



**RESIDENTIAL PLAN SUBMITTAL
PACKET**
(updated 02/21/2020)

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Congratulations.

You have taken the first step in the right direction by contacting the City of Fairway to inquire what you need for a permit to be issued for your project.

This packet is intended to give you general information about the plans required for *most* residential building permits. Your individual project may require more or less detail than described in this packet. The summarized checklist can be used as a reference for applications for residential building permits that involve review from the Planning Commission, new single family homes, additions and large remodel projects. This list may not be inclusive of all necessary documentation required for certain projects.

City Staff is here to answer your questions and guide you through the process. You may contact staff for additional information during our office hours of Monday through Friday from 9:00 a.m. to 5:00 p.m. Below is the contact information for the City:

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This packet is a compilation of information to many of the questions homeowners have about potential construction projects. Included in the packet are the following:

1. Frequently Asked Questions.
2. Plan Submittal Guidelines.
3. Site Plan Review and Final Site Plan requirements per Fairway Municipal Code 15-235.
4. R-1, Single Family District Zoning Regulations.
5. Supporting Graphics
6. Sample Site Plan
7. Definitions and Interpretations

Some sections have been **highlighted** as a quick reference to key points but do not preclude the necessity of non-highlighted sections.

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FREQUENTLY ASKED QUESTIONS ABOUT BUILDING PERMITS AND PLAN SUBMITTAL REQUIREMENTS

Q. Why do I need a building permit?

- A. In general. To protect the safety, health and welfare of the community, no building, structure or driveway shall be constructed, erected, altered, restored, remodeled, demolished or moved unless the owner, contractor or duly authorized agent of either shall have first received from the City a building permit therefor, unless exempted therefrom under the provision of any uniform code adopted by the City and applicable thereto. Any applicant for a building permit shall present satisfactory evidence that such work is in compliance with the applicable provisions, if any, of the City Code and this Chapter, including any uniform codes adopted by the City that may be applicable thereto per **Fairway Municipal Code 15-851(a)**.

Q. When do I need a building permit?

- A. A building permit is required for most improvements – including, but not limited to, fences, siding, driveways, water heaters, HVAC, structural remodels, carports, garages, storage sheds, decks, swimming pools, additions and new single family homes. With the exception of fences and driveways, all permitted work requires that the work performed by anyone other than the property owner that resides at the property be done by a contractor licensed through Johnson County Contractor Licensing.

Q. How long is the permit valid?

- A. REMODEL or Other - Expiration of building permit. Every building permit issued by the City shall expire by limitation and become null and void if the project authorized by the building permit is not completed within one hundred and eighty (180) days from the date of issuance of the building permit. Before any such project can recommence after the building permit has expired, a renewal permit shall be first obtained. The renewal fee shall be one half (½) the amount required for a new building permit for the project; provided that no change has been or will be made to the original plans and specifications for the project. The renewal permit is valid for one hundred and eighty (180) days.

NEW HOUSE - New residential construction permits will be issued for three hundred and sixty (360) days from the date of issuance.

No building permit shall be renewed beyond the initial three hundred and sixty (360) day period without the expressed authorization and approval of the City Council.

Q. What is a plot plan and when is it required?

- A. A plot plan is a drawing submitted to and reviewed by the City that shows the actual shape and dimensions of the lot, existing and proposed structures, height of the proposed structures, lot coverage (the portion of a lot, stated in terms of percentage, that is covered by all hardscaping,

buildings and/or structures), setbacks from the property line and any other information that may be necessary to adequately review the plot plan for conformance with the Zoning Ordinance and other codes. Any application for a building permit for single-family residence must be accompanied by three copies of a plot plan with the exception of re-roofs, basement finishes, water heaters, fireplaces and similar improvements.

Q. What are setbacks?

A. A setback is the distance between a structure and the property line. No structures can be built within the required setback area. Structural setbacks vary depending on the lot size of your property.

Q. What is a nonconforming structure?

A. A nonconforming structure is a structure that lawfully existed at the time of the adoption of the Zoning Ordinance that does not conform to the regulations of the zoning district in which it is located. A nonconforming structure can lose its nonconforming status if it is destroyed by more than 70% of the total structure as determined by the Building Official.

Q. What is a plat?

A. A plat is a survey, prepared by a licensed registered surveyor, of property showing the dimensions and location of lot lines, streets, and easements. A plat also establishes the lot, block, and subdivision name used in real estate transactions. Code requires that the plat is stamped by a Kansas Licensed Surveyor or Engineer.

The platting process is also known as the subdivision process, which ensures that all lots comply with a city comprehensive plan(s) and other development regulations. Plats are reviewed for compliance with regulations regarding minimum lot size, street access and size, utility provisions, and drainage and flood protection, among other requirements set forth in the Fairway Municipal Code.

Q. What is the difference between an easement and right-of-way?

A. An easement is an interest in real property that dedicates the use of land for a specialized or limited purpose without the transfer of title. Easements are restrictions that overlay real property; Easements are primarily for private drainage, public improvements and public utility purposes. Property owners own the land encumbered by easements on their property, pay property taxes and are required to maintain the surface area of the land on which the easement is located. No structures may be constructed in an easement.

Right-of-way is a strip of land typically owned by the city, metropolitan district or other governmental entity, occupied or intended to be occupied by a street, crosswalk, or other public or private improvements such as gas, water or sewer lines.

Q. My subdivision has covenants. Does the City enforce them?

A. No, the City of Fairway does not enforce covenants. Covenants are restrictions imposed on the use of land or property by the original developer. Enforcement of covenants is a private matter. Contact your Home Owner's Association (HOA) if you have one in your subdivision. The City only enforces zoning, nuisance, junk, weeds and similar codes.

Q. What is the Planning Commission?

- A. The Planning Commission shall consist of seven (7) members, all of whom shall be residents of the City. The members shall be appointed by the Mayor, by and with the consent of the Governing Body. (Fairway Municipal Code 15-65).

