

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120697

Amending Chapter 88, Code of Ordinances, Zoning and Development Code, by adding and amending sections of this chapter to promote sustainable development. (254-S-276)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, Zoning and Development Code, is hereby amended to promote sustainable development by adding sections 88-305-09, 88-305-10, 88-305-11, 88-420-14, 88-420-15, and amending sections 88-10-05, 88-110-05, 88-305-02, 88-340, 88-405-06, 88-405-10-C, 88-420-04-J, 88-420-15, 88-420-16, 88-425-04, 88-425-06, 88-420-14, 88-450, adding several new definitions to section 88-810, 88-820-07, 88-120-12, and 88-120-13, said amended and new sections to read as follows:

88-10 Legal Framework

88-10-05 Purposes

This zoning and development code is adopted for the purposes of:

88-10-05-A. protecting and promoting the public health, safety and general welfare;

88-10-05-B. implementing the policies and goals contained with officially adopted plans;

88-10-05-C. enhancing residents' quality of life;

88-10-05-D. protecting the character of established residential neighborhoods;

88-10-05-E. maintaining economically vibrant and visually attractive business and commercial areas;

88-10-05-F. retaining and expanding the city's industrial and employment base;

88-10-05-G. accommodating mixed-use, pedestrian-oriented development patterns;

88-10-05-H. promoting pedestrian, bicycle and transit use;

88-10-05-I. maintaining orderly and compatible development patterns that promote an appropriate mix of land uses and protect and conserve property values;

88-10-05-J. ensuring adequate light, air, privacy and access to property;

88-10-05-K. promoting natural resource conservation, and environmentally responsible and sustainable development practices;

88-10-05-L. promoting development patterns and practices that support active living and uses that support improved public health;

88-10-05-M. promoting rehabilitation and reuse of older buildings, including adaptive reuse;

88-10-05-N. maintaining a range of housing choices and options;

88-10-05-O. ensuring provision of adequate public facilities and services;

88-10-05-P. establishing clear and efficient development review and approval procedures; and

88-10-05-Q. accommodating orderly and beneficial development in accordance with the preceding purposes.

88-305-02 Lot and Building Standards in Residential Districts

88-305-02-A. GENERAL

The lot and building standards of the [base zoning district](#) apply to [accessory structures](#) in residential districts unless otherwise expressly stated.

88-305-02-B. SETBACKS

1. Accessory buildings and structures are prohibited in front and street [side yards](#) (i.e., they may not be closer to the street than the principal [building](#)), except for [structures](#) that are customarily found in front or street yards, such as flag poles and minor landscape structures.
2. Accessory buildings and structures must be set back at least 1.5 feet from [rear property lines](#), except that garages accessed from an [alley](#) and carriage houses are not required to be set back from a [rear property line](#) abutting an [alley](#). Swimming pools must be set back at least 10 feet from rear property lines, and [structures](#) designed to contain animals must be set back at least 30 feet from rear property lines.
3. Accessory buildings and structures must be set back at least 1.5 feet from [interior side property lines](#), except that accessory buildings and structures are not required to be set back from an interior side property line that abuts an [alley](#). Swimming pools must be set back at least 10 feet from side property lines, and [structures](#) designed to contain animals must be set back at least 30 feet from interior property lines.

88-305-02-C. SEPARATION

Accessory buildings must be separated by a minimum distance of 10 feet from all other accessory and principal buildings located on the same lot and by a minimum distance of 20 feet from any principal residential [building](#) located on an abutting lot.

88-305-02-D. HEIGHT

Accessory buildings and structures may not exceed 10 feet in height, except that detached garages may be up to 16 feet in height and allowed carriage houses may be up to 28 feet or 2 stories in height.

88-305-02-E. FOOTPRINT AREA

The building footprint (ground level building coverage) of an individual, detached accessory building may not exceed 200 square feet, except that:

1. the building footprint of a detached accessory garage may be up to 800 square feet or one square foot of building footprint area for each 10 square feet of lot area, whichever is greater; and
2. the building footprint of a carriage house may be up to 1,500 square feet.

88-305-02-F. BUILDING COVERAGE

The total combined footprint area of all detached accessory buildings and structures may not exceed 40% of the actual rear yard area.

88-305-09 ACCESSORY SOLAR ENERGY SYSTEMS

88-305-9-A. GENERAL

1. Accessory solar energy systems must comply with all applicable building and electrical codes.
2. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded in the office of the appropriate county recorder of deeds.

