



CHAPTER XI. PARKS AND RECREATION

ARTICLE 1. BOARD OF PARK COMMISSIONERS

11-101. NUMBER AND QUALIFICATIONS. There is hereby created a Parks Commission consisting of four (4) electors of the city and the park commissioner, a member of the governing body. 11-201

11-102. MEMBERSHIP TERMS, QUALIFICATIONS. No member of said Parks Commission shall be related by blood or marriage to the Mayor, to any City Commissioner, to any member of the City Council or to any officer of the city government. The members shall be appointed by the Mayor with the consent of the Council for two (2) year terms of office, unless sooner removed by the Mayor, excepting one member who shall also serve as a member of the Recreation Commission. The appointed member who shall serve on both the Parks and Recreation Commissions shall have terms of office on each Commission which are concurrent.

ORD. 434 G 4-16-73 202

11-103 POWERS. The Parks Commission is authorized to administer all aspects of maintenance and repair of public parks, public playgrounds and all other municipally owned or leased places of amusement and recreation in the City.

ORD. 434 G 4-16-73 203

CHAPTER XI. PARKS AND RECREATION

ARTICLE 2. PARK REGULATIONS

*11-201*  
11-201. PARK HOURS. All parks shall be closed between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. during the period from April to October during which central daylight saving time shall be in force in the City; and between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. during the balance of the year: Provided, That any or all parks may be closed temporarily, or opening hours extended temporarily, in case of emergency, adverse weather, or unusual circumstances, as determined by the Recreation Commission, or its designee.

ORD. NO. 736 3-15-82

*11-202*  
11-202. It shall be unlawful for any person to be in any City park during the hours in which it is closed. ORD. NO. 736 3-15-82

*11-203*  
11-203. PROHIBITION OF USE BY OTHERS. The Recreation Commission is empowered to allow reservation of park facilities. It shall be unlawful for any person or persons to occupy, use or attempt to control the occupation or use of any park facilities or portion thereof after being notified that a written reservation for exclusive use of the same has been issued by the Recreation Commission's designee during the period of time set forth in said reservation, and no person or persons shall continue to use or attempt to use any such park facility after said written reservation has been issued for said purpose and time. Any person failing to vacate such park facility promptly after being informed of such reservation shall be subject to arrest for violation thereof. The foregoing is not intended to prohibit the free and unrestricted use of the park facilities by persons without written reservation as long as no such reservation has been issued by the Recreation Commission's designee. ORD. NO. 736 3-15-82

*11-204*  
11-204. PROHIBITION OF TRUCKS. Trucks over one and one-half (1 1/2) tons are hereby prohibited, except for maintenance and delivery vehicles, unless permission therefor has been granted in writing by the Governing Body's designee. ORD. NO. 736 3-15-82

*11-205*  
11-205. PROHIBITED VEHICLES. Go-carts, racing-type motorbikes ~~or~~ motorcycles and other similar vehicles not licensed for public roadway driving shall be prohibited within the City parks. Non-motorized bicycles shall be permitted upon the roads in the City parks, providing that said bicycles are operated only in those areas designated for motor vehicle traffic except when being walked to or from an authorized bicycle parking area or upon a designated bike trail. ORD. NO. 736 3-15-82

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ARTICLE 2. PARK REGULATIONS

11-206. CAMPING PROHIBITED. Overnight camping is hereby prohibited in City parks. ORD. NO. 736 3-15-82

11-207. BRIDLE PATH. Horseback riding shall be permitted only in areas designated by signs therefor. ORD. NO. 736 3-15-82

11-208. HUNTING. No person shall pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time. ORD. NO. 736 3-15-82

11-209. FIRES. Fires may be built only in the ovens, stoves, or grills provided for that purpose by the City, and must be extinguished by the person, persons or parties starting such fires, immediately after use thereof. ORD. NO. 736 3-15-82

11-210. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever, shall be deposited in disposal drums provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. ORD. NO. 736 3-15-82

11-211. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND BEER. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other City property within the City of Leawood, Kansas, any alcoholic beverage, alcoholic liquor, cereal malt beverage or beer. ORD. NO. 736 3-15-82

11-212. PARKING.

- a. Parking off the improved hard surface of the roadway is prohibited unless specifically directed by a law enforcement officer.
- b. The Chief of Police of the City of Leawood is authorized by the Governing Body to post "No Parking" signs within the City parks. Parking in a posted "No Parking" area shall be deemed to be a violation of this section, punishable as set out herein.
- c. Overnight parking is prohibited except for vehicles which are disabled. ORD. NO. 736 3-15-82

11-213. Driving of any motorized or non-motorized vehicles off any hard surface improved roadway is prohibited except authorized maintenance vehicles. ORD. NO. 736 3-15-82

11-214. PRESERVATION OF NATURAL STATE. No person shall take,

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ARTICLE 2. PARK REGULATIONS

injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of City parks.

ORD. NO. 736 3-15-82

*12-215*  
11-215. Swimming is prohibited in City parks except in pools constructed for that purpose.

ORD. NO. 736 3-15-82

*12-216*  
11-216. The Park Foreman of the Public Works Department shall have the authority to close any playing field for maintenance or for damage prevention. Closed fields shall be conspicuously posted, and any use of a closed field is prohibited.

ORD. NO. 736 3-15-82

*12-217*  
11-217. GENERAL REGULATIONS.

The Governing Body may authorize the Recreation Commission to post such rules and regulations approved by the Governing Body pertaining to the use of the City parks in a conspicuous place in each City park. Violations of these posted rules shall also constitute a violation under the penalty provisions of this article.

ORD. NO. 736 3-15-82

*12-218*  
11-218. PENALTY.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) for each such offense. Each and every day that such violation continues shall constitute a separate offense.

ORD. NO. 736 3-15-82

11-219. SEPARABILITY.

If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

ORD. NO. 736 3-15-82

CHAPTER XI. PARKS AND RECREATION

ARTICLE 3. RECREATION COMMISSION

11-301. *12/201* MEMBERSHIP AND QUALIFICATIONS. There is hereby created a Recreation Commission consisting of five (5) members. Four (4) members shall be appointed by the governing body and one (1) member shall be appointed by the four (4) appointee members of the Commission. All shall be qualified electors of the city. ORD. 434 G 4-16-73

11-302. *12/201* TERM OF MEMBERSHIP. The four (4) members appointed by the governing body shall serve the following terms of office in the following prescribed manner. The first appointee shall serve for four (4) years, the second for three (3) years, the third for two (2) years and the fourth for one (1) year. The fifth member shall be appointed by the four (4) appointee members of said Commission to serve for four (4) years. Thereafter, the members of said Commission shall be selected in the same manner as the member he is succeeding and the term of office of each shall be four (4) years. Whenever a vacancy shall occur in the membership of said Commission, an elector shall be selected to fill the vacancy in the same manner as and for the unexpired term of the member he is succeeding. ORD. 434 G 4-16-73

11-303. *12/201* POWERS AND DUTIES OF RECREATION COMMISSION. The Recreation Commission shall elect a presiding officer and secretary. Said Commissioners are empowered to administer in all respects the business and affairs of the recreation system except as provided in Section 11-103. The amount received from the tax authorized to be levied by said Commission shall be set over to the Commission and shall be held by the city treasurer, who shall be the ex officio treasurer of said Commission. All financial records of said commission shall be audited as provided by law, and a copy of such annual audit report shall be filed with the governing body. The chairman of said commission shall cause to be submitted, no later than the May meeting of the Budget and Finance Committee, a budget for the forthcoming fiscal year. ORD. 434 G 4-16-73

11-304. *12/201* EMPLOYEES, AUTHORIZATION TO CONTRACT FOR SERVICES. The Recreation Commission is authorized to hire or contract the services of consulting firms and/or individuals as the Commission deems necessary to carry out its obligations. The Commission is specifically authorized to contract for or hire the services of city employees, agencies or commissions and compensate them in a manner which the commission deems appropriate. ORD. 434 G 4-16-73

per law — Article 4. Provisions for  
9/9/12. Acquisition of Public Open  
Space.

XIII. STORM-DRAINAGE-  
(San. sewer & reg.)

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

*New*  
*X & V*

ARTICLE I. SEWER SYSTEM

12-101. SEWER SYSTEM. WHEREAS, on or about the 15th day of November, 1954, the City of Leawood, Kansas, by trust deed recorded in Book 68 Misc., page 472, in the office of the Register of Deeds of Johnson County, Kansas, acquired as trustee the title to the sewer system serving the City of Leawood, Kansas, and adjoining areas, from Kroh Bros., Inc. and upon breach of certain conditions contained thereon the title to said system under the terms of said trust deed upon demand would pass to the City of Leawood, Kansas, and

WHEREAS, on or about the 7th day of October, 1957, a Sanitary Sewer Agreement was entered into by and between the County Court of Jackson County, Missouri, in behalf of the Indian Creek and Dykes Branch Joint Sewer District of Jackson County, Missouri, and Kroh Bros., Inc. and Kansas City, Missouri, a municipal corporation, and the City of Leawood, Kansas, a municipal corporation, under the terms of which Kroh Bros., Inc. undertook to pay to the County Court of Jackson County, Missouri, and the City of Kansas City, Missouri, the payment of certain sums for sewer lines, treatment plants, etc., and the City of Leawood, Kansas, agreed to become liable for the payment of said sums in the event Kroh Bros., Inc. defaulted therein, and

WHEREAS, on or about the 5th day of December, 1963, Kroh Bros., Inc. stated by letter to the City of Leawood, Kansas, that it would default in the payment of said sums and would deed all of its interest to said sewer system to the City of Leawood, Kansas;

NOW THEREFORE, the governing body of the City of Leawood, Kansas, hereby declares the acquisition of such sewers, sewage system and facilities to be necessary, convenient and useful to the City of Leawood, Kansas, and does hereby declare that the same is of value to said City, its inhabitants and others in the immediate environs of such City and does hereby declare that such sewer lines and facilities are located within a distance of three miles of the corporate limits of the City of Leawood, Kansas, and that the facilities have been constructed and were in place prior to Jan. 1, 1947, and does hereby authorize the mayor to accept in behalf of the City of Leawood, Kansas, a proper deed to the sewer facilities from Kroh Bros., Inc.

ORD. NO. 226 1-20-64

12-102. PURPOSE. It is determined and declared to be necessary and conducive to the public health, safety, welfare and convenience and to the efficient and economical operation of the sanitary sewer system of the City that a user charge system be implemented to collect charges from all users of the sewer system based upon the actual use of the system by the user. The user charge system shall be used solely for the purpose of payment for the costs of operation and maintenance of the sanitary sewer system of the City and for payment of contract costs for treatment with Kansas City, Missouri.

ORD. NO. 753 7-19-82

12-102.1. DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the meanings ascribed to them in this section, unless the context requires otherwise.

- A. "Average Domestic Sanitary Wastes" shall mean wastewater that has a BOD measurement of 300 milligrams per liter (mg/l) and a suspended solids concentration of 400 mg/l.
- B. "BOD" shall mean the Biochemical Oxygen Demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

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### ARTICLE I. SEWER SYSTEM

- C. "BOD Charge" shall mean the amount of charge per pound of BOD calculated as the cost of operation and maintenance allocated to the receipt, treatment and processing of each pound of BOD.
- D. "Clean Water Act" shall mean and include the Federal Water Pollution Control Act, Public Law 92-500, and the Clean Water Act of 1977, Public Law 95-217, all as amended and codified in 33 U.S.C. §§ 1251 et seq.
- E. "Customer Service Cost" shall mean the amount of charge allocated for that portion of the operation and maintenance costs attributable to services performed in the administration of accounts of the users, including billing, mailing and information services.
- F. "Discharge" shall mean the introduction of or addition of any wastewater or other substance, whether liquid, solid or gas, into the wastewater treatment facilities of the Leawood Sanitary Sewer System.
- G. "Operation and Maintenance Cost" shall mean all expenditures during the useful life of the sewer system for materials, labor, utilities, and other items which are necessary for management and maintenance of the sewer system to achieve the capacity and performance for which such facilities were designed and constructed and shall include replacement costs which are expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed but shall not include major capital improvement or expenses.
- H. "Pollutant" shall mean any substance discharged into water which alters the chemical, physical, biological or radiological integrity of the water.
- I. "Residential User" shall mean any user which is a single family or multi-family dwelling which is used solely as a personal residence of the occupants but shall not include any commercial or institutional dwelling such as a hotel, motel, dormitory or care facility.
- J. "Shall" is mandatory; "may" is permissive.
- K. "Sewer System" shall mean sanitary sewers, mains, pumping stations, treatment works, storage facilities, and all other appurtenances to the collection, storage, treatment and disposal of sewage or wastewater.
- L. "Suspended Solids" (ss) shall mean solids that either float on the surface of or are in suspension in water, wastewater, or other solids and which are removable by laboratory filtering.
- M. "Suspended Solids Charge" shall mean that amount of charge per pound of suspended solids calculated as the cost of operation and maintenance allocated to the receipt, treatment and processing of each pound of suspended solids.

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ARTICLE 1. SEWER SYSTEM

- N. "Unit Cost" shall mean the amount of operation and maintenance cost allocated per unit to the determined component parts of the level and type of service provided; including the wastewater load, the character of the discharge and the customer account administration.
- O. "Useful Life" shall mean the estimated period during which a wastewater treatment facility will be operated without major renovations.
- P. "User" shall mean any person who is the owner or is in possession or control of any real estate property located within the prescribed service area of the sewer system of the City and who contributes wastewater into the sewer system.
- Q. "User Charge" or "User Charge System" shall mean the service charge, or system for establishment and assessment of the service charge, which is assessed to recover the cost of operation and maintenance of the sewer system and sewer services of the City based upon the allocation of costs to users of the sewer system in proportion of the use of sewer system by each user.
- R. "Volume Charge" shall mean that amount of charge per one thousand gallons of wastewater discharged calculated as the cost of operation and maintenance allocated to the receipt, handling, treatment and process of the volume and delivery flow rate or the discharge.
- S. "Wastewater" shall mean all pollutant and waste carrying water, liquids or fluids discharged into, transported through, and treated by wastewater treatment facilities. ORD. NO. 753 7-19-82

12-102.2. ESTABLISHMENT AND ASSESSMENT OF USER CHARGE SYSTEM. For the purpose of paying for the costs of the operation and maintenance of the sanitary sewer system, including replacement, a user charge system is hereby established and a user charge is hereby assessed upon each user of the sanitary sewer system of the City in an amount and to be collected in the manner as hereinafter provided.

ORD. NO. 753 7-19-82

12-102.3. USER CHARGE RATE. The user charge shall be based upon the actual cost of service provided by the City to each user and shall be determined as provided in this section.

The Director of Public Works for the City, or his authorized designate, utilizing the prevailing standards of engineering practice, shall allocate the total annual operation and maintenance costs incurred by the City, including those costs of treatment allocated and assessed to the City by Kansas City, Missouri, to the cost components of volume, BOD, suspended solids, customer services, direct treatment costs, replacement, and infiltration and inflow. The Director of Public Works shall then determine from actual use data or estimates, for each of the cost components, the per unit charge necessary for the City to recover funds sufficient to pay the total annual operation and maintenance costs and shall certify the per unit charges to the City Council.

No later than the first duly scheduled meeting of June of each year, the City Council shall adopt, by separate ordinance, the per unit charges certified by the Director of Public Works and shall publish the Ordinance once each week for two consecutive weeks in the official newspaper of the City.

CHAPTER XII, STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE I. SEWER SYSTEM

The City Clerk, or its authorized designate, shall maintain a current list of all users of the sewer system of the City and shall, no less frequently than once each year, obtain from the user, from water suppliers, or from testing and monitoring by the City or other governmental agency, sufficient data and information to determine the use of the sewer system by each user.

ORD. NO. 753 7-19-82

12-102.4. USER CHARGE CALCULATION. Each user of the sewer system of the City shall pay, within thirty (30) days after receipt of the user charge bill, the user charge calculated in accordance with this section.

A. Residential Users. Each residential user shall pay as a user charge that amount calculated from the following formula:

$$UC = (V_c \times 4V) + CSC + R + II$$

Where:

UC = User Charge in dollars;

$V_c$  = The certified per unit volume charge;

V = The total volume of wastewater discharged by the user measured in 1,000 gallons and determined from water meter data during the months of January, February, and March of each year;

CSC = The certified customer service charge;

R = The certified per unit replacement charge; and

II = The certified per unit cost for infiltration and inflow.

In the event that sufficient water meter data is not available for any residential user, V shall equal the average volume of wastewater discharged by all residential users.

B. All Other Users. All users other than residential users shall pay as a user charge that amount calculated from the following formula:

$$UC = (V_c \times V) + (BOD_c \times BOD) + (SS_c \times SS) + CSC + R + II$$

Where:

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ARTICLE I. SEWER SYSTEM

- UC = User charge in dollars;
- $V_c$  = The certified per unit volume charge;
- V = The volume of wastewater discharged by the user, measured in 1000 gallons, during the year as determined from water meter data;
- $BOD_c$  = The certified per unit BOD charge; as determined from charges established by Kansas City, Missouri;
- BOD = The number of pounds of BOD in excess of average domestic strength discharged by the user during the billing year;
- $SS_c$  = The certified per unit SS charge; as determined from charges established by Kansas City, Missouri;
- SS = The number of pounds of suspended solids in excess of average domestic strength discharged by the user during the billing year;
- CSC = The certified per customer service charge;
- R = The certified per unit replacement cost; and
- II = The certified per unit cost for infiltration and inflow.

In the event that a user subject to this section shall have a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the volume factor of the user charge may be determined by the user in a manner approved by the Director of Public Works of the City.

- C. Additional charges. In addition to the amount calculated under Subsections A and B of this section, a user shall pay as an additional user charge any treatment cost determined by the City to have been incurred by the City as a result of any pollutant discharged by that user.
- D. Minimum Charge. A minimum user charge to each user shall be equal to  $CSC + R + II$ , where CSC is the customer service charge, R is the per unit replacement cost, and II is the per unit cost for infiltration and inflow.
- E. Unavailable Data. In the event that sufficient data is unavailable to the City to accurately determine the volume usage of any user, then the user charge for such user shall equal:

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ARTICLE 1. SEWER SYSTEM

$$(V_c \times 4V_a) + CSC + R + II$$

Where:

- $V_c$  = the certified per unit volume charge;
- $V_a$  = the average volume of wastewater discharged by similar users, measured in 1000 gallons and determined from water meter data during the months of January, February, and March of each year;
- CSC = the certified customer service charge;
- R = the certified per unit replacement charge; and
- II = the certified per unit cost for infiltration and inflow.

ORD. NO. 753 7-19-82

12-102.5. BILLING AND COLLECTION.

- A. Procedure. The user charge provided for in this Ordinance shall be calculated and billed by the City Clerk, or its authorized designate, annually, and the Clerk shall cause a billing statement to be mailed to the user stating the total amount of the user charge to be paid and showing the figures used to calculate the user charge.
- B. Collection. The user charge shall be paid to and collected by the City Clerk within thirty (30) days after receipt of the billing statement by the user. Any payment not received within thirty (30) days after receipt of the billing statement shall be deemed delinquent and the City Clerk and City Attorney shall take such action as is necessary to collect the delinquent charges.
- C. Late Payment Penalty. A late payment penalty of ten percent (10%) of the user charge will be assessed for each ninety (90) days period for which the payment of a user charge is delinquent. The late payment shall be assessed and billed on the next regular user charge billing.

ORD. NO. 753 7-19-82

12-102.6. ADJUSTMENTS AND REVIEW. Any user may apply to the Director of Public Works for a review and adjustment of the user charge assessed to the user. The Director of Public Works shall review the user charge assessed and shall provide the user an opportunity to submit data and documentation to justify the requested adjustment. If the Director finds that the adjustment is justified, he shall issue a certificate to the City Clerk specifying the adjustment and reasons therefor. If the Director finds that the adjustment is not justified, he shall refuse any adjustment. The decision of the Director shall be final.

ORD. NO. 753 7-19-82

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE I. SEWER SYSTEM

12-102.7. USE OF PROCEEDS. The City Clerk shall, upon receipt of any payment of user charges assessed under this Ordinance, deposit the proceeds from such payments into an account designated as the Sewer Operation, Maintenance, and Replacement Account of the City. At least once annually, the City Council shall audit the account, to ensure that the amounts collected are sufficient to satisfy the operation and maintenance costs of the City, and shall designate that portion of the account to be used as a replacement fund. The proceeds of the account shall be used only for the purpose of paying the operation, maintenance and replacement costs of the City, including contract costs for treatment with Kansas City, Missouri. Any adjustments necessary to the account shall be made and adjusted annually in the determination of cost allocations and unit charges.

