front setback does not apply to an accessory building or detached garage located behind the principal building.

⁴ **Interior Side Setback.** The interior side setback applies to each interior side lot line. No interior side setback is required along a common wall when the common-wall lot standards in Section 6.1.4 are met. An end unit must meet the applicable interior side setback along its exterior side lot line.

⁵ **Rear and Alley Setbacks.** Where a rear lot line abuts an alley, the alley setback applies instead of the rear setback. The alley setback is measured from the centerline of the alley.

⁶ **Lot Coverage.** Lot coverage is the percentage of a zoning lot covered by buildings and other roofed structures, whether attached or detached, measured by the horizontal area within the outermost roof edge or exterior wall, whichever is greater. Lot coverage includes principal and accessory buildings, garages, carports, and roofed porches, decks, patios, pavilions, and gazebos. It does not include driveways, parking areas, sidewalks, uncovered decks or patios, or open arbors, trellises, and pergolas that are not covered by a solid roof.

⁷ **Building Separation.** Building separation is the minimum horizontal distance between exterior walls of principal buildings on the same zoning lot. It does not apply along a common wall that complies with Section 6.1.4.

⁸ **Building Height.** Building height is the vertical distance from the average finished grade adjoining the exterior walls of a building to the highest point of the roof surface or parapet wall. Chimneys, vents, antennae, and other customary rooftop features may exceed the maximum building height when allowed by these Regulations and when they are not designed for human occupancy.

⁹ **Zero-Setback Option.** Where a zero-foot interior side setback is used, the building must comply with all applicable Building Code requirements for fire separation, wall openings, maintenance access, and drainage. No feature may extend across a lot line without a recorded easement. Opposite of the zero-foot interior side setback is required to conform with the standard minimum interior side setback for the appropriate district.

Driveway Approaches. Compliance with this table does not authorize a driveway approach that cannot be constructed under Chapter 11, Article 3 of the City Code. All driveway approaches must comply with the applicable curb-cut, approach-width, spacing, and corner-clearance requirements.

6.3 DIMENSION STANDARDS ILLUSTRATIONS

6.3.1 PURPOSE AND EFFECT OF ILLUSTRATIONS

- A. **Purpose.** The illustrations in this Section show typical ways to measure and apply the dimension standards in Section 6.2. They are intended to help readers understand lot lines, setbacks, building envelopes, building separation, common-wall lots, zero-lot line development, alley lots, and minimum and maximum front setbacks.
- B. **Controlling Standards.** The illustrations are explanatory. The text of these Regulations, Table 6-1, and applicable table notes control when an illustration differs from or does not address a particular situation.
- C. **Scale and Completeness.** The illustrations are conceptual and are not drawn to scale. Building sizes, lot dimensions, street widths, sidewalks, driveways, parking, trees, and other features shown in an illustration do not establish a required or permitted dimension, arrangement, or design. An illustration does not show every standard that may apply to a property.
- D. **Effect on Individual Property.** A feature shown in an illustration, including a porch, patio, courtyard, driveway, alley, common wall, parking area, or building, is permitted only when it complies with these Regulations and other applicable City requirements. The illustrations do not replace a recorded plat, survey, approved plan, or Building Code requirement.