88-305-09-B. BUILDING-MOUNTED SOLAR ENERGY SYSTEMS

1. Building-mounted solar energy systems are allowed on principal and accessory structures.
2. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with 88-820-12.
3. Only building-integrated and/or flush-mounted solar energy systems may be installed on street-facing building elevations.
4. Solar energy systems may not extend more than 3 feet above the applicable maximum height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

88-305-09-C. GROUND-MOUNTED SOLAR ENERGY SYSTEMS

1. In R zoning districts, ground-mounted solar energy systems may not be located in the front yard or street side yard.
2. Ground-mounted solar energy systems are subject to applicable accessory structure setback, separation and coverage regulations.

3. Ground-mounted solar energy systems are subject to applicable accessory structure height regulations.

88-305-10 ELECTRIC VEHICLE CHARGING STATIONS

88-305-10-A. GENERAL

1. Private (restricted-access) EV charging stations are permitted as accessory uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

88-305-10-B. PARKING

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

88-305-10-C. EQUIPMENT

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

88-305-10-D. USAGE FEES

Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station.

88-305-10-E. SIGNAGE

1. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
2. Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

88-305-10-F. MAINTENANCE

Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.

88-305-11 GEOTHERMAL HEAT EXCHANGE SYSTEMS

88-305-11-A. GENERAL

Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.

88-305-11-B. LOCATION

1. Geothermal heat exchange systems must be located entirely within the lot lines of the subject property or within appropriate easements.
2. No portion of a geothermal heat exchange system may be located within a stream or stream buffer.

88-305-11-C. INSTALLATION

Installation of geothermal heat exchange systems must comply with all applicable building code requirements as well as state laws and codes.

88-340 Drive-Through Facilities

88-340-01 STANDARDS

The nearest point of the drive-through operation of any establishment, including the drive-through lane, menu board, and payment and pick-up windows must be at least 50 feet from the boundary of a residentially zoned district.

88-340-02 PLAN REQUIRED

A plan portraying adequate landscaping, screening, landscaping, berming, or other buffering must be submitted for approval.

88-340-03 NO-IDLING SIGNS

“No Idling” or “Idle-Free Zone” signs must be posted in all off-street loading areas.

88-405 SUBDIVISION DESIGN AND IMPROVEMENTS

88-405-06. BLOCKS

88-405-06-A. The length, width, and shape of blocks must be suited for the planned use of the land, zoning requirements, and need for convenient access, control and safety of street traffic and the limitations, and opportunities relating to the terrain and natural environment.

88-405-06-B. Blocks may not exceed 600 feet in length in residential subdivisions with a gross density of 4 or more dwelling units per acre. In lower density residential subdivisions blocks may not exceed 1,200 feet in length. The city planning and development director is authorized to allow longer block lengths if the director determines that (1) topography, sensitive natural resources or other physical constraints make shorter block lengths undesirable or impractical; (2) the design ensures adequate access for emergency vehicles and (3) the design promotes reasonable, safe and convenient non-motorized transportation access to existing or reasonably anticipated future streets, schools, shopping areas, parks, trails, open spaces, transit stops and similar areas.

88-405-10 STREETS

88-405-10-C. CUL-DE-SACS

1. Cul-de-sacs streets may not exceed 600 feet in length unless otherwise expressly approved by the city planning and development director or city plan commission. In no event may a cul-de-sac street be approved that exceeds 1,320 feet in length or that serves more than 20 dwelling units. The length of a cul-de-sac street is measured from the center point of its turnaround, along the centerline of its right-of-way to the nearest edge of the right-of-way of the nearest intersecting street.
2. A pedestrian access easement must be provided to connect from the terminus of the cul-de-sac streets with existing or reasonably anticipated future streets, schools, shopping areas, parks, trails, open spaces, transit stops and similar areas. The city planning and development director is authorized to waive this pedestrian access easement requirement when a pedestrian connection is deemed impractical or will not serve the intended purpose of providing safe and convenient non-motorized transportation access to such areas.
3. Turnarounds at the end of cul-de-sac streets must be constructed in accordance with the city's *Standards, Specifications, and Design Criteria*.

88-420 PARKING AND LOADING

88-420-04 Exemptions, Reductions and Special Area Standards

88-420-04-A. DC ZONING DISTRICT

No off-street parking is required in the DC (Downtown Core) zoning district.

88-420-04-B. DX ZONING DISTRICT

Nonresidential [uses](#) in the DX district outside of the [Crossroads area](#) are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

88-420-04-C. CROSSROADS AREA

1. Retail sales-related uses in the [Crossroads area](#) are not required to provide off-street parking for the first 4,000 square feet of gross floor area. For purposes of this paragraph, "retail sales-related uses" include general retail sales; food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.
2. Restaurants in the Crossroads area are not required to provide off-street parking spaces for the first 2,000 square feet of gross floor area.