ORD. NO. 753 7-19-82

12-102.8. ENFORCEMENT AND PENALTY. The City Council, after notice and opportunity for hearing as hereinafter provided, and upon a finding by the Council that a user charge levied by or under the provisions of this Ordinance is overdue and unpaid, may issue an order directing that sewer system services be disconnected to the user not paying the charge unless, within thirty (30) days of receipt of the order by the user, or person in charge thereof, the user charge is paid in full, together with any penalties, or the user demonstrates sufficient cause why the property should not be disconnected.

Notice of the intent to issue an order pursuant to this Section shall be given at least twenty (20) days prior to issuance of the order to the user, in writing, sent by certified mail to the address of the real property for which the user charge was assessed or other known address of the user, and shall state:

- A. The intent of the City to issue an order directing that the property be disconnected unless the charge is paid in full, together with any penalties or unless cause is shown by the user not to disconnect the property;
- B. The date the Council intends to issue the order; and
- C. That the user has the right to request within the twenty (20) days an opportunity to appear before the Council and be heard to show cause by such an order should not be issued.

Sewer system services shall be reconnected to the user upon payment by the user of all due and unpaid user charges, late charge penalties, and all costs for disconnection and reconnection to the City.

ORD. NO. 753 7-19-82

12-102.9. SEVERABILITY. In the event any section or part thereof of this Ordinance shall be found to be unenforceable by a competent Court of jurisdiction, then the remaining provisions of this Ordinance shall remain valid and in full force and effect.

ORD. NO. 753 7-19-82

*Add 12-102.10 & 102.11 →*  
*12-102.12 & 102.13 →*

ORDINANCE NO. 792

AN ORDINANCE ESTABLISHING THE 1984 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

12-102.10. 1984 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 12-102.3 of Ordinance No. 753, the following shall be the formula to establish the 1984 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge, plus Customer Service Charge,  
plus Replacement Cost Charge;

Volume Charge = \$.743 per 1,000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = \$47.74 per user per unit;

Replacement Cost = 0 (for 1984).

12-102.11. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official newspaper 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.

First Reading: 11/21/83 Second Reading: 12/5/83

Passed by the Governing Body this 5th day of December, 1983.

Approved by the Mayor this 5th day of December, 1983.

(S E A L)

  
\_\_\_\_\_  
Kent E. Crippin Mayor

Attest:

  
S. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: \_\_\_\_\_, City Attorney  
R.S. Wetzler

AN ORDINANCE ESTABLISHING THE 1985 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

12-102.12. 1985 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 12-102.3 of Ordinance No. 753, the following shall be the formula to establish the 1985 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = \$.765 per 1,000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = \$48.21 per user per unit;

Replacement Cost = 0 (for 1985).

12-102.13. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official newspaper 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.

First Reading: 9/4/84 Second Reading: 9/4/84

Passed by the Governing Body this 4th day of September, 1984, the Council having deemed this to be an emergency matter.  
Approved by the Mayor this 4th day of September, 1984.

(S E A L)

\_\_\_\_\_  
Kent E. Crippin Mayor

Attest:

\_\_\_\_\_  
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: \_\_\_\_\_, City Attorney  
R.S. Wetzler

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE 1. SEWER SYSTEM.

*New XV*

12-103 SEWER CONNECTION CHARGE. The governing body shall from time to time establish just, reasonable and equitable connection charges and may issue permits for connections to said system. For other than standard four inch (4") residential connection, the connection fee shall be in terms of equivalent four inch (4") connections as determined by the rules and regulations of the sanitary sewer and storm drainage committee. Any unauthorized connections to said sewer system or any authorized connections violating any of the rules and regulations hereinafter adopted by the governing body shall be promptly disconnected and the cost thereof assessed against such property as is provided in section 12-102 of this article.

12-104 RULES AND REGULATIONS. The Public Works Commission *et al* shall from time to time adopt, promulgate, amend and enforce rules and regulations relating to any matter or thing pertaining to the operation, maintenance and use of the sewer system and the Administrative Committee shall from time to time adopt, promulgate, amend and enforce rules and regulations relating to any matter or thing pertaining to the administration, collection, disbursement and enforcement of such rules and regulations. No such rules or regulations shall be effective until approved in resolution form by the Governing Body.

ORD. NO. 501 10-6-75

12-105 NONTAX FUNDS. No revenue derived from ad valorem taxes shall be used for the operation, maintenance or acquisition of sewer facilities.

12-106 REPLACED BY CHARTER ORDINANCE NO. 10. Oct. 1, 1973.

12-107 DISBURSEMENTS. Disbursements from any sewer account shall be made by the written authorization of the mayor, city clerk and city treasurer after approval by the governing body of the City of Leawood, Kansas.

12-108 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS. The governing body of the City of Leawood, Kansas, shall have authority to make contracts with persons, firms, corporations, boards of county commissioners, township trustees, sewer districts and other municipalities and political subdivisions whether within or without the State of Kansas for the use, maintenance and operation of such sewers and sewage facilities upon such terms and conditions and for such period of time as the governing body may deem necessary and proper.

ORD. NO. 226 1-20-64

12-108.5 FAILURE OF PERFORMANCE UNDER CONTRACTS. The governing body of the City of Leawood shall have authority upon the breach of any provision of a contract under Section 12-108, providing for payment to the city, to declare that failure of the owner to satisfy the claim of the city for payment under the contract within ninety (90) days of the date of presentment thereof, authorizes the city clerk to certify to the county clerk costs to be assessed as a special assessment against the property and entered on the rolls of the county.

ORD. NO. 417 G 12-30-71

12-109 AUTHORIZATION TO EXECUTE AGREEMENT WITH OTHER MUNICIPALITIES. The mayor of the City be and he is hereby authorized and directed to

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE 1. SEWER SYSTEM

execute, on behalf of the city, an agreement of cooperation for sewage service with Kansas City, Missouri, a municipal corporation of the State of Missouri, to provide for the payment of a monthly sewer service charge, moneys for capital improvements, maximum sewer connections and the method of payment therefor, all in accordance with the terms and conditions of the agreement attached hereto and made a part hereof.

12-110. RECORDING OF AGREEMENT. Upon the effective date of the agreement as therein provided the city clerk of the city is directed to cause this ordinance and attached agreement together with a certified copy of the ordinance adopted by the City of Kansas City, Missouri, to be recorded in the office of the register of deeds of Johnson County, Kansas, at Olathe, Kansas.

12-111. SUPPLEMENTAL AGREEMENTS. From time to time as supplemental agreements to the above contract are required, such shall be entered into, execution authorized and recorded in the same manner as the original agreement.

12-112. LEAWOOD SEWER DISTRICTS. For purposes of administering the Leawood Sewer System, said system shall be divided into sewer districts. Each district shall be comprised of the sanitary sewer network for a natural drainage area. The existing system is hereby divided into the Dykes Branch Sewer District and the Indian Creek Sewer District as shown on that certain map of the Leawood Sewer System adopted on the 8th day of September, 1970, by the governing body.

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE 2. MODEL CODE FOR SANITARY SEWERS

12-201. MODEL CODE FOR SANITARY SEWERS. There is hereby incorporated by reference by K. S. A. 1969 Supp. 12-3009 and 12-3015, for the preparation of sewer plans, establishment of design criteria, and adoption of minimum construction standards that certain standard model code known as "Model Code for Sanitary Sewers", Edition of 1970, published by the City of Leawood, Kansas. Not less than three (3) copies of such model code, marked or stamped "Official Copy as Incorporated by the Codification of Ordinances of the City of Leawood, Kansas, 1970," shall be filed with the city clerk, to be open to inspection and available to the public during regular office hours, except that such official copies shall not be removed from the city hall. City officials requiring the use of such code shall be supplied at the cost of the city such number of official copies of the model codes as may be deemed expedient by the governing body.

12-202. APPLICATION. The provisions of the Model Code for Sanitary Sewers shall govern the design, plan submission, construction, installation, alteration, extension or by-passing of all sanitary sewers within the territorial limits of the City of Leawood, Kansas, and all portions of the Leawood Sewer System situated outside the city limits.

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE 3. SANITARY REGULATIONS

12-301. RAINWATER CONNECTIONS, DEFINITION OF. For purposes of this article the term rainwater connections shall be deemed to include any type of connection by which rainwater may be introduced into the sanitary sewer lines and shall include, but not be limited to, rain leaders, downspouts, rain conductors or piping, exterior, patio, areaway or garage drains.

12-302. RAINWATER CONNECTIONS, DISCONNECTION OF. Whenever the governing body shall adopt a resolution, by majority vote thereof, declaring that the public health, safety, welfare or convenience requires that any premises now connected with any part of the sanitary sewer system by means of rainwater connections shall be disconnected from such sewer system, it shall thereupon become the duty of the owner, tenant or occupant of such premises to disconnect the same from such sanitary sewer system.

12-303. CONTENTS OF RESOLUTION; SERVICE OF NOTICE. Before the adoption of any resolution under the above section, the governing body shall ascertain the locality or district in the city wherein it is then and there deemed in the interest of the public health, safety, welfare or convenience to order the disconnection of any rainwater connection connecting any premises with any part of the sanitary sewer system. Such resolution shall contain a description in general terms of the sanitary sewer, or any part thereof from which the rain leader, downspout, rain conductor is to be disconnected and shall direct the city engineer to notify, in writing, the owner, tenant or occupant of premises connected with such sanitary sewer to disconnect such rainwater connection from such sanitary sewer within sixty (60) days after the date of such notice. Such notice shall be directed to the owner, tenant or occupant at the common or post office address of the owner, tenant or occupant of the premises. When so deposited in the Post Office of the United States, or an adjunct thereof, such deposit shall constitute due service of the notice upon the owner, tenant or occupant therein named. The city engineer shall make a careful survey of all districts provided with sanitary sewers and report to the governing body, as early as practical, the extent to which such sewers are being used for the disposal of rainwater or surface water, the location and condition of all overflows that have been provided, together with such recommendations as they may deem proper.

12-304. OPEN MANHOLES PROHIBITED. No person shall permit any sanitary sewer manhole to remain uncovered except when the removal of cover be actually required for access to the manhole.

12-305. MANHOLES, GRADING ADJACENT TO. No person shall alter the grade of any area adjacent to a sanitary sewer manhole so that infiltration of ground water into the sanitary sewer system is possible.

12-306. MANHOLES, PROTECTION OF; DAMAGE REPORTS. During construction, excavation, grading or other operations that could damage a sanitary sewer manhole, same shall be marked and barricaded for protection from such operations. Any damage to a sanitary sewer manhole shall be promptly reported to the city engineer by the person in charge of the operations causing the damage.

## CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

### ARTICLE 4. STORM DRAINAGE

12-401. ADOPTING STORM SEWER SPECIFICATIONS AND STANDARDS PREPARED BY THE KANSAS CITY METROPOLITAN CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION, 1966. There is hereby incorporated in the revised ordinances of the City of Leawood, Kansas, by reference, for the purpose of regulating the installation, construction, alteration and repairs of storm sewers those specifications and standards known as "Storm Sewer Specifications and Standards Prepared by the Kansas City Metropolitan Chapter of the American Public Works Association, 1966" prepared and published by the Metropolitan Chapter of the American Public Works Association. Not less than three (3) copies of such specifications and standards shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Leawood, Kansas." to which shall be attached a copy of the ordinance, and filed with the city clerk, to be open to inspection and available to the public at all reasonable hours, except that such copy shall not be removed from the city hall. The city engineer and the street department superintendent shall be supplied, at the cost of the city, such number of official copies of such standards and specifications as may be deemed expedient by the governing body.

12-402. ADOPTING DESIGN CRITERIA FOR STORM SEWERS AND APPURTENANCES PREPARED BY THE KANSAS CITY METROPOLITAN CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION, 1966. There is hereby incorporated in the revised ordinances of the City of Leawood, Kansas, by reference, for the purpose of regulating the installation, construction, alteration and repairs of storm sewers those specifications and standards known as "Design Criteria for Storm Sewers and Appurtenances Prepared and Published by the Metropolitan Chapter of the American Public Works Association, 1966," prepared and published by the Metropolitan Chapter of the American Public Works Association. Not less than three (3) copies of such specifications and standards shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Leawood, Kansas," to which shall be attached a copy of the ordinance, and filed with the city clerk, to be open to inspection and available to the public at all reasonable hours, except that such copy shall not be removed from the city hall. The city engineer and the street department superintendent shall be supplied, at the cost of the city, such number of official copies of such standards and specifications as may be deemed expedient by the governing body.

### ARTICLE 5. PENALTY

12-501. PENALTY. Any person who shall violate any provision of this chapter or shall fail to comply with any of the requirements thereof shall be deemed guilty of maintaining a public nuisance (Sec. 10-309) or of permitting a public nuisance (Sec. 10-310) as said sections shall apply and shall be punished as therefore provided. Each day that a violation continues shall be deemed to be a separate offense.

ORDINANCE NO. 788

AN ORDINANCE RELATING TO THE ADOPTION OF "JOHNSON COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM CODE".

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

12-601. JOHNSON COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM CODE; INCORPORATION BY REFERENCE. Section 1. There is hereby incorporated by reference, for the purpose of prescribing rules and regulations for controlling practices to minimize health and safety hazards, that certain code known as the "Johnson County Private Sewage Disposal System Code", 1982 Edition, prepared and published by the Johnson County Health Department, and as from time to time amended.

Not less than three (3) copies of such "Johnson County Private Sewage Disposal System Code", marked or stamped "Official Copy as Adopted by Ordinance No. 788", shall be filed with the City Clerk to be open for inspection and available to the public during regular office hours.

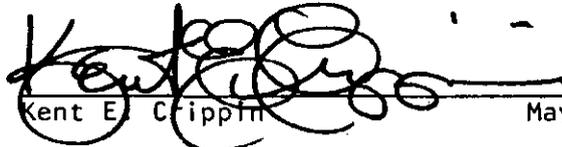
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/6/83 Second Reading: 9/19/83

Passed by the Governing Body this 19th day of September, 1983.

Approved by the Mayor this 19th day of September, 1983.

(S E A L)

  
Kent E. Crippin Mayor

Attest:

  
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: \_\_\_\_\_, City Attorney  
R.S. Wetzler

XIII - STREETS &  
SIDEWALKS

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 1. STREET AND SIDEWALK WORK

13-101. <sup>14-201</sup> GENERAL SUPERVISION. The supervision and control of the construction, alteration, maintenance and repair of all streets, bridges, tunnels, sidewalks, curbs and gutters and other public thoroughfares of the city shall be under the direction of the street commissioner, assisted by the street commission, which shall, in addition to the provisions of this chapter enact such regulations by resolutions of the governing body as are required.

13-102. <sup>14-202</sup> WORK PERFORMED. All labor and equipment required for such work shall be supplied by the public works department in response to work orders as hereafter specified.

13-103. <sup>14-203</sup> SPECIFICATIONS, FILE. There shall be maintained in the office of the city clerk a file of specifications for streets, curbs and gutters which shall have been previously approved by resolution of the governing body.

CODIFICATION, 1970

13-104. REPLACED BY SECTION 13-109.

ORD. NO. 585 6-5-78

13-105. INVALIDATION. Sections, parts or portions of this article which conflict with any other ordinance of the City of Leawood or statute of the State of Kansas, shall be and hereby are declared to be invalid.

13-106. VALIDITY. Should any section, clause or provision of this article be invalid or unconstitutional, the same shall not affect the validity of the article as a whole, or any part thereon, other than the parts so invalid or unconstitutional.

13-107. <sup>14-109</sup> CONTRACTS. The street commissioner shall cause to be prepared form or forms of contracts for work to be performed by independent contractors, the form or forms of such contracts shall be approved by the city attorney and adopted by resolution of the governing body.

13-108. <sup>14-110</sup> WORK ORDERS. The street commissioner shall issue work orders on all work to be done by or for the city. Work orders shall specify the date of its issuance, name and address of contractor, work to be done, and any special specifications not covered by specifications on file in the city offices. Work orders shall be in quadruplicate, numbered consecutively and two (2) copies thereof shall be given the contractor, one (1) copy to the city clerk and one (1) copy retained by the street department. No such work order shall operate to increase the limit or amount of any contract previously approved by the governing body. The street commissioner shall not issue work orders in excess of one thousand dollars (\$1,000) without the prior approval of the governing body.

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 1. STREET AND SIDEWALK WORK

13-109. STREET SPECIFICATIONS AND STANDARDS; INCORPORATION BY REFERENCE.

*13-109* There is hereby incorporated by reference, for the purposes of regulating the design, construction, alteration and repairs, that certain standard street specifications and standards known as the "Street Specifications and Standards of the Kansas City Metropolitan Chapter of the American Public Works Association 1966" prepared and published by the Kansas City Metropolitan Chapter of the American Public Works Association, with the following exceptions:

Division III CG-1, CG-2, C-6, CS, MC-1, MC-2, ST-R, ST-C1, ST-C2, ST-S4, ST-D4 and ST-D6 are deleted from said document and replaced by the Street Construction Standards as set forth in the Subdivision Regulations of the City of Leawood, Kansas, 1978 edition.

These regulations shall apply to any subdivision, plat or plan for which approval is sought after the effective date of this ordinance. Further, the standards set out herein shall apply to any existing street which is reconstructed within the existing right-of-way.

Not less than three copies of such specifications and standards, marked or stamped "Official Copy as Adopted by Ordinance No. 585", shall be filed with the City Clerk to be opened for inspection and available to the public during regular office hours.

ORD. NO. 585 6-5-78

13-110. INVALIDATION.

Sections, parts or portions of this ordinance which conflict with any other ordinance of the City of Leawood or statute of the State of Kansas shall be and hereby are declared to be invalid.

ORD. NO. 585 6-5-78

13-111. VALIDITY OF ORDINANCE.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

ORD. NO. 585 6-5-78

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 2. STREET NAMES AND NUMBERS

13-201. STREET NAMES. The streets within the City are hereby named or renamed in accordance with the names designated on the official City map. CODIFICATION, 1970

13-201.1. The name of the following street within the City of Leawood is hereby changed, to wit:

Overbrook Road adjacent to Lots 13, 14, and 15 of Block 1, and Lot 1 of Block 2, on the First Plat of Hunter's Ridge, a subdivision of land in the City of Leawood, Johnson County, Kansas, is changed to Pembroke Lane

ORD. NO. 714 10-19-81

13-201.2. The City Clerk shall, upon publication of this ordinance in the official City newspaper, send a certified copy hereof to the Register of Deeds for recording.

The following shall also be advised: County Clerk, County Appraiser, County Treasurer, County Engineer, U.S. Postal Service, Fire Dispatcher's Office, Johnson County Sheriff's Office, Johnson County Emergency Medical Service, and utility companies. ORD. NO. 714 10-19-81

13-202. STREET NUMBERS ASSIGNED TO LOTS. There is hereby assigned to each lot, part thereof, parcel or homesite within the City the number designated for such lot, part thereof, parcel or homesite on the official City map. CODIFICATION, 1970

13-203. REVOCATION OF INCONSISTENT NAMES AND NUMBERS. Any street name or street number assigned or used by whatever authority or permission is hereby revoked insofar as it is inconsistent with the name designated for such street or the number designated for the particular lot, part thereof, parcel or homesite on the official City map.

CODIFICATION, 1970

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 3. CUTTING OR TUNNELING STREETS

13-301. <sup>14-205</sup> CUTTING OR TUNNELING OF PUBLIC STREETS. No person, firm or corporation shall make or cause to be made any cut, excavation or tunnel in, through or under any street, sidewalk, alley or other public place in the city for any purpose whatsoever without a permit therefor first being obtained from the city clerk.

13-302. <sup>14-206</sup> PERMIT. Rules and regulations for obtaining permits to cut, excavate or tunnel streets shall be as follows:

- a. No permit shall be issued unless an application be made in writing by the person desiring to make the cut, excavation or tunnel, accompanied by a map or diagram showing the location of the proposed cut, excavation or tunnel in such a manner that the house number or lot number in front of which said excavation, cut or tunnel is to be made shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut, excavation or tunnel. The application shall set forth the purposes for which the cut, excavation or tunnel is made and any other information indicating the need therefor.
- b. No permit for cuts in, or excavations through any paved portion of any street in the city shall be issued unless necessity therefor is shown and such necessity is certified by the street commissioner or city engineer before such permit is issued by the city clerk.
- c. The application for permit shall be accompanied by certificates of insurance insuring the applicant with limits as follows:
  1. Public liability . . . . . \$ 25,000.00 to any one person, & 50,000.00 for any one accident;
  2. Property damage . . . . . 5,000.00Or by deposit of a bond in the penal sum of twenty-five thousand dollars (\$25,000) in a form approved by the city attorney, conditioned that the principal thereunder shall save harmless and indemnify the city on account of damage to persons or property occurring by reason of any such excavation.