The Planning Commission shall have the powers granted and duties delegated to it by the Fairway Municipal Code and by Statute, including the making or causing to be made the comprehensive plan, and making recommendations on plat approval, subdivision regulations, site plans, zoning regulations, and rezonings. (Fairway Municipal Code 15-66)

The majority of applications that come before the Planning Commission for review are for new single family homes and additions. The Commissioners meet the last Monday of each month to consider applications. The agenda is set by the Planning Commission Secretary and approved by the Planning Commission Chairman. To be placed on the agenda, the application along with 10 sets of 11" x 17" plans stamped by a Kansas licensed architect or engineer and an \$90.00 non-refundable fee are due a recommended 30 days prior to the meeting date. Plans submitted after this time will be placed on the agenda at the discretion of the Planning Commission Secretary.

Once approval has been granted for the project, a building permit application and 3 full sets of stamped construction plans must be submitted before a permit will be issued.

Q. What is the Board of Zoning Appeals?

- A. The Board of Zoning Appeals shall consist of seven (7) members, all of whom shall be residents of the City. The members shall be appointed by the Mayor, by and with the consent of the Governing Body. (Fairway Municipal Code 15-776)

The Board of Zoning Appeals shall have the powers granted and duties delegated to it by the Fairway Municipal Code and by Statute, including, the following:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement of the zoning regulations;
2. To grant variances to the zoning regulations on the basis and in the manner provided for by this Part and by Statute; and
3. To the extent so authorized in the appropriate ordinance, the Board of Zoning Appeals may also act as the appeals board for any appeal of an alleged error in any order, requirement, decision or determination made by any administrative official in the enforcement of the City's building codes or property maintenance regulations.

Variances. The Board of Zoning Appeals may grant in specific cases a variance from the specific terms of the zoning regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the zoning regulations, in an individual case, results in unnecessary hardship, and provided, that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations for the applicable district. A request for a variance may be granted in such case upon a finding that all the following conditions have been met:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owners or the applicant;
2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents;

3. That the strict application of the zoning regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

Applications for variances require a public hearing and notification to the property owners within the 200-foot buffer map by certified mail. To be placed on the agenda, the application along with 10 sets of 11" x 17" plans stamped by a Kansas licensed architect or engineer and an \$90.00 non-refundable fee are due 30 days prior to the meeting date.

PLAN SUBMITTAL GUIDELINES

1. BZA AND PC APPLICATIONS

- Completed BZA or PC application. Applications are available only at City Hall.
- \$90.00 non-refundable plan review fee.
- Ten (10) sets of 11" x 17" plans stamped by a Kansas licensed architect or engineer for projects requiring a site plan review to include plot plan and façade elevations. Signage applications do not require a stamp on the site plan. Additional information on plot plan and façade requirements below.
- Depending on the scope of the project, a survey stamped by a licensed Kansas surveyor may also be required. All new homes must provide a stamped survey and show existing elevation of grade measured at the front door threshold in addition to plot plan requirements shown below.
- Application and plans are due 30 days prior to the meeting date.
- Please review general information for plan details
- New homes applications must submit a watershed analysis.

PERMITTING - GENERAL INFORMATION:

- Projects must comply with:
 - 2012 International Mechanical Code by reference.
 - 2012 International Fuel Gas Code by reference.
 - 2012 International Plumbing Code by reference.
 - 2011 National Electric Code by reference.
 - 2012 International Residential Code by reference.
 - 2012 International Energy Conservation Code by reference.
 - 2012 International Building Code by reference.
 - 2012 International Fire Code by reference.
- Applications for building permits for new houses, additions, and remodels require three (3) full sets of stamped construction plans, \$30.00 non-refundable plan review fee and building permit application. When the project must go before BZA or PC, the \$30.00 non-refundable plan review fee shall be waived in lieu of the BZA/PC application fee.
- All drawings shall be to scale and show dimensions on plans.
- Drawings will show view of each floor level of where work is being done.
- Floor Plans for room additions must show intended use of new area and the use of adjacent rooms that will be affected.

2. THE FIRST PAGE OF A SET OF PLANS SHALL CONTAIN:

- Owner's name, address, and telephone number.
- The architect/engineer/designer's name, address, telephone and email address.
- Square Footage - by floor level of the new house or addition. List garage square footage separately.

3. A PLOT PLAN SHALL BE PROVIDED:

- Name of owner and address of project.
- North arrow.
- Property lines, lot dimensions and building setbacks (suggested 1 inch = 10 feet).
- Location of all proposed and existing buildings.

- Distance from buildings, decks, structures, retaining walls and driveways to property lines.
- Dimensions of driveways and curb cuts.
- Location and dimensions of easements and Right of Ways and trees located within the ROW.
- Location of utilities (storm and sanitary sewers, water, gas).
- Square footage of lot, hardscape (house, driveways, decks etc), greenspace and percentage of the greenspace.
- Fences, proposed or existing.
- Flood Zone designation.

4. FAÇADE ELEVATIONS SHALL BE PROVIDED:

- Square footage of each façade area: the area lying between the grade to lowest point on roofline. Also referred to as the elevation.
- Height of building measured at grade at the front door threshold to highest ridge of roofline.
- Percentage and square footage of window and door openings of each façade.
- Square footage of architectural relief and required percentage.
- Specify siding and roofing materials

The following requirements are for permitting purposes but not required for BZA and PC applications.

5. FOUNDATION PLAN AND DETAILS, SHOWING:

- Depth of footings.
- Footings and Column pad size - width and thickness.
- Foundation Wall:
 - Height
 - Thickness
 - Poured Concrete
 - Block Size and Number of Courses
 - Depth of Backfill
- Cripple wall stud sizes and bracing

6. WALL SECTION SHOULD SHOW THE FOLLOWING ITEMS:

1. Size and spacing of studs.
2. Location of bearing walls and supports.
3. Size and Spacing of ceiling joists.
4. Size and Spacing of roof rafters
5. Size and spacing of floor joists.
6. Size and spacing of girders and beams used for supports.
7. Roof sheathing size, panel span rating and type of covering.
8. Floor sheathing size and panel span rating.
9. Wall and ceiling covering.
10. Exterior wall covering or sheathing; type and size.
11. Earth to wood clearances: 18” minimum to joists, 12” minimum to girders/beams
12. Insulation: type, location and “R” factor .
13. Underfloor ventilation and underfloor access.
14. Attic ventilation.
15. Shear bracing: type, location and size.
16. If project is a room addition, provide detail for point of attachment.
17. Header sizes.
18. Rafter ties; size and spacing

19. If using manufactured trusses, provide detail sheet from supplier.
20. All dimensions.

Include the grade and species of all framing lumber and materials.