88-420-04-D. BROOKSIDE BUSINESS DISTRICT AREA

There are no minimum nonresidential parking requirements or residential parking requirements for residential units in mixed-use structures in the Brookside Business District Area. Individual non-residential uses may not provide more than 1.5 times the minimum parking requirements of 88-420-06 on the same lot or on a combination of the

same and contiguous lots in any zoning district, provided however, any individual use that would require 4 or fewer spaces may provide up to 6 parking spaces. Multiple tenants in a common structure or structures sharing a common wall will be considered an individual use for purposes of this calculation. Mixed-use structures may provide a maximum of one parking space per dwelling unit for purposes of this calculation.

Editor's Note: Intended to apply in the area zoned BBD immediately prior to January 1, 2011.

88-420-04-E. DOWNTOWN LOOP

Uses within the Downtown Loop are not required to provide off-street parking.

88-420-04-F. B1 ZONING DISTRICT

Nonresidential uses in the B1 district are not required to provide off-street parking unless such uses exceed 2,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 2,000 square feet.

88-420-04-G. PEDESTRIAN-ORIENTED OVERLAY DISTRICT

Nonresidential uses that are subject to the P/O district regulations of [88-230](#) are not required to provide off-street parking unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet.

88-420-04-H. LANDMARKS AND HISTORIC DISTRICTS

1. No off-street parking or loading spaces are required for rehabilitation or reuse of an official local or national historic landmark.
2. No off-street parking or loading spaces are required for rehabilitation or reuse of an existing contributing building within an official local or national historic district.

88-420-04-I. WESTPORT AREA

Restaurants in the Westport Area must provide off-street parking at a minimum rate of 2.5 spaces per 1,000 square feet.

88-420-04-J. RAPID TRANSIT STOPS

Special parking regulations apply to uses on lots located within 1,000 feet of a rapid transit stop, as follows:

1. Office and manufacturing uses are not required to provide off-street parking spaces for the first 10,000 square feet of gross floor area.
2. Retail sales-related uses are not required to provide off-street parking for the first 4,000 square feet of gross floor area. Retail sales-related uses may not exceed otherwise applicable minimum off-street parking requirements by more than 3 spaces or 33%, whichever is greater, unless such extra spaces are provided in an enclosed parking garage. For purposes of this paragraph, "retail sales-related uses" include general retail sales; food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.

3. Restaurants are not required to provide off-street parking for the first 2,000 square feet of gross floor area.

88-420-04-K. EFFECT OF VEHICLE PARKING REDUCTION OR EXEMPTION ON BICYCLE PARKING REQUIREMENTS

The bicycle parking requirements of 88-420-09 apply regardless of any vehicle parking exemptions and reductions authorized in this section (88-420-04).

88-420-14 Parking Area Design

88-420-14-A. PARKING SPACE AND AISLE DIMENSIONS

See city code Chapter 52.

88-420-14-B. INGRESS/EGRESS

All nonresidential parking areas must be designed to allow vehicles to enter and exit (to the [street](#)) in a forward motion.

88-420-14-C. LANDSCAPING

Parking areas must be designed to comply with the parking lot landscaping requirements of 88-425.

88-420-14-D. STORMWATER

Parking lots must comply with the stormwater management and water quality requirements of the city's *Standards, Specifications and Design Criteria*, including the incorporation of Best Management Practices.

88-420-14-E. LARGE PARKING AREAS

Surface parking lots (i.e., outdoor, ground-level parking lots) containing more than 250 parking spaces must:

1. be visually and functionally segmented into smaller parking "pods" to reduce visual and stormwater runoff-related impacts;
2. use traffic calming techniques for pedestrian safety.

88-420-15 ALTERNATIVE COMPLIANCE PARKING PLANS

88-420-15-A. SCOPE

This section authorizes several alternatives to strict compliance with the standards of this article.

88-420-15-B. APPLICABILITY

Applicants seeking approval of an alternative compliance parking plan must secure approval of such plan in accordance with the provisions of this section.

88-420-15-C. CONTENTS

Alternative compliance parking plans must be submitted in a form established by the city planning and development director and made available to the public. At a minimum, such plans must detail the type of alternative proposed and the rationale for such a proposal, including any supporting research or documentation required by the director.

88-420-15-D. REVIEW AND APPROVAL PROCEDURE

The city planning and development director is authorized to approve, approve with conditions, or deny alternative compliance parking plans in accordance with the minor site plan review procedure of 88-530.

88-420-15-E. RECORDING

The city planning and development director is authorized to require that an attested copy of an approved alternative compliance parking plan be filed with the appropriate county recorder of deeds office whenever the director deems necessary to ensure long-term availability and viability of the alternative parking arrangement. When recording of an agreement is required by the city planning and development director, no building permit, parking lot permit, or occupancy certificate may be issued without proof of recordation.

88-420-15-F. VIOLATIONS

Violations of an approved alternative compliance parking plan will be considered violations of this zoning and development code and be subject to the penalty and enforcement provisions of 88-615.