13-303. <sup>14-207</sup> PERMIT FEES AND DEPOSITS. The sum of five dollars (\$5) shall be charged for each and every permit. The further sum of one hundred dollars (\$100) shall be placed on deposit with the city clerk to cover the costs of refilling or repaving by the city as set forth in 13-308. The cost of said work including inspection fees shall be paid out of said deposits and the surplus, if any, shall be returned by the city clerk upon approval of the street commissioner to the applicant not sooner than eighteen (18) months after the date of the last resurfacing work. The city clerk shall issue the permit after the permit fee and the deposit herein set forth have been paid and the requirements in section 13-302 have been met. Said permit shall not be assignable.

- a. No subsequent permits shall be issued to the same party unless the full cash deposit is maintained after any levies by the city may have been charged against it.
- b. If the surface area of the proposed cut or excavation is greater than fifty square feet (50 sq. ft.) the deposit required shall be increased on the basis of one hundred dollars (\$100) for each additional fifty square feet (50 sq. ft.) or fraction thereof of surface cut or excavated. If the proposed tunnel is greater than fifty (50) lineal feet, the deposit required shall be increased on the basis of fifty dollars (\$50) for each additional fifty (50) lineal feet or fraction thereof of tunneling. Additional deposits for work involving

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 3. CUTTING OR TUNNELING STREETS

both cutting or excavating and tunneling shall be computed on the basis of one hundred dollars (\$100) for each additional fifty feet (50') (square feet of excavating or cutting plus lineal feet of tunneling) or fraction thereof.

- c. At the option of the person making the cut or tunnel and with the approval of the street commissioner, a performance bond of not less than one thousand dollars (\$1,000) computed within the meaning of "b" above, guaranteeing the cost of repairing the affected areas for a period of at least eighteen (18) months after completion of the job, may be accepted as a substitute for the cash bond.

13-304. *14-109* MANNER OF EXCAVATING AND TUNNELING. The person, firm or corporation making the cut, excavation or tunneling in any street, sidewalk, alley or public place shall cause the same to be done with the least possible injury to the street, sidewalk, alleys or public places and shall place the excavated material therefrom in such manner as to cause the least inconvenience to the public and to permit uninterrupted passage of water along the gutters. Broken pavement shall be completely removed from the site of the work. The excavation or trench shall have straight vertical sides and shoring, siding, and bracing shall be used to prevent cave-ins. No tunnel, bore, or any other subsurface excavation shall be made, constructed or placed so that any portion or point of it lies closer than two feet (2') to the overlying surface of the pavement. In the event tunneling excavations exceed six inches (6") in diameter, backfilling shall be done by forcing sand, rock dust or other inert materials by means of air pressure to fill all voids left by the tunneling operation. Police, fire and street department officials shall be notified when a road, street, alley or boulevard is blocked or opened to traffic.

13-305. REFILLING OF CUTS AND TUNNELS. The refilling of all cuts, excavations or tunneling made in, through or under any street, sidewalk, alley or other public place in the city shall be performed by the person making the cut, excavation or tunneling in the following manner only after notification to and to the satisfaction of the city engineer and in accordance with existing specifications. Earth or other suitable fill material shall be placed in six inch (6") layers and compacted to a density of at least equal to the adjacent undisturbed soil. The top twelve inches (12") of the fill shall be ninety percent (90%) of maximum density as determined by the Standard Proctor Compaction Test. Compaction tests when deemed advisable by the city engineer shall be ordered by him and shall be performed under his supervision at the cost of the contractor performing the backfilling.

13-306. CLEAN UP. Within five (5) working days after completion of pavement repairs or any portion thereof, all equipment debris and surplus excavated materials shall be completely removed from the site.

13-307. MARKING EXCAVATION. Every person, firm or corporation who shall for any purpose make or cause to be made any excavation in, upon, under, or adjoining any street, sidewalk, alley, or other public place, and shall leave any part or portion thereof open, or shall leave any part or portion thereof obstructed with rubbish, building or other material during the nighttime, shall cause the same to be enclosed with good, substantial and sufficient barriers not less than three feet (3') high and shall cause one (1) red light or pot torch to be securely and conspicuously posted in or near such excavation, building material, or

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 3. CUTTING OR TUNNELING STREETS

obstruction. If such obstruction extends over ten feet (10') and less than fifty (50') in length, two (2) red lights or pot torches shall be placed one (1) at each end. One (1) additional red light or pot torch shall be placed for each additional fifty feet (50') of obstruction or part thereof; all such lights or torches shall be lit from sunset to sunrise.

Whenever a person shall excavate the full width of any street, alley, sidewalk or public place, he shall maintain a substantial walkway or driveway across said excavation until it is refilled.

13-308. REPLACEMENT OF STREET. The replacement of all pavement and resurfacing including the fill and base course shall be performed by the person making the cut, excavation or tunneling within five (5) days exclusive of Saturdays, Sundays and holidays after the refilling of the excavation. The resurfacing material shall match the general surfacing in quality and appearance and shall be approved upon completion by the city engineer.

- a. In the event the fill and pavement replacement is disapproved by the city engineer, or in the event of subsequent deterioration of the surface due to the cut, excavation or tunnel, within a period of eighteen (18) months following initial replacement, the public works superintendent shall request the person making such cut, excavation or tunnel to repair said defect, and if within a reasonable time, repairs are not commenced and diligently prosecuted to completion, the public works department shall repair said defect and levy the cost of said repairs against the deposit set forth in section 13-303.
- b. Repairing by the street department of the city shall be computed on the basis of cost of labor, materials and equipment used within a minimum charge of ten dollars (\$10) for each cut, excavation or tunnel.

13-309. PROVISIONS APPLICABLE TO STREET AREAS. The provisions of this article shall apply to all paved surfaces, including curbs and sidewalks, the areas beneath them and to all unpaved shoulders or parkways lying within two and one-half feet (2 1/2') of such paved surfaces owned by the city.

13-310. EMERGENCY CUTS. Cuts and excavations may be made by or in behalf of any public utility without prior permit or deposits when necessary, in the opinion of such utility, to prevent loss or damage to property or life: Provided, That

- a. Such utility immediately notify the police department that such cut is being made; and
- b. Such utility obtain a permit and make the deposits required not later than the next business day following any such cut or excavation.

13-311. DEPOSITING OF MATERIAL IN CURBS AND GUTTERS AND EXCEPTIONS. No person, firm or corporation shall cause or permit the curbs and gutters in the city to be filled with any material which tends to restrict or divert the flow of water therein except that the street commissioner or his duly authorized representative may upon request grant written permission for exception thereto.

13-312. FORM OF REQUEST. Request for permission for such exception shall be made in person at the city hall by the property owner. The street commissioner or his duly authorized representative may grant such permission for exception hereto upon the property owner signing the following form:

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 3. CUTTING OR TUNNELING STREETS

"I hereby acknowledge receipt of a copy of the street department's specifications pertaining to the filling of city streets, curbs and gutters. I further understand that the street department may, if it deems necessary, remove such fill material in whole or in part."

\_\_\_\_\_  
Address: \_\_\_\_\_

I hereby grant permission for filling the curb and gutter at the above address

\_\_\_\_\_  
Street Commissioner

13-313. *14-117* REMOVAL OF EXISTING SIDEWALKS. No person, firm, or corporation shall use any part of a sidewalk for driveway purposes unless such sidewalk has been removed to the next expansion joint beyond said driveway on either side and replaced with a six inch (6") concrete sidewalk on that portion of the sidewalk to be used for driveway purposes, with a proper base all reinforced with wire mesh not smaller than No. 10 wire and not larger than six inch (6") squares. In lieu of removing the existing sidewalk to the next expansion joint adjacent to said sidewalk, said sidewalk may be sawed with a cement saw and reinstalled as set forth above.

13-314. *14-114* CONSTRUCTION OF DRIVEWAY AND REPLACEMENT OF SIDEWALK. No driveway shall be poured at the same time the sidewalk area is repoured, unless a dummy joint is installed along either edge of the sidewalk abutting said driveway at least one and one-half inches (1 1/2") deep.

13-315. PENALTY. Any violation of the requirements of this chapter shall be deemed to constitute the public offense of maintaining a public nuisance and/or permitting a public nuisance. (See section 10-309, 310, 315 of this code)

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 4. PARADE REGULATIONS

- 13-401. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings:
- a. Parade is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city;
  - b. Parade Permit is a permit as required by this article;
  - c. Person is any person, firm partnership, association, corporation, company or organization of any kind.
- 13-402. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the city marshal-chief of police.
- a. Exceptions. This article shall not apply to:
    1. Funeral processions;
    2. Students going to and from school classes or participating in educational activities: Provided, That such conduct is under the immediate direction and supervision of the proper school authorities;
    3. A governmental agency acting within the scope of its functions.
- 13-403. PROCEDURE. A person seeking issuance of a parade permit shall file an application with the city marshal-chief of police on forms provided by such officer.
- a. Filing Period. An application for a parade permit shall be filed with the city marshal-chief of police not less than forty-eight (48) hours before the date on which it is proposed to conduct the parade.
  - b. Contents. The application for a parade permit shall set forth the following information:
    1. The name, address and telephone number of the person seeking to conduct such parade;
    2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
    3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
    4. The date the parade is to be conducted;
    5. The route to be traveled, the starting point and the termination point;
    6. The approximate number of persons, animals and vehicles that will constitute such parade; the type of animals and description of the vehicles;
    7. The hours when such parade will start and terminate;
    8. A statement as to whether the parade will occupy all or only a portion of the width of the streets to be traversed;
    9. The location by streets of any assembly areas for such parade;
    10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
    11. The interval of space to be maintained between units of such parade;
    12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city marshal-chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 4. PARADE REGULATIONS

13. Any additional information which the city marshal-chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- c. Late Applications. The city marshal-chief of police, where good cause is shown, shall have the authority to consider any application hereunder which is filed less than forty-eight (48) hours before the date such parade is proposed to be conducted.
- d. Fee. There shall be paid at the time of filing the application for a parade, permit fee of ten dollars (\$10).

13-404. STANDARDS FOR ISSUANCE. The city marshal-chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- a. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- b. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- c. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- d. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- e. The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire;
- f. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- g. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- h. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

13-405. NOTICE OF REJECTION. The city marshal-chief of police shall act upon the application for a parade within reasonable time after the filing thereof.

13-406. APPEAL PROCEDURE. Any person aggrieved shall have the right to appeal the denial of a parade permit to the governing body. The appeal shall be taken within ten (10) days after notice.

13-407. ALTERNATIVE PERMIT. The city marshal-chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten (10) days after notice of the action of the city marshal-chief of police, file a written notice of acceptance with the city marshal-chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article.

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 4. PARADE REGULATIONS

- 13-408. NOTICE TO CITY AND OTHER OFFICIALS. Immediately upon the issuance of a parade permit, the city marshal-chief of police shall send a copy thereof to the following:
- a. Mayor;
  - b. City Manager;
  - c. City Clerk;
  - d. City Attorney;
  - e. City Engineer;
  - f. Fire Chief.
- 13-409. CONTENTS OF PERMIT. Each parade permit shall state the following information:
- a. Starting time;
  - b. Minimum speed;
  - c. Maximum speed;
  - d. Maximum interval of space to be maintained between the units of the parade;
  - e. The portions of the streets to be traversed that may be occupied by the parade;
  - f. The maximum length of the parade in miles or fractions thereof;
  - g. Such other information as the city marshal-chief of police shall find necessary to the enforcement of this article.
- 13-410. DUTIES OF PERMITTEE. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- a. Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
- 13-411. PUBLIC CONDUCT DURING PARADES. The following rules and regulations shall be observed by the public during parades;
- a. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or any parade assembly or with any person, vehicle or animal participating or used in a parade.
  - b. Driving through Parades. No driver of a vehicle, streetcar or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
  - c. Parking on Parade Route. The city marshal-chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The city marshal-chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.
- 13-412. REVOCATION OF PERMIT. The city marshal-chief of police shall have the authority to revoke a parade permit issued hereunder upon applications of the standards for issuance as herein set forth.
- 13-413. PENALTY. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of one hundred dollars (\$100) or by imprisonment in the county or city jail for a period of three (3) months or by both such fine and imprisonment for each offense.

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 5. HEDGES, TREES AND SHRUBS

- 13-501. INJURING TREES AND SHRUBS. No person shall willfully break, cut, take away, destroy, injure, mutilate, or attempt to willfully break, cut, take away, destroy, injure or mutilate any tree, shrub, vine, flower or landscaping standing, growing, or being upon the premises in the possession of another, or growing on any public ground, street, sidewalk, promenade or park in the city, except as hereinafter provided.
- 13-502. FIRE HYDRANTS, PLANTINGS ADJACENT TO. No person shall plant or cause to be planted nor allow to grow upon property owned by him any shrubs, trees, or plantings of any kind within ten feet (10') of any fire hydrant in the city, in order that every fire hydrant shall be in full view day or night, to fire apparatus approaching from any direction.
- 13-503. TREES; DISEASED. All elm trees affected by the Dutch Elm Tree disease which have substantial portions thereof dead or dying and all dead trees, erect or fallen, and the branches thereof, whether elm or otherwise, on any private property or in the parking areas abutting on any public sidewalk or street are hereby declared to be a nuisance affecting the health, welfare and safety of the inhabitants of the city. The maintenance of any tree in the above condition is hereby forbidden.
- 13-504. OBSTRUCTING VIEW BY PLANTINGS, PROHIBITED. No person shall plant or cause to be planted nor allow to grow upon property owned by him any tree, shrub, or planting of any kind that so extends into the right-of-way of any public thoroughfare so as to constitute an obstruction in the line of sight of any person traveling thereon in any direction.
- 13-505. NOTIFICATION OF NUISANCE. The owner or owners of any property upon which a nuisance exists as defined in sections 13-502, 13-503 and 13-504 hereof shall abate the same within thirty (30) days after written notice to abate such nuisance has been given. The city clerk shall send a notice by certified mail to the owner or owners of record of said property at the address or addresses shown on the tax rolls of Johnson County, Kansas, stating that a nuisance exists and describing the same.
- 13-506. FAILURE TO ABATE NUISANCE. Upon failure of the owner to abate such nuisance within said period of thirty (30) days, the governing body may abate the same and assess the cost thereof against the property upon which the nuisance exists. Upon the failure of the owner to satisfy the claim of the city for the abatement of the nuisance within thirty (30) days of the date of presentation thereof, the city clerk shall certify to the county clerk the costs to be assessed as a special tax against the property and entered upon the rolls of the county.
- 13-507. PENALTY. Any violation of the requirements of this chapter shall be deemed to constitute the public offense of "Maintaining a Public Nuisance" and/or "Permitting a Public Nuisance."

ORDINANCE NO. 794

AN ORDINANCE DESIGNATING 143RD STREET BETWEEN STATE LINE ROAD AND NALL AVENUE AS A MAIN TRAFFICWAY.

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

13-605. Section 1. That 143rd Street between State Line Road and Nall Avenue within the City of Leawood, Johnson County, Kansas, is hereby designated and established as a main trafficway pursuant to K.S.A. 12-685 and all acts amendatory thereto.

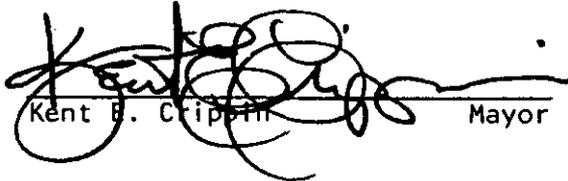
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/5/83 Second Reading: 12/19/83

Passed by the Governing Body this 19th day of December, 1983.

Approved by the Mayor this 20th day of December, 1983.

( S E A L )

  
Kent B. Crippin Mayor

Attest:

  
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: \_\_\_\_\_, City Attorney  
R.S. Wetzler

ORDINANCE NO. 836

AN ORDINANCE DESIGNATING MAIN TRAFFICWAYS WITHIN THE CITY OF LEAWOOD, KANSAS.

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

13-606. Section 1. The following streets within the City of Leawood, Kansas, are hereby designated and established as main trafficways pursuant to K.S.A. 12-685 and all acts amendatory thereto:

State Line Road, as it is within the  
City of Leawood

135th Street (Highway K-150), as it is  
within the City of Leawood

119th Street, between State Line Road  
and Mission Road, and between Roe  
Avenue and Nall Avenue

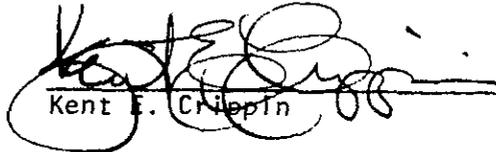
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/5/84 Second Reading: 11/19/84

Passed by the Governing Body this 19th day of November, 1984.

Approved by the Mayor this 19th day of November, 1984.

(S E A L)

  
Kent E. Crispin Mayor

Attest:

  
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: \_\_\_\_\_, City Attorney  
R.S. Wetzler

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 6. STREETS DESIGNATED AS MAIN TRAFFICWAYS

13-601. The following streets within the City of Leawood, Kansas are hereby designated as main trafficways:

Lee Boulevard  
103rd Street  
Mission Road  
123rd Street

pursuant to K.S.A. 12-685.

ORD. NO. 453 4-15-74

13-602. That 95th Street as it is within the City of Leawood, Kansas is hereby designated and established as a main trafficway pursuant to K.S.A. 12-685 and all acts amendatory thereto. ORD. NO. 464 9-16-74

13-603. That College Boulevard (111th Street) and Roe Avenue as they are within the City of Leawood, Kansas, are hereby designated and established as main trafficways pursuant to K.S.A. 12-685 and all acts amendatory thereto. ORD. NO. 702 6-15-81

13-604. That 119th Street between Mission Road and Roe Avenue within the City of Leawood, Johnson County, Kansas, is hereby designated and established as a main trafficway pursuant to K.S.A. 12-685 and all acts amendatory thereto. ORD. NO. 737 4-5-82

← add 13-605  
13-606

XIV. TRAFFIC  
OFFENSES

## CHAPTER XIV. TRAFFIC OFFENSES

### ARTICLE 1. TRAFFIC REGULATIONS: STANDARD

#### 14-101. STANDARD TRAFFIC ORDINANCE INCORPORATED BY REFERENCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1982, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3301 and K.S.A. 12-3302 and K.S.A. 12-3009 through 12-3012. Not less than three (3) copies of said "Standard Traffic Ordinance" shall be marked or stamped "Official Copy as Incorporated by Reference by Section 14-101 of the Ordinances of the City of Leawood", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, and all administrative departments of the City charged with the enforcement of the ordinances shall be supplied, at the cost of the City, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

#### 14-102. ARTICLE 7, SECTION 33, MAXIMUM SPEED LIMITS.

Said

Article 7, Section 33, is hereby deleted and the following enacted in lieu thereof:

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32 of said "Standard Traffic Ordinance", the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:
- (1) All vehicles twenty (20) miles per hour in any business district.
  - (2) All vehicles twenty (20) miles per hour in any park under the jurisdiction of this City.
  - (3) All vehicles twenty (20) miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with consent of the Council.
  - (4) All vehicles twenty-five (25) miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this section.

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 1. TRAFFIC REGULATIONS: STANDARD

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

- (b) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.
- (c) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than forty-five (45) miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of fifty-five (55) miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocational schools when such buses are transporting students to or from school functions or activities.

14-103. ARTICLE 7, SECTION 37. The title of said Article 7, Section 37 is hereby changed to read as follows: Racing on Highways; "Drag Race", "Racing", "Exhibition of Speed or Acceleration"

14-104. ARTICLE 17, SECTION 178 (c) (3). Said Article 17, Section 178 (c) (3) is hereby deleted and the following enacted in lieu thereof:

- (3) Pneumatic tires having metallic or non-metallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the State Highway Commission pursuant to duly adopted rules and regulations, and their use limited from November 1 to April 15, on only such vehicles as approved by the State Highway Commission.

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE I. TRAFFIC REGULATIONS: STANDARD

14-105. ARTICLE 20, SECTION 197. Said Article 20, Section 197, is hereby deleted and the following enacted in lieu thereof:

It is unlawful for any person to violate any of the provisions of this chapter. Upon conviction, any person violating a provision of this chapter shall be deemed to be guilty of a misdemeanor.

Except when a different penalty is specified, every person convicted of a violation of any of the provisions of this chapter shall be punished for first conviction thereof by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than ten (10) days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six months or by both such fine and imprisonment.

14-106. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. In addition, any conflict between similar sections of local ordinance and the "Standard Traffic Ordinance" shall be resolved in all cases by reference to the "Standard Traffic Ordinance".

ORD. NO. 763 12-20-82

AN ORDINANCE RELATING TO THE REGULATION OF TRUCK TRAFFIC WITHIN THE CITY, AND REPEAL OF SECTIONS.