- Step footing locations.
- Earth to wood clearance.
- Type of mudsill.
- Anchor bolts:
 - Size
 - Spacing
- Reinforcing Steel .
 - Size
 - Vertical Spacing
 - Horizontal Spacing
- Proposed damp proofing .
- Drain Tile.
- Basement floor slab thickness/vapor barrier.

7. **FLOOR PLAN**

- Basement or crawl space layout with dimensions.
- Basement egress.
 - Door size and location.
 - Stair dimensions (width, rise and run) --
 - or
 - Window size (actual height and width of opening) and location.
 - Sill height above finished floor.
 - Depth of window well.

FAIRWAY MUNICIPAL CODE SITE PLAN REVIEW AND PROCEDURES:

Sec. 15-235. - Site plan review.

(a) *Applicants.* The following development activities shall require a site plan review subject to the procedures and criteria contained in the zoning regulations. No building permit shall be issued until the required review and approval of a site plan has occurred.

Development Activity	Preliminary	Final
<p>In the R-1 district, any construction activity that either:</p> <ul style="list-style-type: none"> • Adds to or replaces a portion of the structure on more than fifty percent (50%) of existing building footprints; • Adds more than six-hundred (600) square feet of building footprint; • Adds an entirely new principal building to a lot; • Alters the massing of façade design on more than twenty-five percent of any street facing or side elevation; or • Any application, regardless of the size or impact of the project, that requests an exception to the Dimension Standards in Section 15-296 or the Site Design Standards in Section 15-297 	No	Yes
<p>In the R-2P or B-3P Districts, a proposed development plan, and any subsequent development according to an approved development plan, requires a site plan as a component of the development plan as specified in Article IV, Division 4.</p>	Yes	Yes
<p>In the B-1 and B-2 District:</p> <ul style="list-style-type: none"> • Any exterior structural construction activity, alteration or replacement of a structure, except activities that may be considered ordinary maintenance; or • Any site construction activity, such as landscaping, parking, drive aisles, or similar site elements, the extent of which alters or impacts traffic patterns on or around the site, except activities that may be considered ordinary maintenance. 	Yes	Yes
<p>Any request for rezoning or a special use permit.</p>	Yes	Yes

(b) *Submittal requirements.*

- (1) *Preliminary site plan. (This section has been omitted-preliminary plans are not required for residential projects going before the Planning Commission)*
- (2) *Additional information required in support of preliminary site plan. (This section has been omitted-preliminary plans are not required for residential projects going before the Planning Commission)*
- (3) **Final site plan.** Nine (9) copies of the final site plan shall be submitted in support of the application for final site approval. The final site plan shall contain the following information and meet the following requirements:
 - a. A small key map indicating the location of the property within the City, a north arrow and scale.
 - b. A title block including:
 1. Name and address of the landowner;

2. Name and address of the architect, landscape architect, planner, engineer, surveyor, contractor, or other persons or entities involved in preparation of the final site plan;
 3. Original date and date of latest revisions to the final site plan.
- c. With regard to the subject property:
1. Finished grades or contours for the entire site at one-foot (1') contour intervals.
 2. All existing and proposed adjacent public street right-of-way with centerline location.
 3. All existing and proposed adjacent public street and public drive locations, widths, curb cuts and radii.
 4. Location, width and limits of all existing and proposed sidewalks, including the crossing distance of any crosswalks across rights-of-way, private lanes, or internal drive aisles.
 5. Location, size and radii of all existing and proposed median breaks and turning lanes.
 6. Distance between buildings, between buildings and property lines and between all parking areas and property lines.
 7. Location of all required building and parking setbacks.
 8. Location, dimensions, number of stories and area in square feet of all proposed buildings.
 9. Area of land on the final site plan in square feet and acres.
 10. Limits, location, size and material to be used in all proposed retaining walls.
 11. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
 12. Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.
 13. Location, size, type of material and message of all proposed signs on the subject property, and a written and graphic description of all other existing signs located within one thousand feet (1,000') of the property which is the subject of the application to determine compatibility of design.
 14. Pertinent peripheral information to include adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements.
 15. Preliminary drainage design and location and existing drainage facilities.
 16. For all R-1 activity defined as a new house, and for all new building construction in the B-1, B-2, B-3P, and R-2P zoned districts, a watershed analysis stamped by a licensed State Engineer shall be required. The watershed analysis shall include, but not be limited to, the following:
 - (i) Baseline watershed level as property exists before any demolition.
 - (ii) Watershed level with proposed changes including new construction, hardscape and specific changes to grades.
 - (iii) Impact to immediate surrounding properties.
 - (iv) A determination that the new construction will not adversely impact adjoining or downstream property.

The Planning Commission may waive the requirement that a watershed analysis be submitted under this subsection for good cause shown by the applicant, which evidence may include letters from all property owners immediately adjacent stating that they do not object to the applicant's submission of the final site plan without a watershed study, and at least seventy-five percent (75%) of the lot consists of permeable and uncovered surface.

17. Any request for a variance to the minimum permeable surface requirement or a variance or exception to any building setback for new footprint additions will require a watershed analysis meeting the requirements of Subsection (b)(3)c.16 of this section and stamped by a licensed State engineer.
- d. Building elevations including the following:
 1. Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs, and dimensions with sufficient detail to demonstrate compliance with all building design standards of the zoning regulations.
 2. Size, location, color and materials of all signs to be attached to building exteriors.
 3. Location, size and materials to be used in all screening of rooftop mechanical equipment.
 4. Building sections.
 - e. Floor plans indicating dimensions and areas of all floors within proposed buildings.
 - f. Landscaping and screening plans, as required by this article, which include:
 1. Size, species, location and number of all existing and proposed landscape materials.
 2. Notation of all areas to be seeded or sodded.
 3. Location, size and materials to be used for all screening, including screening of outside trash enclosure areas.
 4. A schedule calculating the sizes and types of different open spaces provided in the final site plan to demonstrate compliance with all landscape and open space design standards of the zoning regulations.
 - g. A parking schedule showing the numbers and dimensions of typical parking spaces, drive aisles, and parking lot landscape areas sufficient to demonstrate compliance with the parking quantity and design standards of the zoning regulations.
 - h. All final site plans are to be drawn to a standard engineer's scale.
 - i. The following additional items shall be submitted in support of the application for final site plan approval:
 1. Deeds of dedication for all rights-of-way or easements required as a result of preliminary site plan approval.
 2. A copy of all covenants and restrictions applicable to the site, if required by the terms of the approved preliminary site plan.
 3. Evidence of satisfaction of any stipulations of the preliminary site plan approval which were conditions precedent to consideration of the final site plan.
 4. Assurances of adequate public facilities.
(Development Ord. 2004, § 15-4-108; Ord. No. 1530, § 1, 7-9-2012; Ord. No. 1540, § 1, 10-8-2012)

Subdivision II. - R-1 Single-Family Residential District

Sec. 15-294. - Intent.