88-420-15-G. APPROVAL CRITERIA

The city planning and development director is authorized to approve an alternative compliance parking plan if the applicant demonstrates to the satisfaction of the city planning and development director that the proposed plan:

1. will comply with all applicable requirements of this section;
2. will not adversely affect surrounding neighborhoods;
3. will not adversely affect traffic congestion and circulation; and
4. will have a positive effect on the economic viability or appearance of the project or on the environment.

88-420-15-H. AUTHORIZED ALTERNATIVES

The city planning and development director is authorized to approve alternative compliance parking plans for the following:

1. Shared parking (See 88-420-15-I);
2. Off-site parking (See 88-420-15-J);
3. Special facilities for cyclists (See 88-420-15-K);
4. Valet parking (See 88-420-15-L);
5. Transportation demand management programs (See 88-420-15-M);
6. Transit accessibility (See 88-420-15-N);
7. Pervious parking surfaces (See 88-420-15-O); and
8. Car-share vehicle spaces (See 88-420-15-P).

88-420-15-I. SHARED PARKING

1. DESCRIPTION

Shared parking represents an arrangement in which two or more uses with different peak parking periods (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

2. AUTHORIZATION AND CRITERIA

1. The city planning and development director is authorized to approve an alternative compliance parking plan allowing shared parking arrangements for nonresidential uses with different hours of operation.
2. The city planning and development director may permit up to 100% of the parking required for one use to be supplied by the off-street parking spaces provided for another use if the city planning and development director determines that the various activities will have peak parking demands at different periods of the day or week.
3. In order to approve an alternative compliance parking plan for shared parking, the city planning and development director must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
4. A request for approval of a shared parking arrangement must be accompanied by such information determined by the city planning and development director to be necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses and their operational characteristics, a development plan, and a parking study prepared by a licensed professional traffic engineer or equivalent qualified professional which justifies the reduction in parking requested.

3. LOCATION OF SHARED PARKING FACILITY

A use for which shared parking is proposed must be located within 1,000 feet walking distance of the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.

4. AGREEMENT

An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the city planning and development director in a form approved by the city planning and development director. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

88-420-15-J. OFF-SITE PARKING

The city planning and development director may permit any off-street parking spaces to be located on a remote and separate lot from the lot on which the [principal use](#) is located, subject to the standards of this section.

1. LOCATION

No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the city planning and development director if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

2. ZONING CLASSIFICATION

Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the off-site parking area unless approved as a special use pursuant to Section 88-525.

3. OFF-SITE PARKING AGREEMENT

An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the city planning and development director, in a form approved by the city planning and development director. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

88-420-15-K. SPECIAL FACILITIES FOR BICYCLISTS

The city planning and development director may authorize up to a 15% reduction in the number of required vehicle off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of eligible accommodations include enclosed bicycle lockers, employee shower facilities, dressing areas for employees, and on-site public bicycle sharing stations. A reduction in required vehicle parking does not entitle the applicant to a reduction in required bicycle parking.

88-420-15-L. VALET PARKING

The city planning and development director may authorize valet parking as a means of satisfying up to 100% of otherwise applicable off-street parking ratios. In order to approve an alternative parking plan for valet parking the city planning and development director must determine that the proposal satisfies the approval criteria of 88-420-15-G and that the valet parking will not cause interference with the public use of rights-of-way or imperil public safety.

88-420-15-M. TRANSPORTATION DEMAND MANAGEMENT PROGRAMS

The city planning and development director may authorize up to a 50% reduction in the number of required off-street parking spaces for large employers (150 employees or more) that institute and commit to maintain a transportation demand management program, in accordance with the standards of this section.

1. REQUIRED STUDY

The applicant must submit a report to the city planning and development director that clearly indicates the types of transportation demand management activities and measures proposed.

2. TRANSPORTATION MANAGEMENT ACTIVITIES

The following transportation demand management activities may qualify for a reduction in otherwise required off-street parking ratios:

1. The appointment of a transportation coordinator with responsibility for disseminating information on transit, ride-sharing and other alternative transportation options.
2. The institution of off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period. The peak morning commute period is defined as 7:00–9:00 a.m.
3. The provision of specially marked spaces for each registered car pool and vanpool vehicles.
4. The provision of cash or in-kind financial incentives for employees commuting by car pool, vanpool, and public transit.

88-420-15-N. TRANSIT ACCESSIBILITY

The city planning and development director may authorize up to a 25% reduction in office parking ratios for **uses** located within 500 feet of a transit stop with 30-minute or more frequent service during the hours of 7:00 a.m. to 9:00 a.m. This reduction may not be applied in conjunction with the special rapid transit provisions of **88-420-04-J**.