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

REPEAL OF SECTIONS. Section 1. Sections 14-204 and 14-204.1 of Revised Ordinances, as originally adopted by Ordinance No. 756, are hereby repealed and the following enacted in lieu thereof:

14-204. REGULATION OF TRUCK TRAFFIC. Section 2. Regulations of truck traffic in the City of Leawood shall be as follows:

- a. Regulation of truck traffic. No vehicle or truck, including trailers or attachments, carrying a manufacturer's rating of one (1) ton or more, other than those carrying passengers or constructed to carry passengers, shall be allowed to enter the City of Leawood, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City: Provided, that there are signs setting forth the regulation posted upon the streets of entry into the City.
- b. Exceptions. The following streets shall be exempt from the above regulations, to wit: State Line Road, Somerset Drive, 103rd Street, I-435, K-150, Mission Road from 103rd Street north, Nall, Roe, and 119th Street from Mission Road to Roe Avenue.

14-204.1. VALIDITY OF ORDINANCE. Section 3. Should any paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

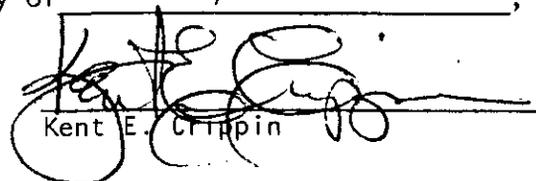
TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/2/84 Second Reading: 7/2/84

Passed by the Governing Body this 2nd day of July, 1984, the Council having deemed this to be an emergency matter, Approved by the Mayor this 2nd day of July, 1984.

(S E A L)

Attest:

  
 \_\_\_\_\_  
 Kent E. Crippin Mayor

\_\_\_\_\_  
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: \_\_\_\_\_, City Attorney  
R.S. Wetzler

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

- 14-201. **PROHIBITED DRIVING AREAS.** Prohibited driving areas in the City shall be as follows:
- a. **Trespass by motor vehicle.** No person shall operate a motor vehicle over private property of another except a driveway as defined in section 14-101, and then only with the express or implied permission of the owner.
  - b. **Over curbs.** No person shall drive any vehicle over or across any curb on any of the streets or boulevards of the City of Leawood except where a driveway has been constructed and except at building or construction sites when a building permit has been issued.
- CODIFICATION OF 1970

- 14-202. **UNAUTHORIZED RIDES.** No person shall ride in or on any vehicle without the consent of the driver.
- CODIFICATION OF 1970

- 14-203. **MOLESTING VEHICLES.** No unauthorized person shall interfere with or molest any vehicle.
- CODIFICATION OF 1970

- 14-204. **REGULATION OF TRUCK TRAFFIC.** Regulations of truck traffic in the City of Leawood shall be as follows:

- Repealed by Ord 819*
- a. **Regulation of truck traffic.** No vehicle or truck, including trailers or attachments, carrying a manufacturer's rating of one (1) ton or more, other than those carrying passengers or constructed to carry passengers, shall be allowed to enter the City of Leawood, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City: Provided, That there are signs setting forth the regulation posted upon the streets of entry into the City.
  - b. **Exceptions.** The following streets shall be exempt from the above regulations, to wit: State Line Road, Somerset Drive, I-435, K-150, Mission Road from 103rd Street north, Nall, Roe, and 119th Street from Mission Road to Roe Avenue.
  - c. **Prohibitions and Limitations.** Pursuant to the authority granted by K.S.A. 8-1912(c) and 8-202, Subsection 14, the operation of trucks or other commercial vehicles exceeding four (4) tons is prohibited on the following street, provided, that properties adjacent to this section of roadway may be served by vehicles carrying goods, merchandise, building material or other articles to be delivered: 119th Street, Mission Road to Roe Avenue.

The prohibitions and limitations set forth herein shall be designated by appropriate signs placed on the street.

ORD. NO. 756 8-16-82

- 14-204.1. **VALIDITY OF ORDINANCE.** Should any paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

ORD. NO. 756 8-16-82

- 14-205. **PUSHING VEHICLES.** No vehicle shall be pushed for a distance exceeding three hundred feet (300') nor at a speed exceeding twenty miles per hour (20 mph).
- CODIFICATION OF 1970

- 14-206. **BRIDGE WEIGHT RESTRICTIONS.** Upon recommendation of the City Engineer with respect to bridges under the jurisdiction of the City of Leawood, Kansas, the Governing Body may by resolution impose restrictions as to the maximum gross weight of vehicles operated thereon: Provided, That no such restriction shall be effective unless signs giving notice thereof are erected upon or adjacent to the bridge to which such restriction applies.
- CODIFICATION OF 1970

- 14-207. **REPEALED BY ORDINANCE #463, September 3, 1974.**

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

14-208. RESTRICTIONS ON USE OF CONTROLLED-ACCESS FACILITY OR ROADWAY SIGNS. The Governing Body, by ordinance, may regulate or prohibit the use of any controlled-access facility or roadway under their respective jurisdictions, by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

The State Highway Commission or local authority adopting any such prohibitory regulation shall erect and maintain official traffic control devices on the controlled-access facility or roadway on which such regulations are applicable, and when so erected no person shall disobey the restrictions stated on such devices.

14-209 and 14-210. REPEALED BY ORDINANCE NO. 463, 9/3/74.

14-211 and 14-211.5. REPEALED BY ORDINANCE NO. 763, 12/20/82.

14-212. REPEALED BY ORDINANCE NO. 674, 5/5/80.

14-213. REPEALED BY ORDINANCE NO. 763, 12/20/82.

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

14-213.3. DRIVER'S LICENSE REQUIRED.

No person shall drive any motorized bicycle upon a highway of this State or upon a public street in this City unless:

- (1) Such person has a valid driver's license which entitles the licensee to drive a motor vehicle in any class or classes; or
- (2) Such person is at least fourteen (14) years of age and has passed the written and visual examinations required for obtaining a Class C driver's license, in which case the Division of Motor Vehicles shall issue to such person a Class C license which clearly indicates such license is valid only for the operation of motorized bicycles.

ORD. NO. 601 8-7-78

14-213.4 REGISTRATION AND LICENSE REQUIRED.

It shall be unlawful to operate, or for the owner thereof knowingly to permit the operation, upon any highway or public street of this City of a motorized bicycle, as defined above, which is not registered and does not display thereon the number plate or plates assigned thereto by the Division of Motor Vehicles for the current registration year, including any registration decal required to be affixed to any numbered plate pursuant to K.S.A. 8-134.

ORD. NO. 601 8-7-78

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

14-214 PENALTY. Every person convicted of a violation of any of the provisions of this article shall for first conviction thereof be punished by fine of not more than one hundred dollars (\$100), or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than two hundred dollars (\$200), or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

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4-1-84:

5-11-84

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enforced  
JUC

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 3. PARKING

- 14-301. ANGLE PARKING. Angle parking except where driveways exist shall be permitted as follows:
- On the east side of Lee Boulevard in front of the city hall and in front of the adjoining parking lot to the south;
  - On the west side of Lee Boulevard, except where driveways exist, adjacent to the north forty-five feet (45') of Lot 67 Leawood, and from the north line of Lot 67 Leawood, an additional two hundred thirteen feet (213') northwards, adjacent to portions of Lots 68, 69 and 70 Leawood, measured at the edge of the right of way: Provided, That nothing in this section shall be construed to permit the parking of other than private passenger vehicles;
  - On the south side of Somerset Drive adjacent to Lots 69 and 70 Leawood.

CODIFICATION, 1970

14-302. TRUCKS, BUSES, AND TRAILERS: DEFINITIONS.

- TRUCK: Any self-propelled motor vehicle designed for or used for the transportation or delivery of freight and merchandise with a gross weight in excess of three-quarter ton.
- BUS: A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following: Twenty-five (25) feet in overall length, or eight (8) feet in height, or gross weight of 3,000 pounds per axle.
- TRAILER: A vehicle without motive power designed for or used for the carrying of property or containing living quarters exceeding any of the following: Twenty-five (25) feet in length, eight (8) feet in height, or gross weight of 3,000 pounds per axle. ORD. NO. 573 1-16-78

14-302.1 PARKING OF TRUCKS, BUSES, AND TRAILERS. No person shall park any of the named vehicles in 14-302 on any street of the City or upon any lot, improved or unimproved, in a residential area of the City except for the purpose of making a delivery or pickup provided such vehicles are not left continuously parked between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. and except for parking of recreational vehicles as provided in 10-805 and 10-806. ORD. NO. 573 1-16-78

14-303. PARKING LIMITATION. No person shall park or place any vehicle upon the streets, alleys, boulevards or other publicways continuously for a period of more than twenty-four (24) hours. The police department may cause such vehicles parked in excess of twenty-four (24) hours to be removed and impounded. Vehicles may be released only after bond has been made for appearance in municipal court and payment of towing and storage fees. CODIFICATION OF ORDINANCES, 1970

14-304. NO PARKING AT ANY TIME. Parking of vehicles on State Line Road within the city is hereby prohibited. CODIFICATION, 1970

14-304.1 NO PARKING AT ANYTIME. Parking of vehicles north of 95th Street on Mission Road within the City is hereby prohibited. ORD. NO. 573 1-16-78

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 3. PARKING

14-304.2. NO PARKING AT ANY TIME. Parking of vehicles on 89th Street, from State Line Road to Dykes Branch of Indian Creek, is hereby prohibited.

ORD. NO. 591 7-3-78

14-304.3. NO PARKING AT ANY TIME. Parking of vehicles on the north side of 96th Street between Lee Boulevard and State Line Road within the City is hereby prohibited.

ORD. NO. 616 12-4-78

14-304.4. NO PARKING AT ANY TIME. Parking of vehicles on 97th Street between Lee Boulevard and High Drive within the City is hereby prohibited.

ORD. NO. 616 12-4-78

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 3. PARKING

- 14-305. SIGNS. Signs shall be erected and maintained giving notice of such prohibited parking. CODIFICATION, 1970
- 14-305.1. Requests can be made to the Police Department for installation of temporary "No Parking" signs for special occasions, to handle parking for unusual crowds, but only if 72 hours advance notice is given, to provide ample time for the departments involved to handle the details. In the event ample notice is not given and employee overtime is involved, such overtime will be charged to the citizen requesting such signs, unless waived by Chief of Police to expedite public safety provisions. ORD. NO. 575 2-21-78
- 14-306. RAMP PARKING. Parking of vehicles on Lee Boulevard is hereby prohibited from the south lot line of Lots 1322 and 1328 Leawood Estates south to Indian Creek, the same being the ramps and elevated access to Leawood Park.
- 14-307. BUS STOPS. The Governing Body shall designate and establish by resolution zones or areas on the public streets for the stopping of buses for the safe and convenient loading and unloading of passengers.
- 14-308. PARKING AND STANDING OF BUSES. The driver of a bus shall not stand or park the same upon any street in any business district at any place other than at a bus stop, except that this provision shall not prevent the driver of any school bus from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
- 14-309. OBEDIENCE BY DRIVERS OF OTHER VEHICLES. No person shall stop, stand or park a vehicle other than buses in a bus stop when any such stop has been officially designated and appropriately signed: Provided That the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zones. CODIFICATION, 1970
- 14-310. PARKING IN YARDS OR PARKWAYS. In areas which are primarily residential in nature or specifically zoned R-1, no parking shall be permitted in the front, rear, or side yard except for recreational vehicles as provided for in Section 10-805,B, and except that parking of motor vehicle passenger cars, trucks 3/4 ton or less, motorcycles, and temporary parking of recreational vehicles as provided for in Section 10-806 shall be permitted on the hard surfaced driveways of single family residences. ORD. NO. 573 1-16-78
- 14-311. REPEALED BY ORDINANCE NO. 692, 4-6-81.

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 3. PARKING

14-312. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-313. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-314. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-315. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-316. ADMINISTRATIVE PROCEDURE. Whenever an informal complaint is made to City Administration or notice is given of the existence of an apparent violation of this article, written notice shall be given within seven (7) days thereafter to the person in possession or the owner of the real property on which such inoperable vehicle is located. Such notice shall inform such person of the violation and direct that action be taken to comply within seven (7) days after date of such notice with the provisions of Section 14-311 through Section 14-315, or prosecution will be commenced for violation thereof.

ORD. NO. 573 1-16-78

14-317. ZONING PROVISIONS CONTROL. Nothing in this article is intended to amend, modify or repeal any provisions of the Model Zoning Code and Subdivision Regulations as adopted by Ordinance No. 439, August 20, 1973, and all subsequent amendments and editions, and in the event the provisions, regulations or restrictions on the placemnet of inoperable vehicles in such ordinance are more restrictive than those provided herein the provisions, regulations or restrictions in such ordinance shall prevail and control.

ORD. NO. 573 1-16-78

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 3. PARKING

14-318. PENALTY. Any person, firm or corporation violating, disobeying, neglecting or refusing to comply with the provisions of Article 3, Section 301 and all sections following, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by (a) a fine of not less than five dollars (\$5) nor more than five hundred dollars (\$500), and/or (b) confinement in the County jail for a period not to exceed three (3) months. Each day's violation thereof shall constitute a separate offense. ORD. NO. 573 1-16-78

14-319. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. ORD. NO. 573 1-16-78

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 4. RESTRICTED DRIVER'S LICENSE

14-401. RESTRICTED DRIVER'S LICENSE. Any person who is under the age of sixteen (16) years and is at least fourteen (14) years of age upon the written application of the parents or guardian of said minor must submit any application for a Kansas driver's license to the Chief Law Enforcement Officer of the City. The Chief Law Enforcement Officer of the City may recommend the issuance of a driver's license provided that the parent or guardian shows necessity for the issuance of such license. The Chief Law Enforcement Officer upon making a recommendation of the application for driver's license must forward the recommendation with the application to the Division of Vehicles.

ORD. 625

1-15-79



CHAPTER XV. ZONING REGULATIONS

ARTICLE 1. ADOPTION

15-101. ZONING ORDINANCE, INCORPORATION BY REFERENCE. There is hereby incorporated by reference pursuant to K.S.A. 1977 Supp. 12-3009, K.S.A. 1977 Supp. 12-3010 and K.S.A. 1977 Supp. 12-3301, for the purpose of providing zoning regulations within the City of Leawood, Kansas all of the regulations contained in that document hereafter known and referred to as the "Zoning Ordinance of Leawood, Kansas, April 17, 1978".

Not less than three (3) copies of such Zoning Ordinance, City of Leawood, Final Revised Edition, April 17, 1978, marked or stamped "Official Copy" as incorporated by the ordinances of the City of Leawood, Kansas, shall be filed with the City Clerk, to be open to inspection and available to the public during regular office hours, except that such official copies may not be removed from City Hall. City officials requiring the use of such Zoning Ordinance, shall be supplied at the expense of the City, such number of official copies of the Zoning Ordinance as may be deemed expedient by the Governing Body.

ORD. NO. 581 4-17-78

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ARTICLE 1. 15-101 PURPOSE AND AUTHORITY

The regulations contained in this ordinance are enacted to conserve the value of property in the City of Leawood and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided and that the public health, safety, comfort, convenience, morals and general welfare may otherwise be promoted in accordance with the comprehensive plan and other policies of the City of Leawood.

This Ordinance is adopted under the provisions of and by authority of K.S.A. 1972 Supp. 12-701 through 12-735 and any amendments thereto.

ARTICLE 2. 15-201 SHORT TITLE

These regulations shall be known and may be cited as the Zoning Ordinance of Leawood, Kansas.

ARTICLE 3. 15-301 DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number shall include the plural and the plural number includes the singular; the word "building" includes the word "structure" and the word "shall" is mandatory.

15-301-010 Accessory Building.

A subordinate building or a portion of the main building; the use of which is incidental to that of the main building or to the use of the premises.

15-301-020 Accessory Use.

A use of building or land which is incidental and subordinate to the main use of the premises.

15-301-030 Agriculture.

The planting, cultivating, harvesting and storage of grains, hay or other plants commonly grown in Johnson County Kansas. The raising and feeding of livestock and poultry shall be considered agriculture if the area in which the livestock or poultry is kept is ten acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and shall not include stockyards or commercial feed lots. Storage of grain and equipment shall be limited to that raised or used in farming the premises.

15-301-040 Alteration.

Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

15-301-050 Apartment.

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

15-301-060 Apartment House.

A building arranged, intended or designed for more than two families.

15-301-070 Arterial.

Any street designated as such on the Major Street Plan for the City of Leawood, Kansas.

15-301-080 Basement.

A story having more than one-half its height below grade.

15-301-090 Block.

A piece or parcel of land entirely surrounded by public highways, streets (other than alleys), railway rights-of-way, parks or a combination thereof.

15-301-100 Boarding House or Lodging House.

A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

15-301-110 Board of Zoning Appeals.

The five member board appointed by the Mayor and with the consent of the City Council of the City of Leawood the purpose of which is to hear and decide appeals alleging error in interpretation or relief from hardship imposed by this ordinance.

15-301-120 Buffer Strip.

Areas of land, vacant or landscaped with screen plantings, or water, and used to separate incompatible or dissimilar land uses.

15-301-130 Building.

Any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

15-301-140 Building, Attached.

A building having any portion of one or more walls in common with adjoining buildings.

15-301-150 Building, Detached.

A building having no portion of any wall in common with another building.

15-301-160 Building Line.

A line established generally parallel to the street line, between which line and the street line no part of a building shall project, except as otherwise provided in these regulations.

15-301-170 Campground.

That area of land available for the overnight or temporary parking of recreation vehicles which is in compliance with the zoning and other ordinances of the City.

15-301-180 Chief Building Official.

The enforcement officer responsible for technical review of building and other construction plans, issuance of building and land use permits, and enforcement of the various codes and ordinances relating to building construction and alteration in the City of Leawood.

15-301-190 City Architect.

The City Architect of Leawood, Kansas.

15-301-200 City Council.

The City Council of Leawood, Kansas.

15-301-210 City Engineer.

The City Engineer of Leawood, Kansas.

15-301-220 Club, Private.

A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

15-301-230 Cluster Housing.

The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

15-301-240 Collector Street.

A street, as designated on the Major Street Plan, which collects traffic from local streets and serves as the most direct route to a major facility.

15-301-250 Comprehensive Plan.

The official adopted Comprehensive Plan for the City of Leawood and amendments relating thereto.

15-301-260 Common Open Space.

A parcel or parcels of land, excluding street right-of-way, or an area of water or a combination of land and water within a development, designed and intended for use or enjoyment of residents and owners of the project. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the development.

15-301-270 Condominium.

A system of separate ownership of individual units in a multiple unit building or on a tract of undivided land.

15-301-280 Court.

An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

15-301-290 Curb Level.

The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

15-301-300 District, Zoning.

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 Ordinance.

15-301-310 Drive-In Establishment.

Any restaurant, financial institution, product vending enterprise or portion thereof where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

15-301-320 Dwelling.

Any building, or portion thereof, designed exclusively for residential occupancy and containing one or more dwelling units.

15-301-330 Dwelling, Senior Citizens.

A building or group of buildings containing dwelling units for persons of retirement age, which buildings and dwelling units are, in the majority, designed and intended for occupancy by persons in that age group.

15-301-340 Dwelling, Single Family.

A building designed for or occupied by one family.

15-301-350 Dwelling, Two-Family, or Duplex.

A building designed for or occupied exclusively by two families living independently of each other.

15-301-360 Dwelling, Multiple Family.

A building or portion thereof arranged, intended or designed for occupancy as a residence for three or more families living independently of each other.

15-301-370 Easement.

A grant by the property owner to the public, corporation or persons, of the access to and use of land for public purposes.

15-301-380 Facade.

The elevation of a building, front, side or rear. The front facade of a building shall be that side facing a street, courtyard or other area normally associated with the building frontage.

15-301-390 Family.

One person or a group of two or more persons living together and inter-related 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.

15-301-400 Floor Area, Contributing.

A figure in square feet consisting of the total floor area in a business or office building, including basements, mezzanines, and upper floors, mechanical equipment rooms, stairways, elevator shafts, and washrooms, whether finished or not, measured from the centerline of joint partitions and from the exterior surface of outside walls. Pedestrian malls and service corridors which are common to several tenants in shopping centers shall not be included in this floor area calculation.

15-301-410 Floor Area, Finished.

The square foot area of all space within the outside line of exterior walls including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

15-301-420 Floor Area, 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.

15-301-430 Floor Area, Service.

The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by visitors, clients, customers, patients or patrons in their normal everyday use of the building.

15-301-440 Flood Plain Zoning Map.

A map covering all areas in the City of Leawood which are deemed subject to flooding and so indicated on the Flood Insurance Rate Map published by the Flood Insurance Administration of the U.S. Department of Housing and Urban Development.

15-301-450 Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

15-301-460 Floodway Fringe.

That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e. that has a 1 percent chance of flood occurrence in any given year).

15-301-470 Garage, Private.

A completely enclosed accessory building, either a part of, attached to or detached from a dwelling, and used for the keeping or storage of motor driven vehicles, which vehicles are the property of the occupants of the premises.

15-301-480 Garage, Public.