The R-1 Single-Family Residential District is intended to provide a low to medium-density residential environment consisting of single-family dwelling units on lot sizes consistent with the patterns and arrangement of the neighborhood, and preserving the character of the existing neighborhoods within the district, each having their own characteristic of size and residential architecture.

(Development Ord. 2004, § 15-4-2.201)

Sec. 15-295. - Uses.

Uses allowed in the R-1 District are specified in [Section 15-264](#).

(Development Ord. 2004, § 15-4-2.202)

Sec. 15-296. - Dimension standards.

(a) Lots.

Lot	
Minimum area	6,000 square feet
Minimum width	60 feet
Minimum front setback	40 feet ^a
Minimum side setback	<ul style="list-style-type: none"> • Less than 80-foot lot width = 6 feet • 80 - 100-foot lot width = 8 feet • More than 100-foot lot width = 10% of lot width
Minimum rear setback	25 feet
Principal building (dwelling unit)	
Maximum height	2½ stories with a maximum of 30 feet above the lesser of finished grade of previous structure measured at previous threshold or current finished grade measured at current threshold
Minimum ground floor area (excluding garage)	<ul style="list-style-type: none"> • 1,800 square feet for one-story structures • 900 square feet for all other structures
Accessory buildings	
Maximum height	1½ stories or the height of the principal building, whichever is less
Minimum front setback	Behind the rear building line of the principal building

Minimum side and rear setback	4 feet In addition: (a) any portion of an accessory building that exceeds 8 feet high shall be set back 1 additional foot for each foot over 8; (b) any accessory building with a footprint greater than 576 square feet shall have the same setbacks as required for principle buildings; and (c) an accessory building that is connected to a principle building by any structure such as a breezeway or arbor shall meet the same setbacks required for the principle building. The additional setback shall apply even when the structure is not physically attached to the accessory building or principle building.
Maximum ground floor area	576 square feet for lots under 10,000 square feet 720 square feet for lots 10,000 square feet or more

^a Lots with existing front setbacks of less than 40 feet are eligible for status as a nonconforming lot in Division 3, Subdivision 7 of this article and may be eligible for exceptions with regard to future additions to the principal building.

(Development Ord. 2004, § 15-4-2.203)

(b) Corner Lots. The following corner lot patterns exist in the city. A corner lot shall maintain the existing lot pattern, however, through the site plan process the Planning Commission may approve a new pattern where the context suggests a new pattern is at least as appropriate with the character of the area. Setbacks for corner lots shall be as follows. [See Part 7, Figure 4-2-16]

- (1) *Standard Corner Lot*: Standard corner lots are lots that are oriented the same as all other lots on the block, with a side yard adjacent to the side street.
 - a. *Street Side Setback*: The greater of:
 1. the same as a the required setback for all other lots; or
 2. three (3) times the distance of the required setback, but measured from the back of the curb,
 - b. The front, interior side, and rear setbacks shall be the same as required for all other lots;
 - c. Accessory buildings shall be setback at least 20' from the lot line on the street side lot.
- (2) *Reverse Corner Lot*: Reverse corner lots are lots that are oriented to the side street or shorter end of the block.
 - a. *Street Side Setback*: Same as required for all other lots plus an additional 15 feet
 - b. *Front Setback*: Same as required for all other lots, except that the setback may be adjusted to reflect the front building line of the adjacent building also fronting on the side street, but in no case closer than 25' from the front lot line;
 - c. *Interior side and rear setbacks*: Same as required for all other lots.
 - d. Accessory buildings shall be setback at least 25' from any lot line along a street or behind the front building line of the adjacent lot, whichever is greater.
- (3) *Intersection Lot*. Intersection lots are lots that have a dual orientation or are oriented to the intersection. These lots shall have 2 front setbacks on each street side, and two side setbacks on the interior sides, and no rear setback.

- a. *Front setbacks:* Same as required for all other lots and is applied to both street frontages, except that the setback may be adjusted to reflect the front building line of each adjacent building, but in no case closer than 25' from the front lot line.
 - b. *Interior side Setbacks:* Same as required for all other lots and shall be applied to both interior lot lines.
 - c. *Rear setback:* There is no rear setback for an intersection lot.
 - d. Accessory buildings shall be set back at least 25' from any lot line along a street, or behind the front building line of the adjacent lot, whichever is greater.
- (c) Exception: As a part of the site plan process, the Planning Commission may grant exceptions to the Dimension Standards set forth in this section, based upon the following criteria:
- (1) *Front setback exceptions:* Where the front building lines along the same side of a block are less than the required setback, the Planning Commission may grant an exception to the front setback of an adjacent lot to make its building line consistent.
 - (2) *Side Setback exceptions:*
 - a. The existing structure was legally constructed with a side setback of less than the currently required side setback;
 - b. The proposed addition shall have a side setback that is equal (i.e., continuous and consistent with) or greater than the existing side build line of the existing structure;
 - c. The proposed addition shall not cause further encroachment than that of the existing structure; and
 - d. The exception shall not cause an adverse impact on the surrounding properties.
- (Development Ord. 2004, § 15-4-2.203; Ord. No. 1582, § 7, 12-8-2014)*

Sec. 15-297. - Site design standards.