88-420-15-O. PERVIOUS PARKING SURFACES

The city planning and development director may authorize a portion of required off-street parking spaces to be provided on pervious surfaces if the city planning and development director finds that such spaces will be used only intermittently, either for special events or for seasonal peak parking demands or overflows in patronage of the principal use or uses.

1. The decision of the city planning and development director must indicate what number or percentage of required parking spaces may be provided on pervious surfaces.
2. The city planning and development director is authorized to determine acceptable pervious surfaces.
3. Parking spaces, aisles, etc. must be marked by flags, biodegradable dyes or paints, or some other method that does not kill grass or plants.
4. Pervious parking areas must be adequately drained

88-420-15-P. CAR-SHARE VEHICLES

The city planning and development director may authorize a portion of a development's required off-street parking to be met by providing car-share vehicle parking on the development site, as follows:

1. For any development, one parking space or up to 5% of the total number of required spaces, whichever is greater, may be reserved for use by car-share vehicles. The number of required parking spaces may be reduced by one space for every parking space that is leased by a car-share program for use by a car-share vehicle. Parking for car-share vehicles may be provided in any non-required parking space.
2. For any development that (a) is required to provide 20 or more parking spaces and (b) provides one or more spaces for car-share vehicles, the number of required parking spaces may be reduced by 3 spaces for each reserved car-share vehicle parking space or by 15% of the total number of required spaces,

whichever is less. An agreement between the property owner and a car-share program must be filed with the city planning and development director, in a form approved by the city planning and development director. The parking reduction will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the car-share vehicles. If the agreement lapses or is no longer valid, then the normally required parking spaces must be provided as otherwise required by this article.

88-420-16. LOADING

88-420-16-A. RATIOS

Off-street loading spaces must be provided in accordance with the following schedule:

Loading Requirements	
Use Type (Size)	Loading Spaces Required
Public/Civic, Commercial and Industrial Uses	
Under 20,000 square feet	None
20,000 - 49,999 square feet	1
50,000+	2
Household Living Uses	
Under 50 units	None
50+ units	1

88-420-16-B. DESIGN AND LOCATION

1. PLANS

Plans for location, design, and layout of all loading spaces must be indicated on required development plans.

2. SPACE SIZE

Off-street loading spaces, excluding maneuvering areas, must be at least 10 feet wide and 25 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space is 12 feet by 60 feet.

3. SURFACING AND MAINTENANCE

All off-street loading areas must be paved.

4. Signs

“No Idling” or “Idle-Free Zone” signs must be posted in all off-street loading areas.

88-425 LANDSCAPING AND SCREENING

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88-425-04. GENERAL LANDSCAPING REQUIREMENTS

88-425-04-A. SETBACKS AND OPEN SPACE

The setback and open space areas required by this zoning and development code must be landscaped, except where they are:

1. occupied by approved structures or paving;
2. screened from public view; or
3. retained in their natural (vegetated) state.

88-425-04-B. UNUSED AREAS

Any area of a site not intended for a specific use, including a commercial pad site intended for future development, must be landscaped unless retained in its natural state.

88-425-04-C. TREES

Trees must be planted within general landscaping areas on sites used or zoned for public, civic, office, business or commercial use. At least one tree must be provided per 5,000 square feet of principal building coverage (building footprint). The city planning and development director is authorized to reduce general tree planting requirements of this section when it is determined that the area available for planting will not accommodate the number of trees otherwise required by this subsection.

88-425-04-D. GARDEN AREAS

Garden areas may be determined to be landscaped area for the purposes of determining compliance with general landscaping requirements in residential and mixed-use developments.

88-425-06. INTERIOR LANDSCAPING OF PARKING LOTS

88-425-06-A. APPLICABILITY

Unless otherwise expressly stated, the interior landscaping standards of this section apply to all of the following in all zoning districts:

1. the construction or installation of any new parking lot containing 25 or more parking spaces in the Crossroads area or 10 or more parking spaces outside the Crossroads area;
2. the expansion of existing parking lots, if the expansion would create 25 or more parking spaces in the Crossroads area or 10 or more new parking spaces outside the Crossroads area, in which case the requirements of this section apply only to the expanded area; and
3. the excavation and reconstruction of existing parking lots containing 25 or more parking spaces in the Crossroads area or 10 or more parking spaces outside the Crossroads area if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete or other parking lot surface material.

88-425-06-B. MINIMUM INTERIOR LANDSCAPE AREA

1. At least 35 square feet of interior landscape area must be provided for each parking space. If compliance with this standard would result in the loss of existing required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior landscaping.
2. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for storm water management the minimum landscaped area requirement is reduced from 35 square feet per parking space to 28 square feet per parking space. In order to receive this bioretention credit, the ponding area must be at least 6 inches and not more than 18 inches in depth and planted with native wildflowers/forbs and grasses.