Any premises except those on residential property used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or parked for remuneration, hire or sale.

15-301-490 Garage, Storage.

Any premises used exclusively for the storage of motor-driven vehicles.

15-301-500 Garden Apartment Building.

An apartment building located on a lot either singly or together with other similar apartment buildings generally one or two stories in height, and having grounds completely landscaped.

15-301-510 Group Home for Adults.

A residential facility for five or more persons, eighteen years of age or over, who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.).

15-301-520 Group Boarding Home for Minors.

A residential facility for five or more persons under 18 years of age who, for various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation shall exist and which is licensed by the Kansas State Board of Health.

15-301-530 Height of Building or Structures.

Height means the vertical distance from the average ground level abutting a building or structure to its highest point. Height may be regulated by feet or stories and a story shall be equal to twelve feet for purposes of measuring structures other than buildings.

15-301-540 Hotel or Motor Hotel.

A building occupied as temporary lodging of individuals, in which there are forty (40) or more sleeping rooms usually occupied singly, with or without meals, and where there is no provision made for cooking in any individual room or suite.

15-301-550 Home Occupation.

Any occupation or profession carried on solely by a member of the immediate family, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main building; provided that no trading in merchandise is carried on and in which no advertising on the premises is used in connection therewith.

15-301-560 Inoperable Vehicle or Equipment or Parts Thereof.

A motor passenger vehicle, truck, bus, aircraft or other motorized equipment or machine which is not then in condition to be operated in a normal or customary manner, or any major parts thereof such as body, chassis, engine, frame or the trailer portion of a tractor-trailer rig.

15-301-570 Landowner.

The legal or beneficial owner or owners of a parcel or parcels of land, including the holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land.

15-301-580 Landscaping.

The natural or improved ground surface, containing but not limited to grass, shrubs, flowers, trees, hedges, vines, earth berms, etc.

15-301-590 Lot.

A parcel of land occupied or intended for occupancy by one main building or group of buildings together with accessory structures, including open spaces and parking spaces and having its principal frontage upon a street. A lot, as used in this ordinance, may consist of one or more platted lots, or a tract or tracts as conveyed, or parts thereof.

15-301-600 Lot, Corner.

A lot abutting upon two or more streets at their intersection and which shall be deemed to front on that street on which the lot has its least dimension.

15-301-610 Lot, Depth of.

The mean horizontal distance between the front and rear lot lines.

15-301-620 Lot, Interior.

A lot whose sidelines do not abut upon any street.

15-301-630 Lot Lines.

The lines bounding a lot as defined herein.

15-301-640 Lot of Record.

A lot which is a part of a platted subdivision, the map of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas; or a parcel of land, the deed to which was recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

15-301-650 Lot, Double Frontage or Through.

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

15-301-660 Lot, Width.

The horizontal distance between side lot lines, measured at the front building line.

15-301-670 Major Street Plan.

The official, adopted Major Street Plan for the City of Leawood, Kansas and amendments relating thereto.

15-301-680 Mobile Home.

A factory-built structure more than eight feet in width, equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear, and designed to be used as a dwelling unit without permanent foundation. "Without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

15-301-690 Mobile Home Park.

A tract of land devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

15-301-700 Motel.

A building or buildings containing, on one undivided tract or parcel of land, a group of individual private units, each provided with separate sleeping room or rooms, having bath, lavatory and toilet facilities, designed to be used primarily for transient guests traveling by automobile.

15-301-710 Municipality.

"Municipality" shall mean the City of Leawood, Kansas.

15-301-720 Nonconforming Use, Building or Yard.

A lawful use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of the adoption of this ordinance.

15-301-730 One hundred-year Frequency Flood.

A general and temporary condition of partial or complete inundation of dry land areas from the overflow of streams, rivers or other inland water, that has a one percent chance of occurrence each year.

15-301-740 Open Space.

That space remaining on a lot which is not occupied by buildings, streets, parking areas or driveways. Open space may be either an area of land or water landscaped, planted with grass or designated for recreation use for occupants of the premises, but shall not include an enclosed mall or atrium.

15-301-750 Overlay District.

A district which acts in conjunction with the underlying district or districts.

15-301-760 Parking Space.

A permanently surfaced space, enclosed or unenclosed, to store one motor passenger vehicle plus the space necessary to gain ingress and egress.

15-301-770 Pedestrian Way.

A right-of-way, dedicated to public use, to facilitate pedestrian access to adjacent streets and properties.

15-301-780 Plan.

For the purpose of this Ordinance, the term "plan" shall refer to any sketch, preliminary or final drawing, showing the intended scheme of development of a parcel of land.

15-301-790 Planned Zoning District.

The zoning of a lot or tract to permit that development as specifically depicted on plans approved in the process of zoning that lot or tract.

15-301-800 Plan Commission, City.

The Plan Commission of the City of Leawood, Kansas.

15-301-810 Plat.

A map, plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots and streets.

15-301-820 Premises.

A lot or tract of land and any structure located thereon.

15-301-830 Right-of-way.

A strip of land used for or intended to be used for street, utility, pedestrian or other public purpose the fee of which is vested in the public or a governmental body.

15-301-840 Sign.

For the purpose of this Ordinance, a sign shall be defined as any outdoor announcement, attention attracting device, documentation or insignia used for decoration, information, identification or to advertise or promote any business, product, activity, service or interest and including but not limited to the following:

Sign, Flashing: Any sign which is internally or externally illuminated by flashing, flowing, alternating, or blinking lights, including digital time and temperature devices.

Sign, Rotating: Any sign surface or sign structure or any portion thereof which rotates, moves or is animated.

Sign Structure: The support, upright bracing and framework for the sign.

Sign Surface: The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display including the perimeter border.

Sign, Detached: Any sign located on the ground or on a structure or support located on the ground and not attached to a building.

Sign, Indirectly Illuminated: Any Sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.

Sign, Marquee: Any sign attached flat against or under the marquee or permanent sidewalk canopy of a building, but not on the upper surface of a marquee or canopy.

Sign, Projecting: A sign which extends more than one foot from the face of the building to which it is attached.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.

Sign, Semi-Illuminated: Any sign located on a building which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light.

Sign, Wall: Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

Poster Panel, Junior Panel, Painted Bulletin: An outdoor advertising sign which normally depicts information not directly related to the property upon which it is located.

15-301-850 Stable, Private.

An accessory building and premises for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

15-301-860 Stable, Public.

A stable other than a private or riding stable as defined herein.

15-301-870 Stable, Riding.

A structure and premises in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

15-301-880 Story.

That portion of a building, other than a basement, included between the floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

15-301-890 Story, Half.

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

15-301-900 Street.

A right-of-way which affords the principal means of vehicular access to property abutting thereon.

15-301-910 Street Line.

The dividing line between a street right-of-way and the abutting property.

15-301-920 Structure.

Anything constructed or erected, at or below grade level, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground, which includes permanent signs, but not including sidewalks, retaining walls, driveways, patios, and fences.

15-301-930 Structural Alterations.

Any change in or to a structure which alters the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

15-301-940 Substantial Repair.

A repair shall be deemed substantial when the amount of money needed for repair exceeds fifty percent of the before damage value of the structure.

15-301-950 Thoroughfare.

A major street as designated on the Major Street Plan for the City of Leawood, Kansas.

15-301-960 Trailer.

A vehicle other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

15-301-970 Trailer, Advertising.

A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

15-301-980 Trailer, Hauling.

A trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

15-301-990 Travel Trailer or Recreation Vehicle.

A portable structure mounted on wheels or on a motorized chassis, including converted buses, and which is normally used as sleeping quarters and shelter while travelling but not as a dwelling.

15-301-1000 Variance.

A deviation from the regulations or standards adopted by this Ordinance which the Zoning Board of Appeals 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.

15-301-1010 Yard.

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots all yards abutting a street shall be measured from a line twenty-five feet from the centerline, or from the lot line, whichever provides the greater setback.

15-301-1020 Yard, Front.

A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps, entrance-way, and drives.

15-301-1030 Yard, Rear.

A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection other than steps, unenclosed balconies, drives and patios.

15-301-1040 Yard, Side.

A yard extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

15-301-1050 Zoning District Map.

The official Zoning District Map of Leawood, Kansas illustrating the boundaries of the Zoning Districts.

15-301-1060 Zoning Ordinance.

The Zoning Ordinance for the City of Leawood, Kansas.

ARTICLE 4. DISTRICTS AND BOUNDARIES.

15-401 Zoning Districts.

In order to regulate and restrict the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, the corporate area of Leawood, Kansas, is divided into thirteen zoning districts as follows:

District A	Agriculture
District R-1	Single Family Residential District
District RP-1	Planned Single Family Residential District
District RP-2	Planned Two Family Residential District
District RP-3	Planned Garden Apartment District
District RP-4	Planned Cluster Residential District
District RP-5	Planned Apartment House District
District RP-6	Planned High Rise Apartment District
District CP-0	Planned Non-Retail Business District
District CP-1	Planned Restricted Business District
District CP-2	Planned General Business District
District REC	Planned Recreation District
District MP-1	Planned Industrial Park District

#### 15-402 Planned Zoning Districts.

Planned zoning procedures are hereby incorporated in this title as provided in K.S.A. 12-725 to 12-735. Except in the case of standard single family subdivisions, which may be zoned to District R-1, or when land is to be zoned District A, Agriculture District, all rezoning of land within the City of Leawood shall hereafter follow planned zoning procedures as set out in this Article and Article 31 of this Ordinance.

All land that is zoned to a planned zoning district on the Zoning District Map adopted herewith and for which no development plans have been submitted, shall require the submittal of preliminary and final development plans for any new construction, reconstruction and alteration of any building, structure or parking area. Such preliminary and final plans shall conform to the conditions of this Article and the procedures set out in Article 31 for the rezoning of land, including public hearing thereon.

#### 15-403 Statement of Objectives.

The zoning of land in Leawood to one of the planned districts (RP-1 to MP-1 inclusive) shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to or exceeding that which prevails in the City of Leawood, but permitting deviations from normal and established development techniques. The use of planned zoning procedures is intended to encourage large scale development tracts, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of this section:

- A. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with the City of Leawood's master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, as is normal in this City's rezoning deliberations.
- B. The submittal by the developer and the approval by the City of development plans represents a firm commitment by the developer that development will indeed follow the approved plans in such areas as to concept, intensity of use, aesthetic levels and quantities of open space.

- C. Deviations in yard requirements, setbacks and relationship between buildings as set out in Standards of Development in Section 4 of this article, may be approved by the Plan Commission and Council if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will be produced.
- D. Residential areas are to be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.
- E. Commercial areas are to be planned and developed so as to result in attractive, viable and safe centers and clusters as opposed to strip patterns along thoroughfares. Control of vehicular access, and circulation, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.
- F. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
- G. Planned zoning shall not be used as a refuge from the standard requirements of the zoning district as to intensity of land use, amount of open space or other established development criteria.
- H. Any building or portion thereof may be owned in condominium under K.S.A. 53-3101.
- I. For purposes of this title the terms "shopping center," "business park," "office park," "industrial park," or other grouping of buildings shall mean developments that were planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or any portion thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning.
- J. All utilities shall be underground except that those power and telephone lines which, for engineering reasons, cannot reasonably or safely be placed underground may, upon written approval of the City Engineer, be constructed overhead.

15-404 Local Administrative Agency.

The agency having the authority to administer the planned zoning procedure and implementation of projects in connection therewith shall be the Plan Commission together with the municipal staff assigned to assist said Commission.

15-405 Standards of Development.

- A. The maximum height of buildings and structures shall be as set out in the standard requirements of the applicable district.
- B. The intensity of land use, the bulk of buildings, the concentration of population, the amount of open space, light and air shall be generally equal to that required in the standard requirements of the applicable district.
- C. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the standard requirements of the appropriate district.
- D. The permitted uses shall be the same as those permitted in the standard requirements of the appropriate district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.
- E. The Plan Commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a nonpublic nature.
- F. The Plan Commission and City Council may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:
  - (1) Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent of the standard requirement.
  - (2) Setbacks of buildings from a property line other than a public street may be reduced to eighty-five percent of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.
  - (3) Side yards between buildings may be reduced to zero.
  - (4) Setbacks of buildings and paved areas from a freeway right-of-way may be reduced to five feet.

(5) A portion of the parking area required under this title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately. The foregoing deviations 1 thru 4 may be granted by the Plan Commission and City Council only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

- G. The parking ratio for grouped commercial projects shall as a minimum follow the standard requirements. However, approval of a preliminary rezoning plan does not exempt the ultimate tenant from following any higher requirement contained within Article 24., Additional Parking Standards.
- H. The design of all planned projects, whether residential, commercial or industrial shall be such that access and circulation by fire fighting equipment is assured and not retarded by steep grades, heavy landscaping or building spacing. ZONING ORD. 4-17-78

#### 15-406 Procedures.

- A. The procedure for zoning land to a planned district shall be as set out in Article 31 of this ordinance.
- B. Conformance to master plan. In the consideration of a change to a planned zoning district the Plan Commission and Governing Body shall determine whether the proposal conforms to master plans, special studies and policies normally utilized in making zoning decisions in Leawood, Kansas.
- C. Recording of approval. After rezoning to a planned district has been approved there shall be filed with the Register of Deeds a statement that a plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The landowner shall submit this statement to the City with the appropriate recording fee. The City shall be responsible for recording the statement.
- D. The developer shall submit to the City on positive film a reduced copy of the final approved site plan. ORD. NO. 682 11-3-80

#### 15-407 City Zoning District Maps.

Zoning district maps, in accordance with K.S.A. 12-707, are hereby established and shall be maintained by the Planning and Development Department. The maps shall be changed immediately after a zoning district is added or changed by ordinance wherein the zoning maps shall accurately describe these districts.

ORD. NO. 767 2-22-83

#### 15-408 General Requirements.

All requirements must be observed, except as hereafter provided:

- A. Subsequent to the passage of this ordinance no building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with the regulations for the district in which the premises are located, except pursuant to the provisions of Article 19, Special Uses and Article 21, Non-Conforming Uses.

- B. Every building hereafter erected, enlarged or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building or group of buildings on one lot having its principal frontage upon a city approved street, except as may be provided under planned zoning procedures. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this zoning ordinance, nor shall the density of population be increased in any manner, except in conformity with the area regulations established in this Zoning Ordinance.
- C. No person, firm or corporation, nor any employee or agent of such person, firm or corporation, shall undertake the work of installing, altering or furnishing any utility services in any dwelling, commercial building or industrial structure, without first requiring the property owner to exhibit a valid building permit issued by the City of Leawood, Kansas authorizing such owner to make such improvements or alterations.
- D. The land area which may hereafter become a part of the corporate area of the City of Leawood, Kansas by annexation shall retain the zoning placed on the property by the Township Zoning Board until the City of Leawood, by due process, including public hearing, zones such land under provisions of this ordinance.

#### ARTICLE 5. DISTRICT A -- AGRICULTURE

##### 15-501 Permitted Uses.

In District A no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:

- A. Any use permitted in District R-1.
- B. Farming, dairy farming, livestock, poultry raising, game birds, pasturing of livestock, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises, provided that any building, structure or yard for the raising, feeding, housing or sale of livestock or poultry shall be located at least 100 feet from a District R-1 to RP-6 inclusive; and further provided that there shall be no feeding or disposal of garbage, rubbish or offal, other than regular removal, within 300 feet of a District R-1 to RP-6 inclusive.
- C. Fish hatcheries, apiaries, aviaries.
- D. Fishing lakes and picnic groves, provided no concession or retail sales shall be permitted.
- E. Forest and wildlife reservations, or similar conservation projects.

- F. Fur farming for the raising of fur bearing animals, excluding skunks and civet cats.
- G. Mushroom barns and caves.
- H. Nurseries, greenhouses, and truck gardens.
- I. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, incidental dwellings, buildings and structures customarily required for any of the above uses. One sign, not to exceed four square feet, shall be considered an accessory use.

ZONING ORD. 4-17-78

15-502 Height and Area Regulations.

In District A the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

- A. Height. Buildings or structures shall not exceed thirty-five feet, or two and one-half stories in height.
- B. Yards. No building or structure shall be located closer than fifty feet to a property line.
- C. Width of Lot. The minimum width of the lot shall be two hundred fifty feet provided that where a lot has less width than herein required in separate ownership at the time of the passage of this ordinance this regulation shall not prohibit the erection of a one-family dwelling.
- D. Lot Area Per Family. Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than five (5) acres per family, provided that where a lot has less area than herein required in separate ownership at the time of the adoption of this ordinance, this regulation shall not prohibit the erection of a one-family dwelling.

ORD. NO. 744 6-7-82

15-503 Parking Regulations.

Each dwelling shall be provided with two enclosed off-street parking spaces. (For additional parking and loading regulations see Article 24, Additional Parking Regulations.)

15-504 Sewage Disposal.

No permit for a dwelling or other building or land use which will produce impure wastewater shall be issued until a septic tank permit has been approved by the City Council after recommendation from the County Health Department. (See Article 22, Prohibited Uses.)

15-505 Building on Unplatted Land.

A building permit for a residential or non-agricultural building on unplatted land in this district will not be issued until a plot plan showing the proposed building and the land areas to be set aside to accommodate it is submitted and approved by the City Architect. Such plot plan may delineate a tract of land which is part of a larger ownership without the filing of a plat, provided the delineated tract is accurately tied to

a section or quarter section corner, and has access to a public street, road or highway. This delineated tract shall be entered on the official zoning map of the city and shall be considered the same as a platted lot for purposes of regulating permits on adjacent land. The owners of tracts abutting an existing road, street or highway which has less than city standard width shall present a deed to the city for that amount of right-of-way necessary to comply with the city standards prior to the issuance of the building permit.

ZONING ORD. 4-17-78

ARTICLE 5A. AR-1 ESTATE DWELLING DISTRICT - STANDARD REQUIREMENTS

15-5A01 Permitted Uses.

In District AR-1, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, or moved, except for one or more of the following uses:

- A. Any use permitted in District A.
- B. Single family houses including subdivisions.
- C. Customary accessory uses, as provided in Article 20.

ORD. NO. 744 6-7-82

15-5A02 Height and Area Regulations.

In District AR-1, the height of buildings and structures, the minimum dimensions of lots and yards, and the minimum lot area per family shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

- A. Height. Buildings and structures shall not exceed two and one-half (2-1/2) stories nor shall they exceed thirty-five (35) feet in height.
- B. Front Yards. Any building hereafter constructed shall provide a front yard the minimum depth of which shall be one hundred (100) feet.
- C. Side Yards. There shall be a side yard on each side of the lot of not less than twenty-five (25) feet for buildings and forty (40) feet wherein there shall be no septic tank laterals.
- D. Rear Yards. The depth of the rear yard shall be not less than one hundred (100) feet, provided detached accessory buildings may be located not closer than ten (10) feet to the rear lot line.
- E. Width of Lot. The minimum width of the lot shall be two hundred fifty (250) feet provided that where a lot has less width than herein required in separate ownership at the time of the passage of this ordinance this regulation shall not prohibit the erection of a one-family dwelling. In planned districts, lots may have a lesser width provided compensating open space is provided elsewhere on the project.
- F. Lot Area Per Family. Every dwelling hereafter erected or moved shall provide a lot area of not less than five (5) acres per family, provided that where a lot in this district had less than five (5) acres in area and was in separate ownership at the time of adoption of this amendment, this regulation shall not prohibit the erection of a single family dwelling. Dwellings may be clustered under a Planned AR-1 zoning process, however, not more than two-thirds of the permitted units may be placed on not less than one-third of the land involved in the project.

- G. Parking Regulations. 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 a 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. (For additional parking regulations see Article 24, Additional Parking Regulations.)
- H. Sewage Disposal. Septic tank with aeration system and lateral field or a public sewer system. ORD. NO. 744 6-7-82

ARTICLE 5B. AR-2 SUBURBAN DWELLING DISTRICT - STANDARD REQUIREMENTS

15-5B01 Permitted Uses.

In District AR-2, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, or moved except for one or more of the following uses:

- A. Dwellings, one family.
- B. Churches and publicly owned and operated community buildings, public museums, public libraries.
- C. Public parks and playgrounds, including public recreation or service buildings and swimming pools within such parks, public administrative buildings, police and fire stations.
- D. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
- E. Golf courses and clubhouses appurtenant thereto (except miniature golf courses, driving ranges and other similar activities operated as a business), provided no clubhouse, swimming pool, or parking area shall be closer than one hundred (100) feet to a property line.
- F. Railroad rights of way, not including railroad yards.
- G. Agriculture. ORD. NO. 744 6-7-82

15-5B02 Height and Area Regulations.