Figure 6-1. Dimension Standards Illustrations—Typical Lots

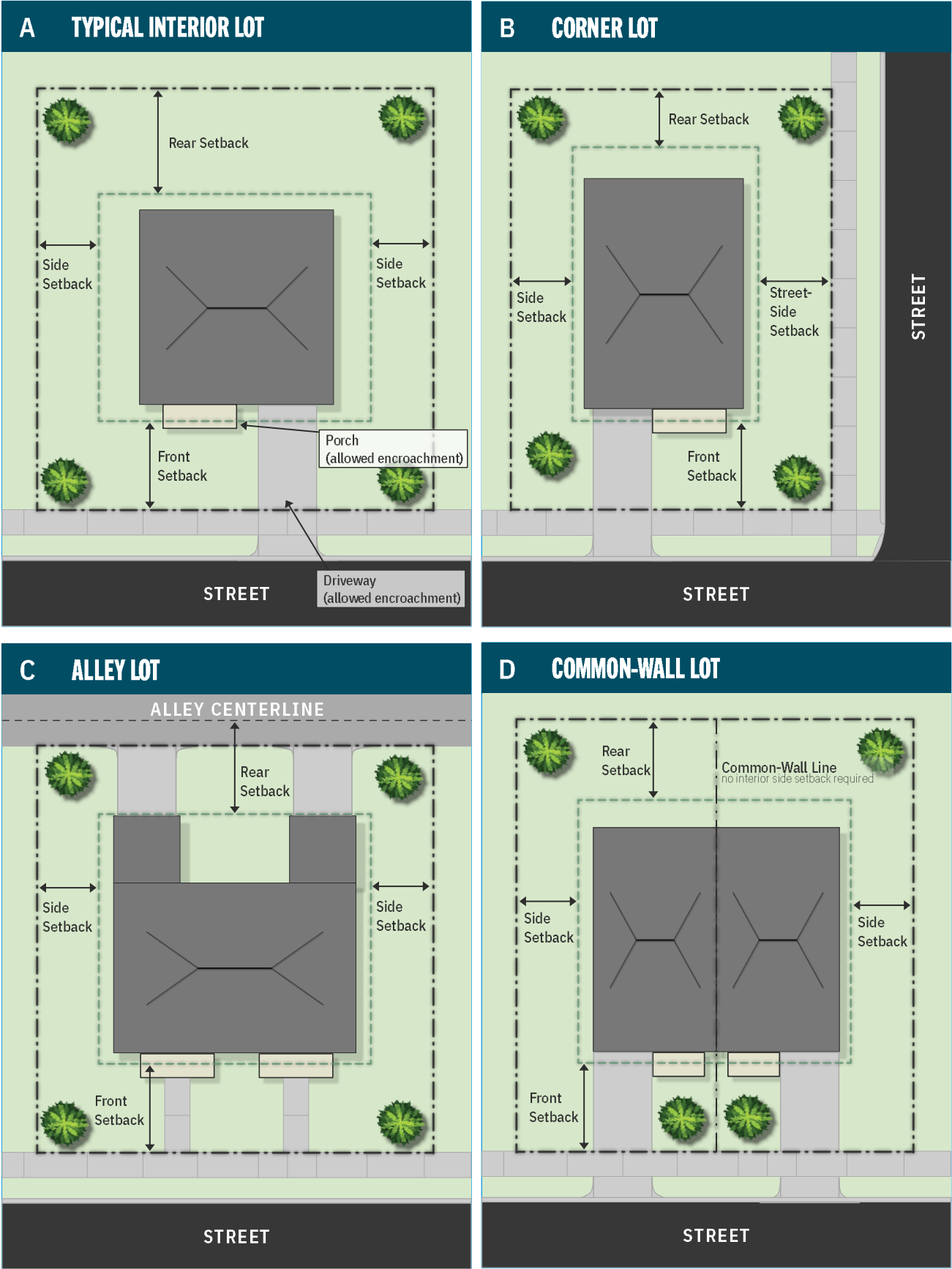
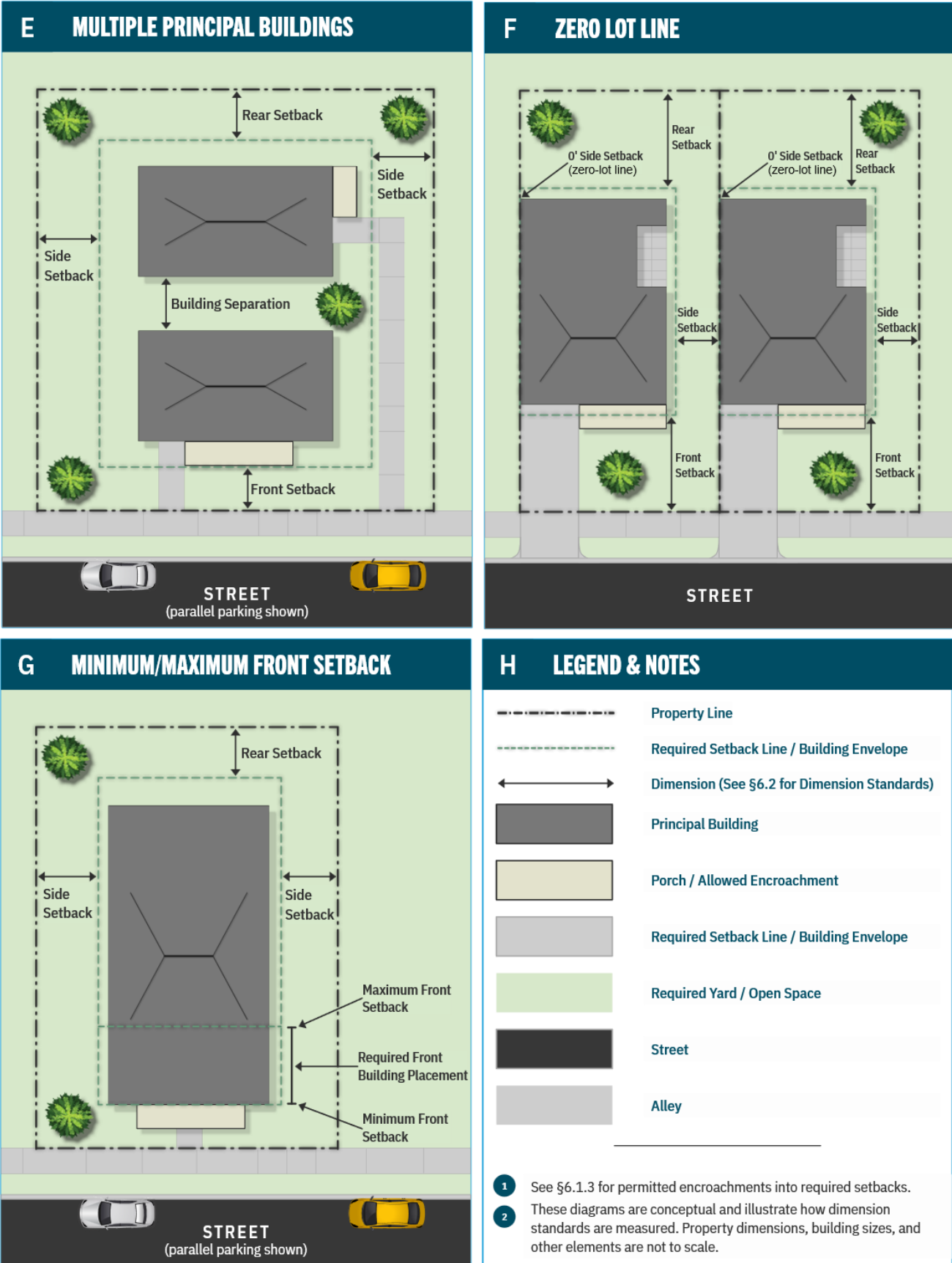