88-425-06-C. RELATIONSHIP TO PERIMETER LANDSCAPING STANDARDS

Landscape area provided to satisfy the perimeter landscape standards of 88-425-05 may not be counted toward satisfying the interior landscaping standards of this section.

88-425-06-D. LOCATION

Required interior landscaping must be designed to enhance the appearance and safety of the parking lot area. Landscaping must be reasonably dispersed throughout parking area. Reduced dispersal is allowed if landscape planting areas are combined to form larger, functional bioretention areas.

88-450 Pedestrian Standards

88-450-01 PURPOSE

The pedestrian standards of this section are intended to promote a safe, attractive and usable pedestrian circulation system as a part of all new developments.

88-450-02 APPLICABILITY

The pedestrian standards of this section apply to all new commercial, mixed-use and multi-unit residential developments.

88-450-03 STANDARDS

88-450-03-A. PUBLIC SIDEWALKS

The city is authorized to require the installation of public sidewalks adjacent to any new commercial, mixed-use or multi-unit residential development.

88-450-03-B. ON-SITE PEDESTRIAN CIRCULATION

An on-site pedestrian circulation system must be provided in accordance with the following requirements:

1. Connection to the Street

The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a

direct route and not involve significant out-of-direction travel for system users.

2. Connection to Neighboring Areas

The on-site pedestrian circulation system must provide at least one connection to all adjacent properties. The connections must run to the property line and connect to existing paths or sidewalks on neighboring properties or to the likely location of future paths or sidewalks on those properties. When the city planning and development director determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, no connection is required.

3. Internal Connections

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians, such as parking areas, bicycle parking, recreational areas, common outdoor areas and pedestrian amenity features.

88-450-03-C. DESIGN

1. Public Sidewalks

Public sidewalks must be designed and constructed in accordance with the department of public works' *Standards, Specifications and Design Criteria*.

2. On-site Pedestrian Circulation

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

- a. The on-site pedestrian circulation system must be paved and be at least 5 feet in width.
- b. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material or other equally effective methods. Striping does not meet this requirement.
- c. When the on-site pedestrian circulation system is parallel and adjacent to an auto travel lane, it must be a raised path at least 6 inches above the auto travel lane surface or be separated from the auto travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
- d. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at height appropriate to a pedestrian pathway system.

88-805 USE GROUPS AND CATEGORIES

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88-805-03 PUBLIC AND CIVIC USE GROUP

88-805-03-L. UTILITIES AND SERVICES

1. Minor, Basic

a. Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations, underground electric distribution substations, electric transformers, water conveyance systems, stormwater facilities and conveyance systems, telephone switching equipment, and emergency communication broadcast facilities.

b. The production, collection or distribution of renewable energy, water, organic waste, or other similar resources at a neighborhood, district or campus scale are classified as minor, basic utilities and services. This includes renewable, distributed energy facilities, neighborhood composting areas and neighborhood stormwater facilities.

c. District, neighborhood or campus-scale systems that produce or distribute energy from the biological breakdown of organic matter produced within that neighborhood or campus are considered minor, basic utilities and services.

d. Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid.

2. Major

Infrastructure services that typically have substantial land-use or operational impacts on surrounding areas. Typical uses include but are not limited to utility-scale power generation facilities, water and wastewater treatment facilities, high-voltage electric substations, water treatment plants, and major water storage facilities, such as water towers and reservoirs.

88-805-04 COMMERCIAL GROUP

88-805-04-N. GASOLINE AND FUEL SALES

Uses primarily engaged in retail sales of personal automobile and vehicle fuels, including rapid (level 3) battery charging stations, battery exchange stations and retail electric charging of vehicles.

88-805-05 INDUSTRIAL USE GROUP

88-805-05-G. WASTE-RELATED USE

Waste-related uses are characterized by the receiving of solid or liquid wastes from other users and sites for transfer to another location; by the collection of sanitary wastes, or other approved waste materials for on-site disposal in landfills; or by the manufacture or production of goods from the composting of organic material. Biomass energy systems that produce energy from the biological breakdown of

organic matter produced on site are considered accessory to the principal waste-related use of the site, except that small, neighborhood or campus-scale waste-to-energy systems are minor, basic utilities and services. The following are specific examples of waste-related uses:

1. Demolition Debris Landfill

A facility or site used for the disposal of demolition waste, construction materials, used building materials, brush, wood waste, soil, rock, concrete and inert solids soluble in water.

2. Solid Waste Separation Facility

A facility where mixed municipal solid waste is separated into recovered materials and other components either manually or mechanically and further processed for transporting to other facilities, including a solid waste disposal area.