In District AR-2, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

- A. Height. Buildings and structures shall not exceed two and one-half (2-1/2) stories nor more than thirty-five (35) feet in height.
- B. Front Yards. Any buildings hereafter constructed shall provide a front yard the minimum depth of which shall be fifty (50) feet.
- C. Side Yards. There shall be a side yard on each side of the lot of not less than twenty (20) feet.
- D. Rear Yards. The depth of the rear yard shall be not less than fifty (50) feet for the dwelling and twenty (20) feet for any detached accessory buildings.

- E. Lot Area Per Family. Every dwelling hereafter erected or moved shall have a lot area of not less than one (1) acre, (43,560 square feet) per family, provided that where a lot had less than this area and was in separate ownership at the time of the adoption of this amendment, this regulation shall not prohibit the erection of a single family. Dwellings may be clustered under a planned AR-2 zoning process, however, not more than two-thirds of the permitted units may be placed on not less than one-third of the land involved in the project.
- F. Lot Width. The minimum width of a lot shall be one hundred fifty (150) feet.
- G. Parking Regulations. 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 a 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. (For additional parking regulations see Article 24, Additional Parking Regulations.)
- H. Sewage Disposal. A sanitary sewer system with treatment plant is required in this district. ORD. NO. 744 6-7-82

ARTICLE 6. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT - STANDARD REQUIREMENTS

15-601 Permitted Uses.

In District R-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Single Family Dwellings
- B. The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the City Council.

Athletic Fields

Cemeteries

Churches and Synagogues

Community center buildings

Convents, when a part of a school or church complex

Fire station

Golf course, including clubhouse, with the exception of miniature golf or driving range

Libraries

Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

Parks, playgrounds and other recreational areas of municipal ownership

Police stations

Schools public or private schools having curriculum equivalent to that of the public school system.

Swimming pools, (municipal)

Preliminary site development plans and final site development plans shall conform to any applicable deed restrictions and shall be approved by the City Plan Commission and the City Council prior to the issuance of building permits.

Preliminary plans submitted shall include a site plan and elevation sketches. Approval or disapproval by the Plan Commission or Council shall be based on the following:

1. The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
2. A reasonable degree of harmony will prevail between the architectural quality of the proposed public building and the surrounding neighborhood.
3. In the case of a place of worship, the site shall have reasonable direct access to a thoroughfare or collector street.

C. Accessory Uses as provided in Article 20.

15-602 Height and Area Regulations.

In District R-1 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

- A. Height. Residential structures shall not exceed two and one-half 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 the structure shall not exceed thirty-five feet in height. Parapets, ornamental railings, chimneys, gables, false mansards, cupolas, and mechanical appurtenances on residential structures may extend not more than four feet above the specified height limit.

B. Yards.

1. Front Yards. All buildings and structures shall set back a distance of at least thirty-five feet from any street line except that the side yard on the street side of a corner lot shall not be less than thirty feet.
2. Rear Yards. All buildings and structures shall set back a distance of at least thirty feet from any rear property line.
3. 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 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 ten feet from any property line.
4. Rear Setback, Corner Lot. On lots bounded by two intersecting streets, the rear yard setback shall average a distance of 30'. 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'. 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' from any property line.
5. Side Yards. There shall be a side yard on each side of the lot, such side yard to be not less than ten feet plus one foot for each two feet that the adjacent wall exceeds ten feet in height. Height of wall, for purposes of this section, shall be the distance from the average finish grade along said wall to the top of the plate or mean gable height, except that another method of measurement may be required by the City Architect

where such dimensions would not depict the true visual height of the structure.

- C. Lot Width. A lot upon which a dwelling is to be erected shall not be less than 100 feet in width at the front building line. In the case of a 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 one hundred foot restriction set forth in this subsection shall not apply but in lieu thereof the restriction shall be the width of the lot shown on such plat.
- D. Lot Area and Building Size. No building shall be erected or altered on a lot which makes provision for less than twelve thousand 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 twelve thousand 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 yard regulations described herein are observed. A one-story dwelling shall have a ground floor area of not less than fifteen hundred square feet, and a one and a half story or two story dwelling shall have a ground floor area of not less than twelve hundred square feet, and such area requirements shall be exclusive of garages, porches, patios and other appurtenances.

15-603 Parking Regulations.

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 a 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. (For additional parking regulations see Article 24, Additional Parking Regulations).

15-604 Sewage Disposal.

No permit for a dwelling or other building or land use which will produce impure wastewater shall be issued until a sanitary sewer system is available for connection thereto or its availability is assured to the satisfaction of the City Architect or until a septic tank permit has been approved by the City Council after recommendation from the County Health Department.

15-605 Building on Unplatted Land - Same as Article 5, Section 4.

15-606 Type of Construction.

Exterior walls of all dwellings shall be of brick, stone, wood, stucco, 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.

ARTICLE 7. DISTRICT RP-1 PLANNED SINGLE FAMILY  
RESIDENTIAL DISTRICT-STANDARD REQUIREMENTS

15-701 Permitted Uses.

In District RP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Single Family Dwellings
- B. Public and semipublic uses as permitted in District R-1

15-702 Height and Area Regulations.

Same as District R-1

15-703 Parking Regulations.

Same as District R-1

15-704 Procedure for Zoning Land to District RP-1.

See Article 4., Sec. 2 thru Sec. 6 and Article 31.

15-705 Type of Construction

Same as District R-1

ARTICLE 8. RP-2, PLANNED TWO FAMILY RESIDENTIAL DISTRICT  
STANDARD REQUIREMENTS

15-801 Permitted Uses.

In District RP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

- A. Any use permitted in District R-1
- B. Dwellings, two-family, commonly referred to as duplexes;
- C. Accessory uses as provided in Article 20.

15-802 Height and Area Regulations.

In District RP-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows. (For exceptions see Article 23, Additional Height and Area Regulations).

- A. Height. Buildings or structures shall not exceed two and one-half stories in height.
- B. Front Yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty feet.
- C. Side Yards. There shall be a side yard of not less than ten feet on each side of the building. Buildings on corner lots shall provide a side yard on the street side of not less than thirty feet.
- D. Rear Yards. The depth of the rear yard shall be at least thirty feet.

- E. Lot Area per Family. Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than twelve thousand square feet per family for one-family dwellings, or six thousand square feet per family for two-family dwellings.
- F. Lot Width. The width of the lot shall be at least one hundred feet. Two-family dwellings which otherwise comply with the codes and ordinances of the City of Leawood may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownerships shall not constitute violation of the lot and yard requirements of this ordinance.

15-803 Parking Regulations.

No single or two family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles per unit in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single or two 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.

15-804 Type of Construction.

Same as District R-1

ARTICLE 9. RP-3 PLANNED GARDEN APARTMENT DISTRICT-STANDARD REQUIREMENTS

15-901 Permitted Uses.

In District RP-3 no building, structure, land, or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- A. Any use permitted in District RP-2;
- B. Garden apartment buildings;
- C. Accessory uses as provided in Article 20.

15-902 Height and Area Regulations.

In District RP-3 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations).

- A. Buildings or structures shall not exceed two stories in height except that on land having a natural slope of seven feet or more vertical change in one hundred feet horizontal distance, buildings containing three stories to be occupied for residential purposes in the downhill portion may be approved by the Plan Commission upon submittal of preliminary site and building plans. Such approval shall be given only after the Commission satisfies itself that adequate natural light and air will be available to all dwelling units and that no occupant shall be required to traverse more than one story of stairs from the building entrance to the highest or lowest occupied story.

- B. Front Yards. Front yard shall be thirty feet.
- C. Side Yards. Side yard shall be ten feet except that not less than thirty feet shall be provided on the street side of a corner lot.
- D. Rear Yards. Rear yard shall be thirty feet.
- E. Lot Area per Family. The minimum lot area for garden apartments shall be three thousand five hundred square feet per family.

15-903 Parking Regulations.

Two off-street parking spaces shall be provided for each garden apartment dwelling unit. The parking or storage of tenant-owned boats, campers, trailers or other equipment is prohibited unless a parking or storage area or building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 10. RP-4 PLANNED CLUSTER RESIDENTIAL DISTRICT

15-1001 Permitted Uses.

In District RP-4 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

- A. Residential buildings containing up to eight dwelling units, designed to allow individual ownership, either under condominium statutes or other ownership procedures involving corporate maintenance of common areas and facilities.
- B. Clubs, swimming pools, garages, carport and other similar facilities normally accessory to the main use of the premises.
- C. Houses of worship on a lot having an area of not less than four acres.

15-1002 Height and Area Regulations.

In District RP-4 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 23 Additional Height and Area Regulations).

- A. Height. Building or structures shall not exceed two and one-half stories in height.
- B. Lot Size. No cluster residential project shall be constructed on a lot having less than one acre.
- C. Lot Area per Family. Every cluster dwelling hereafter constructed, moved or altered shall provide a net site area of not less than six thousand square feet per family.
- D. Yard Areas.
  - 1. Each residential or accessory building shall provide a setback from any public street of not less than thirty feet.
  - 2. Each residential building shall provide a yard between the building and a property line of the project, other than a street line, of not less than twenty feet.
  - 3. Each accessory building shall provide a yard between the building and a property line of the project, other than a street line, of not less than seven feet.

15-1003 Parking Regulations.

Two off-street parking spaces shall be provided for each dwelling unit at least half of which shall be within totally enclosed garages. Parking or storage of tenant owned boats, campers, trailers or other equipment is prohibited unless a building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 11. RP-5 PLANNED APARTMENT HOUSE DISTRICT  
MEDIUM AND HIGH DENSITY RESIDENTIAL DISTRICTS-STATEMENT OF INTENT

15-1101 Spirit and Intent.

It is the spirit and intent of this ordinance that residential development throughout the City of Leawood shall, for the most part, be of a low density, single family nature, having substantial open spaces on residential lots and having a high level of trees, shrubs and lawns throughout, all for the purpose of assuring that liveability, property values, safety and the general welfare will be sustained. Certain land areas may, however, have characteristics whereby higher density residential development may be in the public interest and may be in keeping with the Comprehensive Development Plan and other policies of the City of Leawood. Zoning for medium or high density residential districts, RP-5 and RP-6, shall be approved only when all of the following conditions exist :

- A. The medium and high density dwelling units have direct vehicular access to an arterial or collector street, and
- B. The medium or high density dwelling units are part of a project of sufficient size that transitional land uses and other buffering can be implemented within the same development, and
- C. Topographic features such as steep slopes or flood plains may justify higher density development in return for dedication or reservation of open space for public use or may offer natural screening effects for medium or high rise structures.

15-1102 Permitted Uses.

In District RP-5 no building, structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses:

- A. Single-family dwellings under the regulations of District R-1;
- B. Two-family dwellings under the regulations of District RP-2;
- C. Garden apartment buildings under the regulations of District RP-3;
- D. Medium-rise apartment buildings of the structural type referred to in the building code as fireproof;
- E. Housing of a single or multi-family type for senior citizens.

15-1103 Height and Area Regulations.

In District RP-5, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows (For exceptions see Article 23, Additional Height and Area Regulations).

- A. Height. Buildings and structures shall not exceed four stories, provided all buildings exceeding two and one-half stories shall be equipped with elevators.
- B. Front Yard. Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be at least thirty feet.
- C. Side Yards. There shall be a side yard on each side of the building of not less than the height of the building. Not less than thirty feet shall be provided on the street side of a corner lot.
- D. Rear Yard. The depth of the rear yard shall be at least the height of the building plus ten feet.
- E. Lot Area per Family. Every medium-rise apartment house and every senior citizens' dwelling hereafter constructed shall provide a lot area of not less than three thousand square feet per family unit.

15-1104 Parking Regulations.

Two off-street parking spaces shall be provided on the premises for each dwelling unit. The parking or storage of tenant-owned boats, campers, trailers or other equipment is prohibited unless a parking or storage area or building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 12. RP-6 PLANNED HIGH-RISE APARTMENT DISTRICT

15-1201 Spirit and Intent.

The spirit and intent of this district and its use in the City of Leawood are as set out in Article 11.

15-1202 Permitted Uses.

In District-RP-6, no building, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:

- A. Any use permitted in District R-5;
- B. High rise apartment buildings.

15-1203 Height and Area Regulations.

In District RP-6, the height of buildings the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations).

- A. Height. High rise apartment buildings shall not be less than five nor more than twelve stories in height.
- B. Front Yard. Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be thirty feet plus five feet for each story in excess of five.
- C. Side Yards. There shall be a side yard on each side of a building of not less than thirty feet plus five feet for each story in excess of five.

- D. Rear Yard. The depth of the rear yard shall be at least the height of the building.
- E. Lot Area per Family. Every high-rise apartment house hereafter constructed shall provide a lot area of not less than one thousand square feet per dwelling unit.

15-1204 Parking Regulations.

Two parking spaces shall be provided on the premises, or off the premises within two hundred feet of the main entrance to the building, for each dwelling unit. The parking or storage of tenant-owned boats, campers, trailers or other equipment is prohibited unless a parking or storage area or building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 13. CP-0 PLANNED OFFICE BUILDING DISTRICT-STANDARD REQUIREMENTS

15-1301 Business Districts - Statement of Intent.

It is the spirit and intent of this ordinance that business buildings in Leawood shall, for the most part, be one and two stories in height, be of high architectural quality and be in a setting of uncrowded space containing substantial trees, shrubs and lawn areas, all for the purpose of assuring that property values, business viability, safety and the general welfare will be sustained. Certain land areas may, however, have characteristics whereby buildings of greater height may be in the public interest and may be in keeping with the Comprehensive Development Plan and other policies of the City of Leawood. Zoning land to Districts CP-0 to CP-2 inclusive to accommodate buildings of greater than two stories in height shall be approved only when all of the following conditions exist:

- A. The premises have direct vehicular access to an arterial street, and
- B. The site is part of a project of sufficient size that transitional land uses and other buffering can be implemented within the same development, and
- C. A traffic study is prepared by competent professional engineers and indicates that vehicular traffic will be handled in a manner that will not disrupt the uses of neighboring property or place undue strain on the city's street system, and
- D. The site is sufficiently distant from residential property that the visual impact will not be so harsh as to depress property values in said residential areas.

15-1302 Permitted Uses.

In District CP-0, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses:

- A. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;

- B. Other offices limited to the following:
- (1) Accountants
  - (2) Architects
  - (3) Brokers
  - (4) Engineers
  - (5) Dentists and dental laboratories
  - (6) Lawyers
  - (7) Physicians, osteopaths and chiropractors
  - (8) Real Estate and insurance
- C. Mortuaries;
- D. Radio and television studios
- E. Customary accessory uses;

15-1303 Performance Standards.

No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than motor passenger cars shall be stored outside a building in this district for more than twenty-four hours in a thirty-day period. A pharmacy wherein retail sale only of prescription medicines, drugs, pharmaceuticals and orthopedic devices, customarily incident to the practice of medicine, shall be allowed as an accessory use in an office building provided not less than five physicians occupy offices within the building. The sale of eyeglasses is permitted in connection with the office of an optometrist. No direct exterior entrance to a pharmacy or optical sales area and no exterior sign or advertising relative to any retail activity shall be permitted.

15-1304 Height and Area Regulations.

*In District CP-0 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (See Article 23, Additional Height and Area Regulations).*

- A. Height. No building or structure shall exceed six stories in height.
- B. Front Yard. A front yard of not less than forty feet shall be provided for one and two story buildings and forty feet plus ten feet for each story in excess of two stories for buildings of greater height.
- C. Side Yards. There shall be a side yard on each side of a building of not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area.
- D. Rear Yard. The depth of the rear yard shall be not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area, loading or service area.

15-1305 Open Space.

Not less than twenty percent of the lot area shall be open space exclusive of buildings, parking facilities and access drives. This open space shall be devoted to plazas, courts or other landscaped areas.

15-1306 Building Coverage.

Not more than twenty-five percent of the lot area shall be covered by buildings.

15-1307 Parking Regulations.

Five off-street parking spaces shall be provided on the premises, but not in the required front yard for each one thousand square feet of contributing floor area (See Article 24, Additional Parking Regulations).

ARTICLE 14. CP-1 PLANNED RESTRICTED BUSINESS DISTRICT-STANDARD REQUIREMENTS

15-1401 Statement of Intent.

Same as Article 13.

15-1402 Permitted Uses.

In District CP-1 no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for one or more of the following uses:

- A. Shops and stores for sale at retail of foods and beverages for human consumption; soft goods such as clothing and shoes; drugs and cosmetics; furniture and appliances; printed materials; notions; hardware and paint; kitchenware; toys and sporting goods; jewelry, gifts and novelties; flowers; tobacco products, photographic equipment, antiques; artist and hobby supplies; music supplies and medical supplies; bicycles, newspapers; books; stationery; office supplies; package liquor.
- B. Services such as professional offices, banks and savings and loan associations, insurance, barber and beauty shops, schools, optical shops, seamstress and tailoring, dry cleaning and laundry pick-up or coin operated and dry cleaning operations classed as low hazard in the Leawood Building Code, eating establishments, interior decorator, photographer, shoe repairs, clinics, small animal hospitals;
- C. Offices of all types, including post offices, public or privately owned utilities offices;
- D. Customary accessory uses.

15-1403 Performance Standards.

The following standards shall not be exceeded by any use in this district:

- A. No wholesale sales shall be conducted;
- B. No merchandise or equipment shall be stored or displayed outside a building;
- C. All products shall be sold and all services rendered inside a building except that banks and savings and loan establishments may have drive-up or walk-up service;
- D. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced;
- E. Alcoholic beverages and cereal malt beverages shall not be sold for consumption on the premises except that places serving food for consumption inside the building may serve cereal malt beverages provided the wholesale cost of the cereal malt beverage sold does not exceed twenty percent of the gross sales of the establishment on an annual basis.

- F. In no case shall the noise level exceed 60 dB A at repeated intervals or for a sustained length of time measured at any point along the property line.

15-1404 Height and Area Regulations.

In District CP-1 the height of buildings, the minimum dimensions of lots and yards permitted on any lot shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations).

- A. Height. Buildings or structures shall not exceed three stories in height.
- B. Front Yard. A front yard of not less than forty feet shall be provided for any building or structure and at least twenty-five feet for any surface parking. Loading docks and service areas are not permitted on a street side of a building.
- C. Side Yards. There shall be a side yard on each side of a building of not less than forty feet for any building or structure and not less than twenty five feet for any surface parking area, loading or service area.
- D. Rear Yard. The depth of the rear yard shall be not less than forty feet for any building or structure and not less than twenty five feet for any surface parking area, loading or service area.

15-1405 Open Space.

Same as Article 13.

15-1406 Building Coverage.

Same as Article 13.

15-1407 Parking Regulations.

Five off-street parking spaces shall be provided on the premises for each one thousand square feet of contributing floor area (See Article 24, Additional Parking Regulations).

ARTICLE 15. CP-2 PLANNED GENERAL BUSINESS DISTRICT-STANDARD REQUIREMENTS

15-1501 Statement of Intent.

Same as Article 13, Section 1.

15-1502 Permitted Uses.

In District CP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for one or more of the following uses:

- A. Any use permitted in District CP-1.
- B. Shops and stores for the sale at retail or wholesale of department store merchandise, new automobiles and trucks, including used car lots accessory and subordinate thereto, automobile supplies, camping and lawn accessories, motorcycles, petroleum products (bulk plants not permitted), pets, hotel supplies;

- C. Services such as clubs, private, other than such clubs where alcoholic beverages are consumed on the premises, automobile repair in connection with new auto sales, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance and delivery services, radio and television broadcasting studios, public or private entertainment and recreation, except those uses listed in Article 16, places where cereal malt beverages are served, charity and welfare services, vocational and trade schools, veterinary hospitals;
- D. Customary accessory uses.

15-1503 Performance Standards.

- A. Drive-up service may be permitted where the product is non-alcoholic in nature and where the product is passed through a window or other device to a customer in his motor vehicle. Drive in restaurants where food is normally served to customers in parked vehicles or where food is consumed outside a building are not permitted.
- B. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
- C. Automobiles and trucks for sale may be stored or displayed on a paved surface outside a building but not within twenty-five feet of a street line, side or rear property line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this ordinance and shall not occupy an area greater than twenty percent of the ground floor area of the building.
- D. In no case shall the noise level exceed 60 dB A at repeated intervals or for a sustained length of time measured at any point along the property line.
- E. In no event will there be allowed in automobile repair and service station facilities the selling, dispensing or changing hands of cereal malt beverages.

15-1504 Height and Area Regulations.

In District CP-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows. (For exceptions see Article 23, Additional Height and Area Regulations).

- A. Height. Buildings or structures shall not exceed three stories in height.
- B. Front Yard. A front yard of not less than forty feet for any building or structure and at least ten feet for any surface parking area shall be provided. Loading docks and service areas are not permitted on a street side of a building.
- C. Side Yards. There shall be a side yard on each side of a building of not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area, loading or service area.

- D. Rear Yards. The depth of the rear yard shall be not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area, loading or service area.