- (a) *Lot Design*
 - (1) Intent. The intent of the lot design standards is to:
 - a. Reinforce the existing scale and patterns of neighborhoods, including appropriate transitions to adjacent neighborhoods.
 - b. Promote the character of the neighborhood through the design and relationship of lots to streetscapes.
 - c. Preserve and strengthen the generous tree canopy throughout neighborhoods.
 - d. Minimize the impacts of development on prevailing grades and associated runoff through landscape design.
 - (2) *Greenspace requirement.* The following greenspace requirements provide environmental and aesthetic benefits through landscape design.
 - a. All lots up to 10,000 square feet, the following shall apply:
 - 1. At least sixty (60%) percent of a lot shall be permeable and uncovered surface
 - 2. At least sixty (60%) percent of the lot in front of the front building line shall be permeable and uncovered surface.

- b. Lots greater than 10,000 square feet but less than 30,000 square feet, the following shall apply
1. The first 10,000 square feet: At least sixty percent (60%) of a lot shall be permeable and uncovered surface;
 2. The first 10,000 square feet: At least sixty percent (60%) of a lot in front of the front building line shall be permeable and uncovered surface;
 3. Remaining square footage less than 30,000 square feet: At least seventy-five percent (75%) of a lot shall be permeable and uncovered surface.

Example: 11,600 square foot lot
 10,000 square feet x 60% = 6,000 square feet
 1,600 square feet x 75% = 1,200 square feet
 6,000 + 1,200 = 7,200 square feet of greenspace required

- c. Lots greater than 30,000 square feet, the following shall apply:
1. The first 10,000 square feet: At least sixty percent (60%) of a lot shall be permeable and uncovered surface;
 2. The first 10,000 square feet: At least sixty percent (60%) of a lot in front of the front building line shall be permeable and uncovered surface;
 3. The square footage greater than 10,000 but less than 30,000 square feet: At least seventy-five percent (75%) of a lot shall be permeable and uncovered surface.
 4. The square footage greater than 30,000: One hundred percent (100%) shall be permeable and uncovered surface.

Example: 31,200 square foot lot
 10,000 square feet x 60% = 6,000 square feet
 20,000 square feet x 75% = 15,000 square feet
 1,200 square feet x 100% = 1,200 square feet
 6,000 + 15,000 + 1,200 = 22,200 square feet of greenspace required

- d. *Exclusions.* Permeable or uncovered surfaces recessed within the perimeter of the building footprint or any permeable surface less than 4 feet in any dimension shall not count towards this requirement.
- e. *Large Shade Trees.* Large shade trees shall be maintained or established between the front building line and street through the following:
1. All lots shall have at least 1 large shade tree for every 40 feet of street frontage, or fraction thereof. Existing large shade trees, including any large shade trees in the right-of-way, may be counted towards this requirement
 2. Removal of an existing large shade tree that results in less than 1 per 40 feet of street frontage shall require replacement of 2 new large shade trees for each 1 tree removed.
 3. Large shade trees shall be planted between the front building line and the street.
 4. Large shade trees species shall be selected from the “Great Trees for the Kansas City Region” guide and the “Large Trees for the Landscape” list.
 5. Any new trees required to be planted shall be at least 3 inch caliper.
- f. *Foundation Planting.* All buildings shall maintain a foundation planting bed at least 4 feet deep along at least 50% of the building frontage. This planting bed shall

be planted with ornamental living materials that complement the design of the site and building. [See Subdivision VII of this division, Figure 4-2-17]

- g. All of the remaining minimum permeable and uncovered surfaces on residential lots shall be planted with vegetation.
- (3) *Curb cuts and driveways.* The following driveway standards preserve the streetscape, maintain greenspace along the frontages and integrate driveways into the natural terrain and landscape, by keeping them as narrow as practical closer to the streetscape.
- a. *Single curb cut.* Each lot shall be entitled to a single curb cut that corresponds to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space. No such curb cut and driveway shall exceed twenty percent (20%) of the lot frontage up to twenty (20) feet, except:
 1. Lots less than eighty (80) feet in lot frontage may have curb cuts up to a maximum of sixteen (16) feet in width.
 2. An additional three (3) feet may be permitted at the curb cut on each side of the driveway.
 3. Within twenty (20) feet forward of the front building line, the driveway width may be expanded to twenty (20) feet to accommodate garage entrances or parking.
 4. There is no limit to the driveway width behind the front building line, other than by application of the overall lot greenspace requirement. [See Subdivision VII of this division, Figure 15-438-18]
 - b. *Multiple curb cuts.* Lots with a lot width of eighty (80) feet or more may be allowed two (2) curb cuts, subject to the following:
 1. The driveways corresponding to the two (2) curb cuts must interconnect in an arc or similar fashion, and at least one (1) curb cut must correspond to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space. A connecting arc driveway is not subject to the lot frontage width limits below; provided, it is no wider than the two (2) connecting driveway portions.
 2. No single curb cut and driveway shall exceed ten percent (10%) of the lot frontage up to twelve (12) feet, except:
 - (a) An additional three (3) feet may be permitted as the curb cut on each side of the driveway.
 - (b) Within twenty (20) feet curb-ward of the front building line, the driveway width may be expanded to twenty (20) feet to accommodate garage entrances or parking.
 - (c) There is no limit to the driveway width beyond the front building line, other than by application of the overall lot greenspace requirement.
 3. There must be at least thirty-six (36) linear feet between the two curb cuts. (Measured along the street curb.)
 - c. *Location.* No driveway or curb cut shall be located within two (2) feet of any side yard property line, except in the case of a side yard curb cut entrance for a corner lot, or a shared driveway serving two (2) properties. Driveway width and paved parking areas shall be limited in size by the greenspace requirement in Subsection (a)(2).
 - d. *Materials.* Any construction or replacement of driveways shall be with a hard surface material. Gravel, crushed rock or other similar material is not considered hard surfaced material. Curb and driveway materials in the public right-of-way shall also be subject to any applicable right-of-way material requirement. Landscape

strips or any landscape islands within driveways that are less than eight (8) feet in any dimension are prohibited.