3. Transfer Station

A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

88-810 DEFINITIONS

88-810-141 Battery Charging Station

An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

88-810-142 Battery Charging Station, Level 1

A battery charging station capable only of slow charging, with a voltage no greater than 120.

88-810-143 Battery Charging Station, Level 2

A battery charging station capable only of slow to medium charging, with a voltage no greater than 240.

88-810-144 Battery Charging Station, Level 3

A battery charging station capable of fast or rapid charging, with a voltage greater than 240.

88-810-145 Battery Exchange Station

A facility designed to enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery for a more fully charged battery through an automated process.

88-810-151 Bicycle-share Service

A system in which a fleet of bicycles is made available for short-term rental or use by the general public.

88-810-152 Bicycle-share Station, Public

A designated area where bicycle-share program bicycles are stored and from which the general public may obtain or return bicycles as part of a bicycle-share service.

88-810-153 Biomass Energy

Energy produced from the biological breakdown of organic matter.

88-810-281 Car-share Program

A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

- members are permitted to use vehicles from the car-share program fleet on an hourly basis;
- car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and
- no separate written agreement is required each time a member reserves and uses a car-share vehicle.

88-810-282 Car-share Vehicle A motor vehicle from a car-share program fleet.

88-810-327 Cold Frame

An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

88-810-515 Distributed Energy

Systems that produce and distribute energy at a small area scale, such as a neighborhood or campus.

88-810-571 Electric Vehicle (EV)

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

88-810-572 Electric Vehicle, Battery

Any electric vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and that produces zero tailpipe emissions or pollution when stationary or operating.

88-810-573 Electric Vehicle, Plug-in Hybrid

An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

88-810-574 Electric Vehicle (EV) Charging Station

A public or private parking space that is served by battery charging station equipment.

88-810-574-A Electric Vehicle Charging Station, Level 1

An EV charging station served only by level 1 battery charging equipment.

88-810-574-B Electric Vehicle Charging Station, Level 2

An EV charging station served by level 2 battery charging equipment.

88-810-574-C Electric Vehicle Charging Station, Level 3

An EV charging station served by level 3 (rapid) battery charging equipment.

88-810-574-D Electric Vehicle Charging Station, Accessible

An EV charging station where the battery charging station is located within reach of an accessible parking space and an electric vehicle that is parked in such space.

88-810-574-E Electric Vehicle Charging Station, Private (Restricted-access)

An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

88-810-574-F Electric Vehicle Charging Station, Public

An EV charging station that is accessible to and available for use by the general public.

88-810-575 Electric Vehicle Infrastructure (EVI)

Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

88-810-576 Electric Vehicle Parking Space

Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

88-810-682 Geothermal Heat Exchange System

Equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

88-810-685 Greenhouse

A temporary or permanent structure that is primarily used for the cultivation of plants.

88-810-692 Hoop House

A temporary or permanent structure typically made of flexible pipe or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse.

88-810-1022 Non-electric Vehicle

Any motor vehicle that does not meet the definition of an "electric vehicle."

88-810-1125 Photovoltaic Cell

A semiconductor device that converts solar energy into electricity.

88-810-1425 Renewable Energy

Energy from resources that are quickly replenished, such as sunlight, wind, water, biomass, geothermal resources.

88-810-1895 Solar Energy System

A system intended to convert solar energy into thermal, mechanical or electrical energy,

88-810-1895-A Solar Energy System, Building-Integrated A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

88-810-1895-B Solar Energy System, Structure-Mounted

A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

88-810-1895-C Solar Energy System, Flush-Mounted

A solar energy system that is mounted flush with a finished building surface, at no more than 6 inches in height above that surface.

88-810-1895-D Solar Energy System, Ground-Mounted

A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

88-810-1896 Solar Panel

A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

88-810-2232 Utility-Scale Energy Production

An energy production facility that produces electric energy for widespread distribution through the electric power grid.

88-810-2272 Water Collection Cistern

A barrel or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff or diverted into a storm drain.

88-820 Measurements and Exceptions

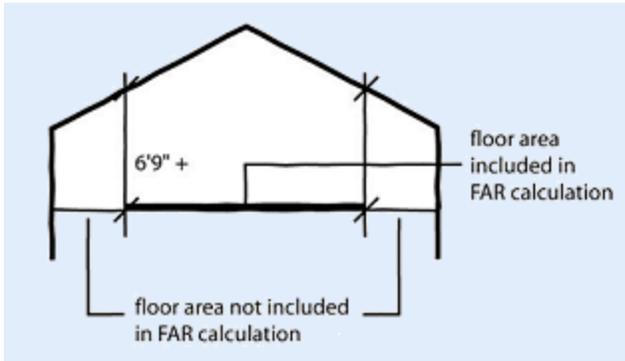
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88-820-07 Floor Area Ratio

The floor area of the building divided by the total gross area of the lot upon which the building is located.