15-1505 Parking Regulations.

Five off-street parking spaces shall be provided on the premises for each one thousand square feet of contributing floor area (See Article 24 for Additional Parking Regulations).

ARTICLE 16. REC RECREATIONAL DISTRICT

15-1601 Permitted Uses.

In District REC no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses:

- A. Country clubs;
- B. Fairgrounds and amusement parks;
- C. Baseball, football or other athletic fields, both amateur and professional;
- D. Golf courses of regulation or short par, driving ranges, pitch and putt and miniature golf;
- E. Skating rinks, both ice and roller, and ice hockey, both amateur and professional;
- F. Race tracks for horses, including accessory barns, concessions and similar structures;
- G. Coliseums and arenas;
- H. Commercial or club facilities for tennis, handball, racquetball and similar recreation;
- I. Bowling alleys;
- J. Fee fishing lakes;
- K. Skeet and other shooting ranges.

15-1602 Performance Standards.

The following standards shall not be exceeded or violated in this district:

- A. All surfaces subject to vehicular or similar activity shall be of a dust free nature.
- B. Alcoholic and cereal malt beverages may be sold on the premises only after a special use permit for a club has been approved by the City Council.
- C. Any noise, light, commotion or structure which may adversely affect adjoining property shall be screened or otherwise treated in a fashion approved by the City Architect.

15-1603 Plan Approval.

Preliminary and final plans of the project shall be approved by the Plan Commission and City Council prior to the issuance of permits.

15-1604 Height and Area Regulations Generally.

In District REC the height of buildings and the minimum dimensions of lots and yards shall be as follows:

- A. Height. No building or structure shall exceed sixty feet in height.
- B. Yards Areas: Yards and other open spaces shall be determined at the time preliminary plot plans are approved by the Plan Commission and City Council.

15-1605 Parking Regulations.

The amount and location of parking spaces shall be determined at the time preliminary plans are approved by the Plan Commission and City Council.

ARTICLE 17. MP-1 PLANNED INDUSTRIAL PARK DISTRICT.

15-1701 Permitted Uses.

In District MP-1 no building, structure, land or premises shall be used; and no building or structure shall hereafter be erected, constructed, reconstructed, or altered except for one or more of the following uses:

- A. Manufacturing, processing, fabrication, or assembling of any commodity, except junk or salvage.
- B. Distribution, wholesaling, warehousing, and storage of any commodity, except junk or salvage.
- C. Offices.
- D. Public utility facilities.
- E. Freight terminals.
- F. Structures and uses which are clearly accessory and necessary to the normal operation of the above uses.

15-1702 Performance Standards.

All uses enumerated above shall meet the following minimum standards:

- A. All operations shall be conducted within a fully enclosed building however normal outdoor loading and unloading of materials is permitted.
- 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. An Industrial Park District shall have direct access to at least one major thoroughfare. No direct access to a street zoned for or developed with single family residences will be permitted unless it is a major thoroughfare.
- G. All disposal of sewage, industrial wastes, process water or other liquid outflow must be previously approved by the Public Works Committee of the City of Leawood.

15-1703 Height and Area Regulations.

In District MP-1 the height of buildings, the minimum dimension of lots and yards, and the minimum lot area permitted shall be as follows: (For exceptions see Article 23 Additional Height and Area Regulations).

- A. Height. The height of any building or structure shall not exceed three stories or thirty-six feet. Height may be increased one foot for each three feet increase in the setback required below; provided that in no case shall height of the building exceed forty-eight feet.
- B. Yards.
  - 1. There shall be a yard adjacent to any street right-of-way line of at least fifty feet for any building, structure, parking facility or service area.
  - 2. Side yards and the rear yard shall be not less than twenty-five feet for any building or structure, and ten 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 feet for any building or structure, and twenty-five feet for any surface parking area, loading area, service area, or entrance drive.
- C. Minimum Open Space Requirement. At least thirty-five percent of the area of each individual building site in the Industrial Park 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.
- D. Maximum Building Coverage. Building coverage shall not exceed thirty percent of the area of each individual building site in the Industrial Park District.
- E. 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 density to serve the purpose of a solid screen such that the projection of a horizontal line of sight originating six 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 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 building permit.

- F. 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.

15-1704 Parking Regulations.

Off-street parking shall be provided on the site of the industry or the business which it services 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 amount of off-street parking depicted on the site plan be less than one space for each five hundred square feet of leasable floor area. (See Article 24, Additional Parking Regulations.)

ZONING ORD. 4-17-78

ARTICLE 17A. SP SPECIAL DEVELOPMENT DISTRICT

15-17A01 Intent and Purpose of this District.

It is recognized that certain land areas within the City of Leawood have unique and unusual characteristics as to their prominence, highway exposure, size of ownership and availability of certain utilities. It is the intent to allow and encourage development of these special land areas if certain qualifications and conditions are met and the results will be in the best interests of the public. The purpose of this special zoning district is to permit appropriate development, utilizing reasonable constraints that will assure an attractive neighborhood, be environmentally safe and allow flexibility to property owners.

ORD. NO. 744 6-7-82

15-17A02 Permitted Uses.

In District SP, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed or moved except for one or more of the following uses:

- A. Single family and multi-family dwellings.
- B. Institutional and recreational uses.
- C. Buildings housing private club and fraternal organizations.
- D. Warehousing and distribution of products where all storage and other activity is within a building.
- E. Motor hotels and camping facilities.
- F. Nurseries, truck garden, green houses.

The above uses may be permitted only under the following procedure and conditions:

1. No development shall occur until the proposed development or use has been subject of a public hearing and rezoning under planned zoning procedures. Such approval, among other criteria, shall be based upon the following:
  - a. The use will have safe and adequate vehicular access by way of roadways with adequate surface.
  - b. Wastewater disposal is handled by an adequate system.
  - c. Operations on the premises will not otherwise contaminate the surface or ground water supply.
  - d. Visual and environmental quality must be equal to that which prevails in established sections of the City of Leawood.
  - e. The development involves an area of land of not less than twenty (20) acres and in a location that harsh relationship between contrasting land uses will not degrade property values. The Planning Commission may designate sections within the district that are considered appropriate for warehousing-distribution development and others where residential and similar uses should be grouped.

- f. The high noise levels produced by highway traffic are recognized and accounted for in the planning of the project.

ORD. NO. 744 6-7-82

15-17A03 Height and Area Regulations.

In District SP the height of buildings and structures and the amount of open space shall generally be equivalent to the most comparable standard zoning district. Setbacks of buildings, structures and paved areas from such streets as State Line Road and Highway 150 shall be sufficient to insulate the use from highway noise and commotion and provide greater than normal open space of a thoroughly landscaped and highly maintained character.

ORD. NO. 744 6-7-82

15-17A04 Parking Regulations.

In District SP the amount of parking and loading facilities shall be determined by the proposed uses of the property and shall be subject to approval by the Plan Commission in the rezoning and final plan approval process.

ORD. NO. 744 6-7-82

ARTICLE 18. FLOOD PLAIN DISTRICT

15-1801 Statutory Authorization.

The Legislature of the State of Kansas has in K.S.A. 1973 Supp. 12-704 et seq delegated the responsibility to local governmental units to adopt zoning regulations designed to protect flood prone areas in compliance with the Federal Flood Disaster Protection Act of 1973, and as is from time to time amended.

15-1802 Incorporation by Reference.

There is hereby incorporated by reference the following maps or studies prepared in connection with the program, and available for review in the office of the City Clerk.

- A. The Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map;
- B. Vicinity Map;
- C. Flood Profiles;
- D. Flood Boundary and Floodway Map;
- E. Flood Insurance Study;
- F. Actuarial Rates;
- G. Flood Plain Zoning Map;
- H. Definitions.

15-1803 General Provisions.

- A. Lands to which Ordinance Applies. This ordinance shall apply to all lands within the jurisdiction of the City of Leawood, Kansas identified on the City's Flood Plain Zoning Map as numbered and unnumbered A Zones and within the Zoning Districts FW and FF established in Article 5 of this ordinance. In all areas covered by this ordinance no development shall be permitted except on receipt of a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the City.

- B. Enforcement Officer. The Chief Building Official of the City is hereby designated as the Council's duly designated Enforcement Officer under this ordinance.
- C. Rules for Interpretation of District Boundaries. The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the Flood Plain Zoning Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the Flood Plain Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Chief Building Official shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood protection elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.
- D. Compliance. No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study, larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Leawood, Kansas or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

15-1804 Development Permit.

- A. Permit Required. No person, firm or corporation shall initiate any development or construction within the area regulated by this ordinance or cause the same to be done without first obtaining a permit therefor on the forms provided by the City. Any plans for development or construction to be located in the Flood Plain shall require the following additional documentation.
  - 1. Within designated flood prone areas, the plans for development must be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of flood proofed nonresidential structures,

the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Chief Building Official.

2. Give such other information as reasonably may be required by the Chief Building Official.
  - (a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be corrupted by the proposed development and higher water information.
  - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
  - (c) Profile showing the slope of the bottom of the channel or flow line of the stream.

- B. The chief Building Official shall review all building permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. Code 1334) and make recommendations for development in all locations which have flood hazards.

#### 15-1805 Establishment of Zoning Districts.

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (Flood Boundary and Floodway Map (s)). The boundaries of these districts shall be shown on the Flood Plain Zoning Map. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

#### 15-1806 Standards for The Floodway Overlay District and The Floodway Fringe Overlay District Within The Entire Flood Plain.

- A. No permit for development shall be granted for new construction, substantial improvements and other improvements within A Zones unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the one hundred year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance except those sections relating to elevations or floodproofing. If Flood Insurance Study data is not available the City shall utilize any base flood elevation data currently available within its area of jurisdiction.
- C. New construction, substantial improvements, prefabricated buildings and other developments shall be designed or anchored to prevent the flotation, collapse or lateral movement due to flooding and will require:

1. New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on site waste disposal systems shall be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
2. Subdivision proposals and other proposed new development shall be required to assure that (a) all such proposals are consistent with the need to minimize flood damage; (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage; (c) adequate drainage is provided so as to reduce exposure to flood hazards; and (d) proposals for development of five (5) acres or fifty (50) lots whichever is lesser, include within such proposals the regulatory flood protection elevation.
3. Substantial improvements shall: (a) use construction materials and utility equipment that are resistant to flood damage; and (b) use construction methods and practices that will minimize flood damage, consistent with economic practicability.
4. Utility and Sanitary Facilities - All utility and sanitary facilities shall be flood proofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
5. Provide that until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown on the Flood Insurance Study incorporated by reference; Section 2 of this Article.
6. The use of construction materials and utility equipment that are resistant to flood damage; moreover, construction methods and practices will minimize flood damage.
7. The Governing Body of the City to insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

8. Storage of material and equipment: (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

15-1807 Floodway Overlay District.

- A. Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood protection elevation. These uses are subject to the standards of Section 1806 of this Article.
  1. Agricultural uses such as general farming, pasture, nurseries, forestry.
  2. Residential uses such as lawns, gardens, parking and play areas.
  3. Nonresidential areas such as loading areas, parking, airport landing strips.
  4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

15-1808 Floodway Fringe Overlay District.

- A. Permitted Uses. Any use permitted in Section 7 above shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 1806 of this Article are met.
- B. Standards for the Floodway Fringe Overlay District.
  1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above the regulatory flood protection elevation.
  2. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to or above the regulatory flood protection elevation or, together with attendant utility and sanitary facilities, to be flood proofed up to that level.
  3. Within Zones A0 all new construction improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official FIRM. Nonresidential structures, within Zones A0, together with attendant utility and sanitary facilities may be floodproofed to or above the depth number specified on the official FIRM.

15-1809 Certification and Information.

- A. Flood Proofing. Applicants shall provide certification by a registered professional engineer or architect that the flood proofing plans are adequate to be water tight with walls impermeable to the passage of water and withstand the hydrostatic and hydrodynamic forces associated with the one hundred year flood.

- B. Flood Proofing of Residential Structures will not be allowed unless the City is specifically granted an exception from the provisions of this ordinance by the Administrator of the Federal Insurance Administration.
- C. Elevation of Property. The applicant shall provide information identifying the elevation of the property in relation to mean sea level of the lowest flood (including the basement of the proposed structure) to which structures are flood proofed. In addition, the applicant shall provide this information for the second lowest floor if below grade on one of or more sides.
- D. The Chief Building Official will maintain the records of certification when issuing development permits in conformance with this section.

15-1810 Variance.

- A. Where by reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this article would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Zoning Appeals may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided that such a variance may be granted only if:
  - 1. The structure is to be erected on a lot of one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.
  - 2. The structure is listed on the National Register of Historic Places, or the State Inventory of Historic Places to be restored or reconstructed.
- B. Variances shall not be issued except upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.
- C. Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this ordinance to afford relief.
- D. The city shall notify the applicant that the issuance of a variance to locate a structure at an elevation below the one hundred year flood level will result in increased actuarial rates for flood insurance coverage.

15-1811 Non-Conforming Use.

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
  2. For the purposes of this ordinance if such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.
  3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.
- B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent of the market value of the structure before the damage occurred except that it may be reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE 19. SPECIAL USES

15-1901 Designated.

Any of the following uses may be located in any district by Special Use Permit of the City Council after notification of adjacent and abutting property owners, public hearing, and after recommendation of the Plan Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this ordinance and shall comply with the height and area regulations of the district in which they may be located unless a variance is specifically granted by the Board of Zoning Appeals.

1. Amusement parks, privately-owned baseball or athletic fields, race tracks;
2. Aviation fields or airports, under such restrictions as may be imposed to control noise, promote safety, and prevent undue danger to aircraft or to surrounding property.
3. Cemeteries, mausoleums, or crematories for the disposal of the dead;
4. Clubs, including those where alcoholic beverages are consumed;
5. Drive-in theaters;
6. Golf driving ranges, commercial or illuminated;
7. Gun clubs, skeet shoots, or target ranges;
8. Hospitals or penal or correctional institutions; special care facilities for humans;
9. Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;

10. Nursery sales office, building, greenhouse, or area (whole-sale or retail);
11. Nursing and convalescent homes;
12. Outdoor poster panels or billboards; off-site promotional signs;
13. Veterinary clinics, dog kennels;
14. Radio, television and microwave towers;
15. Reservoirs, towers, filter beds, or water treatment plants;
16. Riding stables and tracks;
17. Wastewater treatment plant;
18. Motor hotels, motels, and hotels;
19. Buildings, structures, and premises for public utility services, or public service corporations;
20. Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than two years but may be renewed after public hearing;
21. Assembly halls, community centers, philanthropic organizations;
22. Group care centers for children of pre-school, kindergarten, or up to ten years of age, including pre-schools and private kindergartens;
23. Off-street parking lots or structures of a temporary or permanent nature;
24. Group boarding home for minors or adults;
25. The City Council may upon application by the proponent, issue a Special Use Permit for the use of a specified parcel of land for such temporary short-term uses as trade shows, street fairs, expositions, promotional ventures and entertainment, without publication or posted notice and without referral to the Plan Commission, provided the following conditions are met:
  - (a) The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood;
  - (b) The short-term special use shall not be operated longer than ten consecutive days;
  - (c) Upon the cessation of the short-term special use, all materials and equipment shall be promptly removed and the property restored to its normal condition.
  - (d) If, after giving full consideration to the effect of the requested special use on the neighborhood and the community, the Council deems the special use reasonable, the special use permit for the short-term use may be approved. Conditions

of operation, provision for surety bond, and other reasonable safeguards may be written into the special use permit. Such permit may be approved in any zoning district.

ZONING ORD. 4-17-78

15-1902 Oil and Gas Drilling and Production.

Oil and gas drilling and production may be located in described districts by special use permit, in specific areas, for designated periods of time, with requirements set by the City Council, following notification of adjacent and abutting property owners, public hearing, and recommendation by the Plan Commission.

15-1903 Definitions.

Any and all terms shall have the meanings as set out by Leawood City Ordinances.

15-1904 Location and Map Requirements.

A. An application for a special use permit shall be submitted and accompanied with the following items:

1. Legal description of the property for which the special use permit is being requested.
2. Legal proof of ownership or written authorization to represent all owners within the tract.
3. A location map at a scale of not less than 1" = 1000' in size, showing the lease and its relationship to existing subdivisions, community facilities, streets, flood plains, creeks or waterways.
4. Topographic map of property to be covered under the special use permit, and adjacent property within four hundred feet (400') at a scale of not less than one inch (1") equals four hundred feet (400').
5. Items required on topographical map:
  - a. Existing contours at 5' intervals.
  - b. All existing and proposed wells either in production or abandoned.
  - c. Location of residential structures, other buildings and fences.
  - d. Location, use, and width of all easements for the lease.

B. Tract size: The minimum tract size on which the special use permit may be granted for oil production shall be ten (10) acres.

C. The Plan Commission and City Council shall, in the recommending and approving process, establish distances of oil and gas drilling areas from the established lease or tract line and adjacent tracts and buildings. Consideration shall be given to:

1. Location of drilling/production area in relation to adjacent developed areas and/or platted land within the City.

2. Location of the drilling/production area in respect to the lease/tract line.
3. Location of the drilling/production area to existing residences, other structures, and public rights of way.
4. Operating and potential hazardous characteristics of oil wells and gas wells.

15-1905 Additional Requirements.

Additional information or conditions may be required, as deemed necessary and proper to protect and promote the public health, safety, welfare, and which requirements are consistent with the intent and purpose of this subsection, including but not limited to the following:

- A. Enclosure or burial of the wellhead and/or appurtenances.
- B. Type of materials and height of any fencing.
- C. Noise suppression devices or procedures.
- D. Hours of operation for drilling, production, removal of equipment, and perforating or fracturing.
- E. Routes used by drilling or production related vehicles.
- F. Capacity, number, and color of storage or separator tanks.
- G. Environmental impact statement addressing those areas about which the Plan Commission or City Council require additional information and which may have the greatest potential for deleterious effects on the health, safety and welfare of the community such as:
  1. Noise impacts
  2. Water impacts
  3. Safety and nuisance potential
  4. Geological impacts
  5. Fiscal impacts on the neighborhood or government
  6. Wildlife impacts

and, the Environmental Impact Statement, if required, shall include baseline data against which actual impacts may be evaluated and shall also include the reasonable and preferred procedure and/or equipment for mitigating or abating any and all significant impacts. These shall be prepared by a qualified expert in the recognition, evaluation, and control of the designated subject(s).

15-1906 Criteria.

In reviewing the application for a special use permit for oil and gas, the Plan Commission and the City Council shall consider the following:

- A. The development of oil and gas resources as it relates to the local, regional or national economy.
- B. The economic conditions as they affect other types of development.
- C. The effect on existing and future land uses and/or physical development potential by the granting of special use permit.

- D. The cumulative effect of other oil and gas special use permits on existing and future development or development potential by the granting of the special use permit.
- E. The expenses, costs, revenues, or benefits to the neighborhood and the City.
- F. The past history of the operator with regard to compliance with local or state laws, to spills, and to overall safety.

15-1907 Limitations.

Any permit which is granted shall be subject to the following:

- A. Time Period. An initial special use permit for oil and gas drilling and production on a tract may be granted for a maximum of ten years. Any renewals may be granted for a maximum of ten years.
- B. Location. The special use permit may be granted in A (Agricultural) or R (Recreation) zoning districts only. Recreational does not include private country club properties.
- C. Only those storage tanks required for production allowed by the special use permit shall be permitted.

15-1908 Revocation.

The special use permit may be revoked by the City Council upon notification to the permittee and after a public hearing when:

- A. The applicant has made material misrepresentations or false statements of fact in the application.
- B. The permittee has persistently violated the provisions or conditions of the special use permit.

15-1909 Validity of Ordinance.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

ORD. NO. 780 5-16-83

ARTICLE 20. ACCESSORY USES

15-2001 Generally.

All accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash odor, noxious gases, heat or glare which is injurious, damaging unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

15-2002 Eligibility for Accessory Use.

The determination of the eligibility of an accessory use shall be made by the City Architect and appeal can be made from his decision as set out in Article 30.

15-2003 Permitted Accessory Uses.

The following uses shall be permitted as accessory to the main uses permitted in this ordinance.

A. In Districts A, R-1, RP-1 and RP-2

1. Home occupations: Non-residential activities shall be permitted in an agricultural or residential district only under the following conditions and restrictions:
  - (a) No business building or structure shall be constructed or installed.
  - (b) No building shall be converted to or totally used for any business purpose.
  - (c) The character and appearance of the premises shall not be changed by a business activity.
  - (d) No signs, material or equipment visible from outside the building shall be permitted in connection with any business activity.
  - (e) Noise, odors or other effects and vehicular or pedestrian activity or parking in excess of normal residential levels shall not be permitted.
  - (f) No persons, other than members of the immediate family residing thereon, shall be employed or involved in any business activity on the premises.
  - (g) No stock in trade, commodities for sale or solicitation shall be involved on the premises.
  - (h) The primary use of the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.
2. Animals: Horses, ponies, cows, chickens or other animals may be kept on a lot or tract of three acres or more in size in District A only.
3. Hobby Activity and Additional Uses: A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation;

provided that the articles produced or constructed are not sold either on or off the premises. Such additional uses as private swimming pools, gardens, customary pets, television and radio receiving and transmitting antennae not exceeding forty feet in height, signs as permitted by this ordinance, parking areas.