- e. *Nonconforming.* Any legal nonconforming driveway or curb cut not complying with the above standards may be maintained, repaired or replaced without any modification other than adherence to any applicable right-of-way material requirement; provided, all driveways and curb cuts shall be brought into compliance in the event of a new dwelling unit, or when determined necessary, in the Building Inspector/Code Enforcement Officer's sole discretion, in the event of a substantial addition or remodel.
 - f. *KDOT.* In the event any driveway or curb cut is associated with any KDOT project or is otherwise subject to KDOT right-of-way regulation, any conflicting KDOT requirement shall supersede the standards set forth hereinabove.
- (b) *Building design.* The following building standards apply to all principal buildings and any accessory building that exceeds one hundred twenty (120) square feet in area.
- (1) *Intent.* The intent of the building design standards is to:
 - a. Reinforce the existing scale and patterns of buildings within neighborhoods, including appropriate transitions to areas adjacent to neighborhoods.
 - b. Promote the character of the neighborhood through the design and relationship of buildings to streetscapes,
 - c. Ensure quality design and the longevity of investments in neighborhoods.
 - d. Manage the relationship of adjacent buildings to maintain privacy and promote compatible building scale and transitions.
 - e. Enhance the quality, aesthetic character, and visual interest within neighborhoods by breaking down larger masses, incorporating human scale details and ornamentation, and encouraging the integrity of various architectural styles found within neighborhoods.
 - (2) *Building entrances.* The following standards break up the scale and mass of front facades and create human-scale details that relate buildings to the neighborhood streetscape:
 - a. All principal buildings shall have a primary entrance or a primary entrance feature that faces the street.
 - b. Any front facade that exceeds a one and one-half (1½) stories shall be articulated by one of the following unenclosed primary entrance features [See Subdivision VII of this division, Figure 15-438-1]:
 - 1. A single-story covered front porch at least seven (7) feet deep with a total area of at least seventy (70) square feet;
 - 2. A stoop rising at least two (2) feet above the finished grade with enhanced architectural elements, such as decorative railings, decorative door moldings, or transom windows, or
 - 3. A single-story covered portico projecting from the front facade at least three (3) feet with a total covered area of at least twenty-four (24) square feet.
 - c. Unenclosed primary entrance features meeting the minimum requirements of this section may encroach up to seven (7) feet into the front setback with a maximum of one hundred forty (140) square feet within the front setback.
 - d. *Exception:* Encroachments of unenclosed primary entrance features up to ten (10) feet into the front setback with a maximum of two hundred (200) square feet within the front setback may be approved by the Planning Commission upon a determination of the following:

1. The encroachment results in a setback, building lines, or other structural encroachment similar to that of the immediately adjacent property;
 2. The encroachment is architecturally compatible with and integrated into the principal building;
 3. The encroachment does not adversely impact any other required residential site design guideline; and
 4. The encroachment does not have a detrimental impact on adjacent property.
- e. In no case may any portion of the primary entrance feature, as provided in Subsection c. or d. above, be closer than thirty (30) feet to the front property line.
- (3) *Garages.* The following standards shall minimize car-oriented building features and maintain a human-scale relationship between buildings and the neighborhood streetscape.
- a. Overhead garage doors shall not be more than eight (8) feet in front of the threshold of the primary entrance of the principal building. Provided, in the event the garage doors face a direction different than that of the primary entrance of the principal building (e.g., a side-facing garage), this requirement shall apply to the foremost front portion of the garage structure.
 - b. No more than forty percent (40%) of the linear width of the front facade may be occupied by front-facing overhead garage doors. [See Subdivision VII of this division, Figure 15-438-2]
 - c. All dwelling units shall maintain at least one (1) fully enclosed vehicle parking space. Conversion of an attached or detached garage to a different use shall require provision of an alternative fully enclosed vehicle parking space.
- (4) *Building massing:* The following building massing standards shall apply in addition to the setbacks and heights standards to break up the building massing in relation to adjacent lots:
- a. Side setback lines:
 1. Wall planes at or within one and one-half (1.5) times the side setback line shall be limited to eight-hundred (800) square feet;
 2. Wall planes at one and one-half (1.5) or up to two (2) times the side setback line shall be limited to one-thousand two-hundred (1,200) square feet;
 3. Wall planes at two (2) times or more the side setback line shall not be limited, other than the general height, building footprint and design standards. [See Subdivision VII of this division, Figure 15-438-19]
 - b. Rear setback lines:
 1. Wall planes at or within fifteen (15) feet of the rear setback line shall be limited to eight-hundred (800) square feet. [See Subdivision VII of this division, Figure 15-438-20]
 - c. Projections: Chimneys, bays, eaves and other massing elements that are integral to the design and style of a structure may project into the required setback and building massing standards subject to the following:
 1. Projections may be between two (2) feet and four (4) feet, but never more than fifty percent (50%) of the required setback. However window wells designed for egress may be four (4) feet deep and extend into the required setback in all cases.
 2. Projections shall be limited to no more than two hundred 200 square feet. [See Subdivision VII of this division, Figure 15-438-21]

- (5) *Building facades.* The following design standards shall be used to organize the composition of facades consistent with the architectural style of the home and provide details that relate buildings to the neighborhood streetscapes and adjacent sites.
- a. No facades shall exceed more than six hundred (600) square feet without architectural relief. Architectural relief shall be:
 1. A structural building element that breaks up a wall plane by creating a projection or recession of at least eighteen inches (18") that occurs cumulatively over at least twenty-five percent (25%) of the facade. Examples include dormers projecting from a roof, projecting primary entrance features, or projections or recessions in the facade building line. [See Subdivision VII of this division, Figure 15-438-3]; or
 2. Architectural details and ornamentation characteristic of a particular style that establish patterns and proportions on the overall facade. Examples include material changes, vertical or horizontal moldings, columns or trim or similar details and ornamentation that may be essential to any particular chosen architectural style.
 - b. All facades shall have window or door openings covering at least fifteen percent (15%) of the facade above grade. Windows and doors shall be arranged as follows:
 1. Windows shall have a vertical or square proportion, although groups of windows may be joined in a horizontal proportion;
 2. Windows shall be stacked for two-story facades with lower windows aligning with upper windows, and have a hierarchy with lower windows being larger than upper windows;
 3. In the event of an addition to an existing structure, this requirement may apply to the least restrictive of: (1) the entire facade facing the same direction (e.g., front, rear or either side facade), including both the addition and the existing structure; or (2) only the facade of the addition being built and not any part of the existing structure that is not being modified as part of the construction project. [See Subdivision VII of this division, Figure 15-438-4]
- (6) *Building materials.* The following building material standards shall be used to create quality designs consistent with the architectural style of the home and prioritize natural materials that age and weather well.
- a. Acceptable materials—The following exterior surface materials are acceptable on all facades:
 1. Brick;
 2. Stone;
 3. Stucco;
 4. Wood shingles;
 5. Wood siding;
 6. Wood paneling;
 7. Glass blocks;
 8. Vinyl siding;
 9. Horizontal aluminum siding;
 10. Fiber cement siding designed to look like wood siding or shingles (e.g., Hardie board);
 11. Engineered wood siding (EWS), including strand and fiber wood products meeting ANSI 135.6 standards for hardboard, designed to look like wood lap siding or shingles and installed in accordance with the manufacturer's specifications. (E.g., SmartSide, Catawba or TruWood.).