Figure 6-2. Dimension Standards Illustrations—Special Lot Configurations



PART 8. SITE DEVELOPMENT STANDARDS

8.1 GENERAL APPLICABILITY

8.2 ACCESS, PARKING, AND LOADING

8.2.1 GENERAL STANDARDS

8.2.2 OFF-STREET PARKING

8.2.3 LOADING AREAS

8.2.4 ACCESS AND CIRCULATION

8.3 LANDSCAPING AND SCREENING

8.3.1 GENERAL STANDARDS

8.3.2 INSTALLATION AND MAINTENANCE

8.3.3 SCREENING

8.4 FENCES AND WALLS

8.4.1 GENERAL STANDARDS

8.4.2 LOCATION AND HEIGHT

8.4.3 MATERIALS AND SAFETY FEATURES

8.5 SIGNS

8.5.1 APPLICABILITY AND ADMINISTRATION

8.5.2 GENERAL STANDARDS

8.5.3 PERMANENT SIGN TYPES AND STANDARDS

8.5.4 TEMPORARY SIGNS

8.5.5 NONCONFORMING AND ABANDONED SIGNS

8.5.6 PROHIBITED SIGNS

8.6 EXTERIOR LIGHTING

8.6.1 GENERAL STANDARDS

8.6.2 LIGHTING LEVELS AND FIXTURE DESIGN

8.7 PERFORMANCE STANDARDS

8.7.1 GENERAL STANDARDS

8.7.2 NUISANCE IMPACTS

8.8 RESIDENTIAL NEIGHBORHOOD PATTERN STANDARDS

8.8.1 PURPOSE AND APPLICABILITY

- A. **Purpose.** This Section supports residential neighborhoods with varied and coherent building forms, lot patterns, building placement, and access patterns. It is intended to avoid long runs of substantially similar residential buildings while allowing flexibility in housing type and architectural design.
- B. **Applicability.**
 1. These standards apply to a new residential development containing 12 or more dwelling units, whether developed in one phase or multiple phases.
 2. The block-face standards in Section 8.8.2 apply to a block face that includes, or is planned to include, three or more principal residential buildings.
 3. For purposes of this Section, a block face is the lots or building sites on one side of a public street between intersecting streets, a cul-de-sac bulb, a street terminus, or another clear break in the street pattern.
 4. These standards do not apply to:
 - a. An addition, alteration, replacement, or expansion of an existing dwelling;
 - b. An individual dwelling constructed on a lawfully established lot that is not part of a residential development subject to this Section; or
 - c. A development that contains all dwelling units within one principal building.
 5. These standards do not require a specified mix of One-Unit Residential, Two-Unit Residential, or Small Multi-Unit Residential uses. They do not regulate exterior building materials, paint colors, architectural style, or interior floor plans.

8.8.2 REQUIRED VARIATION ALONG A BLOCK FACE

- A. No more than two consecutive principal residential buildings on the same block face may have the same building form.
- B. The third consecutive principal residential building must have a different building form as provided in Section 8.8.3.
- C. On a block face planned to include eight or more principal residential buildings, the same building form may not be used more than three times.
- D. A common-wall building containing two or more dwelling units is treated as one principal residential building for purposes of this Section.

8.8.3 QUALIFYING VARIATIONS OF BUILDING FORM

- A. A principal residential building has a different building form when at least two of the following apply in comparison with the immediately preceding principal residential building on the block face:
 1. The street-facing width of the principal building, including an attached garage, differs by at least 15 percent;

2. The primary roof form, roof pitch, or ridge orientation differs;
 3. The primary entrance, porch, or attached garage has a different location or configuration on the street-facing side of the building; or
 4. The building uses a reversed or reoriented plan that changes the location of at least two of the following: the primary entrance, attached garage, or primary roof ridge.
- B. A difference only in exterior paint color, siding color, trim color, material finish, roof color, or other decorative treatment does not establish a different building form.

8.8.4

RESIDENTIAL VARIETY SCHEDULE

A. Timing.

1. A residential development subject to this Section, including a Planned Unit Development, must submit a Residential Variety Schedule to the Zoning Administrator before issuance of the first zoning permit or building permit, whichever occurs first, for a principal residential building within the development.
2. A Residential Variety Schedule is not required with a zoning map amendment, Planned Unit Development application or amendment, preliminary plat, final plat, or other entitlement application.

B. Required Information.

1. The Residential Variety Schedule must identify each block face subject to Section 8.8.2 and show the planned building-form sequence.
2. The Schedule may use a simple table, symbols, or another clear graphic method. Architectural elevations, material boards, color schedules, and interior floor plans are not required.
3. A Schedule may be submitted by development phase but must address every affected block face within that phase. When a block face extends into a future phase, the Schedule must show the anticipated building-form sequence for the entire block face at full buildout.

C. Administrative Review and Effect.

1. The Zoning Administrator shall review a Residential Variety Schedule only for compliance with the objective standards in this Section.
2. This Section does not create a separate discretionary design review or public-hearing requirement.
3. A Residential Variety Schedule is a compliance document and is not a Planned Unit Development Plan element unless it is expressly incorporated into an approved Planned Unit Development ordinance or plan.
4. A zoning permit or building permit for a principal residential building may not be issued when the proposed building conflicts with the applicable Residential Variety Schedule.
5. A Residential Variety Schedule does not authorize a departure from another applicable provision of these Regulations, an approved plan, or another City requirement.

D. Revisions.

1. The Zoning Administrator may approve a revised Residential Variety Schedule when the revision continues to comply with this Section and all other applicable Regulations.

2. A revision to a Residential Variety Schedule does not amend a Planned Unit Development Plan unless the revision changes an expressly incorporated Planned Unit Development Plan element, land use, dimension standard, or condition of approval.