B. In Districts RP-3 through RP-6

1. Uses: In the RP-3 through RP-6 districts, accessory uses are as follows: Parking areas, signs as permitted by this ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection centers, power generators, vending machines for tenant use and other similar uses. In addition, home occupations will be allowed provided that the following conditions and restrictions shall apply to each operation:
- (a) The primary use of the building, structure or apartment in which the occupation is situated is clearly the dwelling used by the person as his or her private dwelling.
  - (b) No assistant other than a member of the immediate family household is employed.
  - (c) No equipment or machinery is used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration.
  - (d) Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way.
  - (e) No inventory other than immediate samples are stored on the premises.
  - (f) Sale of merchandise or sales meetings are not conducted on the premises.
  - (g) No service is rendered within the dwelling unit that will require customer presence.

C. In Districts CP-0 and CP-1

1. Uses: In the CP-0 and CP-1 districts, accessory uses are as follows: Parking areas, signs as permitted by this ordinance, food service and vending machines, private garage for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty feet in height, flagpoles, cooling towers and other similar uses.

D. In District CP-2

1. Uses: In the CP-2 district, accessory uses are as follows: Parking areas, signs as permitted by this ordinance, flood lighting and other similar uses. Washing and other passenger car cleaning shall be permitted as an accessory use in service stations, provided such washing and cleaning shall not utilize more than one car stall, shall be a part of the main building, and shall not be open for use during hours when the service station is closed. Such washing and cleaning operation shall utilize the same entrance drives as the service station and may use coin-operated or attendant-operated equipment, but not continuous line or conveyor type washing equipment.

E. In District MP-1

1. Uses: In the MP-1 district, accessory uses are as follows: Parking and loading areas, signs as permitted by this ordinance, security and screen fencing, radio and microwave towers not to exceed sixty feet in height, gate house, loading equipment, employee recreation and other similar uses.

F. Special Uses.

1. Motor Hotels: The following are accessory uses within a motor hotel: Restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

G. Hospitals. The following are accessory uses within a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.

H. Utility Buildings. Outside storage of materials and equipment is an accessory in public utility buildings provided all outside storage is screened from view from off the premises.

I. Trailers.

1. Standing or parked advertising trailers are prohibited in the City.

2. One or more trailers may be used as a temporary office or other non-residential structure on the site of a construction project, provided such trailer is removed upon completion of the project.

ARTICLE 21. NON-CONFORMING USES

15-2101 -The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted zoning classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

15-2102 - Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted zoning classification..

15-2103 - In the event that a non-conforming use of any building or premises is discontinued for a period of six months, the use of the same shall thereafter conform to the district in which it is located.

15-2104 - No building which has been damaged by fire, explosion, or act of God, to the extent of more than fifty percent of its reasonable value, shall be restored except in conformity with the regulations of this ordinance. (See Article 26).

15-2105 - No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, re-constructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located.

ARTICLE 22. PROHIBITED USES

15-2201 Buildings in Residentially Zoned Area.

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.

15-2202 Detached Structures.

No garage, barn, shed, greenhouse, outbuilding or any other detached structure, except dog houses, children's playground equipment such as swing sets, jungle-gyms, teeter totters, sand boxes and similar types of recreational equipment, shall be built, placed, or constructed in any A, R-1, RP-1, or RP-2 district.

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

ZONING ORD. 4-17-78

15-2203 Fences and Walls.

A. Intent The purpose of regulating fences and walls is:

1. To secure safety to life and welfare from hazards incident to man-made pools of all types.
2. To buffer uncomplimentary land uses and generally enhance the quality and appearance of a project site.
3. To ensure exterior privacy for residential developments.
4. To ensure that design, erection and construction of fences and walls do provide the proper structural strength, height, and surface drainage.

B. General Conditions and Plan Requirements

1. Permits shall be issued by the City and fences shall be subject to inspection in accordance with approved plans. Permits for swimming pools, wading pools, hot tubs, or similar man-made pool structures and fences for the same

shall be coordinated and issued by the City at the same time.

2. Fences shall not be located closer to the street line than the front building line or the side building line in the case of a corner lot.
3. Solid wood fences shall be constructed allowing for posts, rails and other construction details to be located on the "inside" of the fence.
4. Fences shall be constructed to allow for surface drainage.
5. Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences built on slopes shall comply with the required height measured along the line of the fence location.
6. Fences enclosing man-made pool structures shall have safety latches mounted 48" above the ground line, or at the top of 4-foot fences.
7. Walls constructed as retaining walls shall be designed and constructed to support lateral loads.
8. Fences constructed within easements may be removed to allow access for utilities. The property owner shall be responsible for the relocation of any fences removed.
9. Fences shall be located on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item 2 above and except at terminations at the dwelling structure.

C. Height and Location

1. Fences four (4) feet or less in height may be constructed without a fence permit with the exception of fences enclosing swimming pools, wading pools, hot tubs, or similar man-made pool structures, providing the above General Conditions and Plan Requirements are complied with.
2. Fences over four (4) feet in height shall not be constructed until a permit has been issued, and shall not be permitted except under the following conditions:
  - a. Four to six-foot fences are required to enclose swimming pools, wading pools, hot tubs, or similar man-made pool structures, and must be installed strictly in accordance with the approved plan. A man-made pool structure shall be considered to be "enclosed" by a fence located either adjacent to the structure or on the property line or other location complimentary to the site, so long as such structure is circumscribed.
  - b. Fences up to six (6) feet in height are permitted adjacent to patios and/or decks to provide privacy to such areas, and must be installed strictly in accordance with the approved plan.

- c. Fences up to six (6) feet in height may be required by the Plan Commission to provide screening and/or buffering of one property to another.
- d. Fences up to six (6) feet in height may be allowed by the Plan Commission, if designed as an integral part of a planned residential development to provide privacy.

ORD. NO. 749 7-19-82

15-2204 No Building Under Construction more than Six Months.

No building, structure or appurtenance shall be permitted or maintained upon which construction has ceased for a period longer than six months.

15-2205 No Fire Damaged Building Left Unrepaired Over Three Months.

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.

15-2206 No Building Material Stored, Etc.

No building material, inoperable vehicle, construction equipment, machinery, or refuse shall be maintained or kept in the open upon any lot, plot, tract or premises other than during actual constructions operations upon said premises or related premises.

15-2207 Septic Tanks.

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 found to be impractical by the City Council after report of the City Engineer. In such cases use of septic tanks shall be subject to the approval of a permit for the septic tank system after recommendation of the County Health Department.

ARTICLE 23. ADDITIONAL HEIGHT AND AREA REGULATIONS

15-2301 Supplements to Heights Regulations.

The regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

- A. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding seventy-five feet, and places of worship may be erected to a height not exceeding ninety feet, if the building, or the portion thereof exceeding the height limit, of the applicable district, is set back from each minimum yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built; provided, however, that such exceptions shall not be permitted within three thousand feet of any airport or landing field.

- B. Except as provided elsewhere in this Ordinance, chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, scenery lofts, tanks, ornamental towers and spires, church steeples, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.
- C. No building or structure or any portion thereof shall be erected within the approach zone of any existing runway or landing strip in excess of a height above the elevation at the end of said runway, equal to one-fortieth of the horizontal distance from the end of said runway measured along the centerline of said runway extended. The approach zone is considered to be a trapezoidal area extending from the end of, and in the same direction as said runway for a distance of two miles. Such area is, in the case of an instrument runway, one thousand feet wide at the end of the runway and four thousand feet wide two miles from the end of the runway, and in the case of a noninstrument runway, five hundred feet wide at the end of the runway and twenty-five hundred feet wide two miles from the end of the runway. Further, no building or structure or any portion thereof shall be erected in the transition zones on either side of an approach zone of any existing runway or landing strip in excess of a height above the elevation at the end of said runway, computed as follows: one-fortieth of the horizontal distance from the end of said runway measured along the centerline of said runway extended, plus one-seventh of the horizontal distance at the near edge of the approach zone, measured perpendicular to the centerline of said runway extended. For the purpose of computing glide angles for the zoning of approaches to any airport in Leawood, Kansas, in all cases where an airport is bounded by a public road the effective length of the runways directed over any such public road shall be computed (using a slope of forty feet horizontal to one foot vertical) to produce a height of fourteen feet at the right-of-way line of such road nearest to the airport.
- D. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five feet, and the ordinary projection of chimneys and flues are permitted.
- E. An open unenclosed porch may project into a required rear yard for a distance not exceeding ten feet.
- F. In residential districts, where existing residential buildings within a block and on the same side of a street, have front yards which vary more than fifteen feet, or which front yards exceed the minimum regulations of this ordinance, any construction of new, or additions to existing, buildings shall provide a front yard equal to the average of the front yard provided by the nearest buildings on both sides. In cases where such average yard is not equitable or practical in the opinion of the owner or the City Architect, the Board of Zoning Appeals shall determine the amount of front yard to be provided.

- G. All corner lots shall provide sight distance triangles, the short leg of which shall be twenty feet, and the long leg of which shall be one hundred forty feet measured along the curb line or edge of the pavement. Such area shall be and remain free of shrubbery, fences or other obstruction to vision more than two feet in height measured from the roadway.
- H. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- I. Accessibility to the rear portion of all lots in a District C-0 to M-1 inclusive for four-wheeled vehicles from and to a public street, alley or way shall be provided.

ARTICLE 24. ADDITIONAL PARKING REGULATIONS

15-2401 General Parking Regulations.

For all buildings or structures hereafter erected, constructed, reconstructed, or altered, off-street parking in the form of garages or areas made available exclusively for that purpose shall be provided. Except for the uses listed below, parking spaces shall be provided as set out in Sections 5 through 17 of this Zoning Ordinance. Any use not included in the parking regulations set out in this ordinance shall be assigned a parking ratio by the Plan Commission.

15-2402 Off-Street Parking Requirements.

<u>Land Use or Establishment</u>	<u>Number of Spaces</u>
Automobile service stations	3 spaces plus 1 space for each service bay.
Bowling Alleys	5 spaces for each alley plus additional spaces for affiliated uses.
Churches; Funeral Parlors; Clubs; Lodges; Indoor Theaters	1 space for each 4 seats.
Convalescent and Nursing Homes	1 space for each 2 beds.
Elementary and Jr. High School	1 space for each teacher and staff member.
Greenhouse	1 space for each 200 sq. ft. of contributing floor area.
High School	1 space for each teacher and staff member plus 1 space for each 4 students.
Hospitals	0.35 spaces per bed plus 0.95 spaces per doctor and 0.35 spaces per employee.
Hotels and Motor Hotels	1 space per bedroom plus 1 space per employee. Restaurants and meeting rooms included in the hotel shall provide an additional parking space for each 4 seats of seating capacity.

<u>Land Use or Establishment</u>	<u>Number of Spaces</u>
Private, Commercial or Trade Schools	1 space for each 100 sq. ft. of contributing floor area.
Private Meeting and Assembly Halls	1 space for each 50 sq. ft. of contributing floor area.
Restaurant	1 space for each 50 sq. ft. of seating area plus 1 space for each remaining 300 sq. ft. of contributing floor area.
Taverns	1 space for each employee plus one for each two seats or building capacity calculated by Building Code Standards.
Veterinary Clinics	1 space for each 300 sq. ft. of contributing floor area.

15-2403 Improvement of Parking Areas.

All parking areas shall be ready for use upon occupying a building and shall be surfaced with not less than six inches of rolled stone base and three inches of hot mix asphaltic wearing surface or equivalent strength full thickness hot mix asphalt or portland cement concrete prior to the issuance of an occupancy permit, unless special permission is granted by the City Architect, due to weather conditions not being satisfactory for placing materials. Ingress and egress shall be by means of paved driveways not exceeding thirty-five feet in width. Head-in parking from any public right-of-way shall not be permitted.

Any lights used to illuminate the parking area shall be so arranged as to direct light away from any adjacent premises in a residential district and shall be of a design that the source of illumination shall not be visible from off the premises. In addition the following regulations shall apply:

- A. In Districts R-1 to RP-6 inclusive, no parking shall be permitted in the required front yard or within thirty feet of a public street, except that parking of motor passenger cars shall be permitted in customary driveways of single and two family dwellings.
- B. All parking lots and drives leading thereto, except those serving single-family and two-family dwellings, shall have curbs and drainage facilities approved by the City Engineer. Where greater setback requirements do not prevail, the back of the curb of a paved parking area shall not be closer than six feet to a property line, except that in a planned zoning district, the Plan Commission may permit a lesser setback where similar development on an adjoining lot will produce a satisfactory relationship.
- C. No signs shall be permitted except these necessary for the orderly parking thereon, and not more than one sign with maximum area of ten square feet at each entrance to identify such parking area and present any regulations governing same.
- D. The Plan Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting or fence of a height that the Commission deems adequate.

- E. A portion of the parking area required under this ordinance may remain unimproved until such time as the City Council deems it must be improved to serve the parking demand adequately. Such delay in improvements shall be permitted only after the Commission is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a final development plan indicating clearly the location, pattern and circulation to and from the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes.

## ARTICLE 25. SIGNS

### 15-2501 Signs may be permitted in Zoning Districts as follows:

- A. District R-1, RP-1, RP-2, RP-3, RP-4, RP-5, RP-6.  
See chapter 10, article 7, section 10-701 to 10-703 of the Revised Ordinance of the City of Leawood.
- B. District CP-0, Planned Office Building District  
Not more than two nonilluminated, indirectly illuminated or semi-illuminated wall signs shall be permitted on each office building, provided such signs shall indicate only the name of the building or establishments housed therein. No such sign shall have an overall area exceeding five percent of the area of the wall or facade upon which it is located. In lieu of one of the wall signs permitted above, one detached sign per building may be permitted in a District CP-0. Such detached sign shall not exceed one hundred fifty square feet in area per face, may be indirectly illuminated and shall be designed in harmony with the building. The materials, designs, dimensions and location on the site shall be approved as part of the final development plan for the project.
- C. District CP-1 Restricted Business District.  
Each business or commercial establishment shall be permitted not more than two non-illuminated, semi-illuminated or indirectly illuminated wall signs provided the area of each sign shall not exceed five percent of the total area of the facade upon which it is placed. In addition, one non-illuminated wall sign, not more than nine square feet in area, may be placed at each major entrance to the building. Such signs shall not extend above the height of the wall upon which they are mounted.
- D. District CP-2 General Business District.  
1. Each business or commercial establishment shall be permitted not more than three indirectly illuminated or non-illuminated wall or marquee signs, not more than one on a facade, the total area of which sign shall not exceed ten percent of the total area of the facade upon which it is placed. Such signs shall not extend above the average roof level of one-story building more than five feet, and shall not extend above the average roof level of two or more story buildings.  
2. Where a shopping center, business park, office park or industrial park has been zoned as a unified and integrated project, only one detached sign for the entire project, center or park shall be permitted.

E. District MP-1, Industrial Park District.

Industrial establishments having one or more permanent buildings may provide not more than two indirectly illuminated signs, including projecting, marquee, detached or roof types, in any location on the premises or on the building, providing such signs shall not exceed height or yard requirements as set out herein for buildings in that district, not to exceed 10% of the area of the facade.

15-2502 Additional Regulations.

- A. One indirectly illuminated, or non-illuminated sign displaying information pertinent to an uncompleted subdivision, office building complex, shopping center or industrial district shall be permitted within that ownership, provided that no such sign shall be closer than 200 feet to an occupied dwelling. This sign shall be considered temporary and shall be removed when a substantial amount of the development is completed. The sign shall not exceed 100 sq. ft. in area. Only one sign per street frontage shall be permitted. This regulation shall apply to construction and leasing signs.
- B. All signs be of sound structural quality, be maintained in good repair, have a clean and neat appearance, and land adjacent shall be kept free from debris, weeds and trash.
- C. All signs as permitted above shall be so constructed and installed as to be satisfactory to the City Architect.
- D. No sign shall be installed, erected or set in place until a sign permit has been issued therefor by the City of Leawood. Such permits shall be clearly visible at all times and indicating the number of the permit issued therefor.
- E. Temporary signs may be granted by permit issued by the City Council allowing the maintenance of signs in excess of the number allowed an individual business as set forth in this section. Each temporary sign permit shall be effective for a period of time not to exceed 30 days. Failure to comply with any specification, regulation and control placed on a temporary sign permit by the City Architect will immediately void said permit.
- F. Private sign standards required. In the case of an office park, hotel or motor hotel, shopping center, industrial park or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards regulating all signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance of any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations set out in the codes of Leawood and shall be for the purpose of assuring harmony and visual quality throughout a project. Final development plans shall not be approved until the Plan Commission has approved the sign standards after having been assured that such standards will be enforced by the developer or owner. For purposes of this section the terms "shopping center, business park, office park, industrial park or other grouping" shall mean a project of one or more buildings that has been planned as an

integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to number of detached signs, harmony and visual quality of signs to be installed.

- G. Rotating, flashing, animated signs or signs having exposed neon tubing or digital readout or other source of illumination that is visible from off the premises and signs painted directly on building walls are prohibited in all districts.

## ARTICLE 26. COMPLETION AND RESTORATION OF BUILDINGS

### 15-2601 Applicaton of this Article.

Nothing contained in this ordinance shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file with the City of Leawood at the time of the passage of this ordinance and the construction of which shall have been commenced within six months of the date of such permit.

### 15-2602 Buildings Destroyed Less Than Fifty Percent.

Nothing in this ordinance shall be taken to prevent the restoration, within six months, of a nonconforming building destroyed to the extent of not more than fifty percent of its structural value by fire, explosion, or act of God, provided that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the six months required for reconstruction; and nothing in this ordinance shall be taken to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, but any building so damaged more than fifty percent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings in the district in which it is located.

## ARTICLE 27. LANDSCAPING AND SCREENING

### 15-2701 Generally.

All plans submitted in support of a building permit application, except single-family dwellings, shall hereafter include a landscape plan and include screening where appropriate. All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade, planted to grass or other ground cover and receive trees and shrubs in reasonable quantity and size.

### 15-2702 Intent.

The purpose of such landscaping is to provide greenery to visually soften paved areas and buildings, provide shade, give maximum absorption of surface water and generally enhance the quality and appearance over the entire area of the project. Plant material shall be generally native to the area and shall consist, for the most part, of growing vegetation.

15-2703 Planting Requirements.

Shade trees shall be planted on all projects and shall include such species as ash, sycamore, maple, oak or comparable trees suitable to the growing environment which prevails. Shade trees shall be of 2 to 2-1/2 inch trunk diameter or greater, measured one foot above the ground. Shade trees shall be planted in not less than the following quantities:

- A. In lawn areas for landscaped open space, one shade tree per three thousand square feet of such lawn or landscaped open space.
- B. In parking lots, one island for each thirty parking spaces, each such island to be protected by portland cement concrete vertical curbs or similar permanent structure, be not less than the size of one parking space, and contain one or more shade trees, shrubs and ground cover. Such islands shall be spaced in the parking lot in such a manner as to provide greenery and shade in the various sections of the paved area, but may be combined into larger planting areas.

In addition to the above minimum shade tree requirements reasonable quantities of ornamental trees, shrubs and foundation plantings shall be included.

15-2704 Screening Requirements.

All multi-family residential projects and all commercial, office and industrial projects shall include, on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property. No trash bin shall be visible from off the property and a permanent masonry or frame enclosure shall be provided each bin.

All buildings or additions thereto in Districts CP-0 to MP-1 inclusive shall provide a solid screen fence or wall not less than six feet in height along all rear and side property lines which are common to property zoned for residential purposes except that such screening shall not extend in front of the building line of adjacent dwellings and shall not be required where such screening exists on the abutting residential property.

15-2705 Landscaping in Place Prior to Occupancy Permit.

All landscaping and screening shall be in place prior to issuance of final occupancy permit; however, a temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting, provided assurances are given that the planting will take place when the season arrives.

15-2706 Maintenance.

The trees, shrubs and other landscaping materials depicted on plans approved by the City shall be considered as elements of the project the same as parking areas, building materials and other plan details. Should such planting not be installed, maintained and replaced as is needed to comply with the approved plan, the owner shall be considered to be in violation of the terms of the building or occupancy permit and appropriate action may be taken.

Properly located hose connections and other watering facilities shall be provided to allow the required maintenance without undue difficulty or hardship on the tenant.































































































































































































































































































































































































































































































