88-820-07-A. For the purpose of calculating floor area ratios, the "floor area" of a building is the sum of the gross horizontal area of all floors in the building measured from the interior faces of the exterior walls. The "floor area" of a building expressly includes all of the following:

1. floor area of any floor located below grade or partially below grade when more than one-half the floor-to-ceiling height of the below-grade (or partially-below-grade) floor is above grade level;
2. elevator shafts and stairwells on each floor;
3. floor area used for mechanical equipment, except equipment located on the roof and mechanical equipment within the building that occupies a commonly owned contiguous area of 5,000 square feet or more;
4. those portions of an attic having clear height (head-room) of 6 feet 9 inches or more;



5. mezzanines;
6. enclosed porches;
7. floor area devoted to non-accessory parking;
8. floor area within a **principal building** that is occupied by accessory uses.

88-820-07-B. For the purpose of calculating **floor area ratios**, floor area devoted to accessory parking and the drive aisles and circulation area associated with such parking are not to be counted as "floor area."

88-820-12 Features Allowed to Encroach in Required Setbacks

Required setbacks in residential districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120697

Obstruction/Projection into Required Setback	Front	Side	Rear
Accessory buildings used for domestic storage (e.g., sheds and tool rooms)	No	No	Yes
Air conditioning units, provided the unit is not more than 4 feet in height	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves, and architecturally integrated solar shading devices	Yes	Yes	Yes
Bay windows that project no more than 3 feet into the setback and are located at least 4 feet above grade at their lowest point	Yes	No	Yes
Chimneys that project no more than 18 inches into the setback	Yes	Yes	Yes
Decks and balconies of less than 500 square feet for detached houses may extend into the rear yard setback, provided that a minimum rear yard setback of 20 feet is maintained	No	No	No
Eaves and gutters projecting 3 feet or less into setback	Yes	Yes	Yes
Fences and walls (no more than 20% opaque)	Yes	Yes	Yes

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120697

Obstruction/Projection into Required Setback	Front	Side	Rear
Patios that are not over 4 feet above the average level of the adjoining ground	No	No	Yes
Porches and balconies with a roof that are open on at least 3 sides	<10 feet	No	Yes
Recreational equipment (e.g., swing sets and basketball hoops)	No	No	Yes
Roof projecting from garage over open patio not to exceed 8 feet	No	No	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes
Solar energy systems, building-mounted	No	Yes	Yes

88-820-13 Building Height

88-820-13-A. Measurement

The vertical distance between the "ground" and the level of the highest point of the roof beams in the case of flat roofs or roofs inclining no more than one inch to the foot and between the "ground and midpoint between top of the main plate and highest ridge in the case of all other roofs. For the purpose of measuring building height, the "ground" level is the highest of the following three levels: curb level; established or mean street grade if no curb exists; or the average finished ground level adjoining the building if the building is setback more than 10 feet from the street line.

88-820-13-B. Exceptions

1. Parapet Walls and False Mansards Parapet walls and false mansards may extend no more than 8½ feet above the height limit.

2. Appurtenances Flagpoles, chimneys, cooling towers, electric display signs, elevator bulkheads, belfries, penthouses, finials, gas tanks, grain elevators, stacks, silos, storage towers, observation towers, radio or television antennas and towers, windmills, wind energy systems, ornamental towers, monuments, cupolas, domes, spires, standpipes and necessary mechanical appurtenances, where permitted, may be erected to a height in accordance with existing or hereafter adopted ordinances of the city; except that, in R districts, radio or television structures accessory to a residential use, including antenna supports and antennas, may not exceed 60 feet in height.

3. Amusement Park Rides, Amusement Attractions or Roller Coasters Height restrictions in any zoning district do not apply to amusement park rides, amusement

attractions or roller coasters of any type that are erected in any zoning district in which they are allowed, either temporary or permanent, provided that each is set back a distance equal to its height from all property lines.

4. Limitations on Rooftop Features in R Districts

a. Stairway enclosures and elevator penthouses in R districts are allowed to exceed the maximum building height, provided:

1. they are set back at least 20 feet from the front building line, and
2. do not exceed 9 feet in overall height or extend more than 5 feet above the building parapet, whichever results in a lesser height.

b. Stairway enclosures in R districts may not contain habitable space and may not exceed 170 square feet in area.

c. Elevator penthouses in R districts may not contain habitable space and may not exceed 465 square feet in area.

d. Building-mounted solar energy systems may extend up to 3 feet above the applicable maximum height limit for the subject building type, provided they do not extend more than 5 feet above the roof line.

Approved as to form and legality:

M. Margaret Sheahan Moran
Assistant City Attorney