Additional building materials may be approved by the Planning Commission.

- b. *Provisional materials.* The following provisional exterior surface materials may be approved by the Planning Commission, subject to the special provisions listed:
 - 1. Exterior insulation finishing system (EIFS) shall require certification by an independent third party, paid for by the owner, certifying that the material was installed according to manufacturer's specifications.
- c. *Prohibited materials.* In addition to those materials prohibited by the City's building code, the following materials are prohibited on all facades:
 - 1. Corrugated metal siding;
 - 2. Sheet panel materials including particle board, plywood, oriented strand board (OSB) or engineered wood, i.e. 4-foot by 8-foot panel material;
 - 3. Concrete masonry units, such as cinder block or split-faced block.
- d. Windows, doors, and louvers shall be wood, vinyl, or metal and glass.
- e. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between the siding and enclosure wall shall be flashed according to the City's building code.
- f. *Material allocation.* Allowed materials shall be allocated according to the following:
 - 1. All new buildings shall be limited to two (2) base materials and up to three (3) accent materials.
 - 2. Additions to existing buildings having one (1) base material at the time of adoption of these zoning regulations shall continue the use of the same base material on the addition, provided that any building with a brick or stone base material may use a second base material.
 - 3. Accent materials shall be limited to no more than twenty percent (20%) of any single facade.
 - 4. The architectural style and all materials shall be consistent and compatible on all facades.
 - 5. Base material changes shall only occur horizontally at architectural elements or vertically at internal corners. [See Subdivision VII of this division, Figure 15-438-5]
- g. Any building lawfully existing at the time of adoption of these zoning regulations may continue the use of the building materials existing on the structure at that time whether through maintenance, siding replacement, or additions. Any new structure must conform with the provisions of this section.

(7) *Roofs.*

- a. *Acceptable primary materials.* The following primary roofing materials are the types of materials that are acceptable:
 - 1. Composite shingles;
 - 2. Wood shake shingles;
 - 3. Clay or concrete tile;
 - 4. Natural slate;
 - 5. Glass, acceptable only for greenhouses or solarium; or
 - 6. Rolled composition or membrane roofing may be used on slopes of 4:12 or less at the discretion of the Building Official/Codes Administrator.

Additional primary roofing materials may be approved by the Planning Commission.

- b. *Prohibited materials.* In addition to those materials prohibited by the City's building code, the following roofing materials are prohibited:
 - 1. Corrugated metal roofs.
 - c. Only one (1) roof material for each structure shall be visible from any area along the property line, but may include any accent materials up to twenty percent (20%) of the overall roof area. Accent materials may be approved by the Planning Commission in excess of twenty percent (20%) of the overall roof area where a degree of harmony will prevail between the architectural quality and the accent materials proposed. In addition to the acceptable roofing materials in Subsection b. above, copper and other standing seam metal roofing materials are acceptable for any accent material.
 - d. The type of roofing material used on all building additions shall be consistent with the material on the existing roof.
- (8) *Accessory buildings.* Any accessory building greater than one-hundred twenty (120) square feet shall use materials, massing, and roof pitches that are consistent with the architectural style of the principle building.
- (c) *Fences and walls.* A building permit shall be required for construction, alteration, replacement, repair or relocation of a fence or wall on any residential lot. The proposed fence or wall shall meet all standards of the building code and demonstrate that the following additional standards are met:
- (1) *Generally.* Unless otherwise specified, fences or walls:
 - a. Shall not be located in front of the front building lines of the principal building or any adjacent dwelling units.
 - b. Shall not exceed six (6) feet high.
 - c. In the case of a corner lot, shall not be located closer to the street-side property line(s) than the street-side building line(s) of any adjacent dwelling unit; provided, in no event shall any fence or wall be located any closer than twelve (12) feet to any street-side property line. [See Subdivision VII of this division, Figure 15-438-6]
 - d. *Exception:* In the event the principal building and lot are situated in such a manner that a fence or wall subject to this corner lot requirement would yield an area smaller than six hundred (600) square feet, or alternatively, can yield an area over six hundred (600) square feet, but only with an area less than twenty-five (25) feet in any single dimension (length or width of the yard), the Planning Commission may approve an exception subject to the following:
 - 1. The exception may only be granted for a fence or wall on one (1) street-side yard. When applicable, the Commission shall make a determination on which street-side yard provides the least disruption to the predominant streetscape. In making this determination, the Commission shall take into account the predominant frontage of the existing property as well as the frontage of adjacent properties;
 - 2. The fence or wall within the exception area shall not exceed four (4) feet in height;
 - 3. The fence or wall shall be constructed out of a material compatible with the style of the principal building, and limited to the following types of materials: wood, brick, stone or wrought iron;
 - 4. The exception shall not cause an adverse impact on the surrounding properties; and

5. The Commission may specify an additional location or other restrictions to the extent that it protects the appearance and function of the public streetscape, and minimizes the impact on adjacent properties.
 - e. Shall be structurally stable and shall not incorporate the use of any type of wire such as barbed wire, chicken wire or wire which is electrically charged.
 - f. Any support or framing members shall have those members on the fence side facing the owner's property.
 - g. Shall be located to permit proper maintenance on all sides of the fence or wall. If the owner's existing fence or wall and the erection of the proposed fence or wall would not inhibit the growth of vegetation and would not allow sufficient space between the existing fence or wall and the proposed fence or wall for proper maintenance, the existing fence or wall must be removed. If an existing fence or wall is owned by an abutting property owner and is on or near the property line, the proposed fence or wall must be erected close enough to the abutting owner's fence or wall so as to inhibit the growth of vegetation or, in the alternative, provide sufficient space between the existing fence or wall and the proposed fence or wall for proper maintenance.
 - h. Any legal nonconforming fence or wall that does not meet the current standards of this section may be repaired, replaced and maintained at its present location; provided, however, that any repair or replacement shall not increase the degree of the nonconformity; and further provided, where fifty percent (50%) or more of the existing fence or wall is repaired or replaced, such fence or wall shall comply with Subsections c., d. and e. above (concerning height, materials and design). No property shall be allowed multiple permits over any eighteen (18) month period when the effect would be to circumvent this latter provision.
- (2) *Decorative fences.* Decorative fences:
- a. Shall extend no further than twelve (12) feet in front of the front building line of the principal building and shall in no case be closer than twenty-five (25) feet to any public right-of-way. Further, such fence may only be located in front of the primary entrance to the principal building and shall not extend beyond either side of the principal building.
 - b. Shall not exceed three (3) feet in height.
 - c. Shall be compatible with the style of the principal building, and limited to the following types of materials: wood, brick, stone or wrought iron.
 - d. Shall have a surface area with a minimum of fifty percent (50%) open area allowing an unobstructed view through the fence.
 - e. Shall not connect with any other fence on the property.
 - f. Shall not create an area that is completely enclosed without an un-gated opening to the yard that is at least three (3) feet in width.
 - g. Shall be maintained in good condition so that:
 1. Painted portions of the fence are not chipped or peeling;
 2. Broken elements of the fence are promptly repaired or replaced; and
 3. The area at the base of the fence is kept free of debris and neatly trimmed.
- (d) *Exceptions:* Through the site plan process, the Planning Commission may grant exceptions to the site design standards in this section, based upon the following criteria:
- (1) The exception will equally or better serve the intent statements for this section and the particular standards being altered;
 - (2) The exception meets any specific exception criteria identified in the standards, but shall not be granted to allow something that is specifically prohibited in the regulations;

- (3) Any lot design exception is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
- (4) Any building design exception is consistent with the common characteristics of the architectural style applied to the overall design of the building,
- (5) The requested exception coordinates quality design of the building and site—primarily considering the integrity of the architectural style, the energy performance of the site and building orientation, and the relationship of the internal function of the building to the site, streetscape and adjacent property.

(Development Ord. 2004, § 15-4-2.204; Ord. No. 1530, § 5, 7-9-2012; Ord. No. 1535, § 1, 8-13-2012; Ord. No. 1540, § 3, 10-8-2012; Ord. No. 1561, § 1, 11-12-2013; Ord. No. 1570, § 1, 4-14-2014; Ord. No. 1641, 12-12-2016)

15-298 Special Conditions for Uses

In addition to the general standards in this Part, the applicable Supplemental Provisions in Division 3, and any applicable special use conditions and procedures in Division 4, the following uses shall be subject to these special conditions in the R-1 District.

- (1) Home Occupation. (This section has been removed as it does not pertain to the permitting process)
- (2) Private Swimming Pools. Private swimming pools, spas and hot tubs shall be allowed as an accessory use, subject to the following conditions:
 - a. All swimming pools, spas and hot tubs shall require a building permit.
 - b. Construction of all swimming pools, spas, hot tubs and any accessory building or structure shall comply with all applicable building code requirements.
 - c. All outdoor swimming pools, spas and hot tubs shall be completely enclosed by a fence or wall not less than five (5) feet nor more than six (6) feet in height, and shall comply with all other applicable fence or wall requirements. In addition, such fence or wall shall be designed to reasonably prevent unauthorized access by children, and shall be provided with self-closing gates equipped with self-latching devices.
 - d. In lieu of the fence or wall requirement, spas and hot tubs may be equipped with a safety cover. Said safety cover shall securely cover the spa or hot tub at all times when not in use and under the supervision of an adult person. Said safety cover shall be classified under WBAH and have been evaluated to the American Society for Testing and Materials (ASTM) Standard F1346, Standard Performance Specifications of Safety Covers (as may be amended) or the equivalent. Each safety cover shall bear the classification marking “UL”, the word “Classified”, a control number, and the product name or the equivalent.
 - e. No swimming pool, spa or hot tub shall be located in front of the front building lines of the principal building or any adjacent dwelling units.
 - f. Subject to any easements, a swimming pool, spa or hot tub may be located anywhere within the interior area of a fence or wall located in compliance with the general fence or wall requirements. Provided, the edge of said pool, spa or hot tub shall be not less than six (6) feet from said fence or wall, and further provided, said pool, spa or hot tub shall be not less than twenty (20) feet from any adjacent dwelling unit.

- g. All swimming pools, spas and hot tubs shall be designed so that any drainage shall comply with the City's NPDES Standards as codified in Article 3 to Chapter XII of the Code of the City of Fairway (as amended). Swimming pools, spas and hot tubs shall not be drained at any time which may cause icing or other hazardous public street or sidewalk conditions.
- (3) Accessory buildings. Accessory buildings shall be allowed as an accessory use, subject to the following conditions:
1. No more than one accessory building shall be allowed per lot or principal building.
 2. Accessory buildings shall not be designed or used for dwelling purposes.
 3. No accessory building shall be used in conjunction with a home occupation.
- (4) Sport Courts. Sport courts accessory to residential uses shall only be allowed subject to a special use permit issued according to the standards and procedures of Article 4, Division 4.
- (5) Play Structures. Play structures primarily intended for use by children for recreational purposes, including but not limited to basketball goals, swingsets, jungle gyms, children's playhouses and slides, shall be allowed as an accessory use, subject to the following conditions:
- a. No play structure shall be located in front of the front building line of the principal building, provided, however, that a single basketball goal or tether ball pole may be located in the front setback when the same is: located adjacent to the driveway, not less than twenty (20) feet from the front property line, and not less than three (3) feet from the side property line.
 - b. All play structures not exceeding ten (10) feet in height may be located anywhere in the rear yard, and may be located anywhere in any side yard, provided the same is: not less than six (6) feet from any side property line or twelve (12) feet from any street-side side property line, and not located in front of the front building lines of any adjacent dwelling units.
 - c. Play structures exceeding ten (10) feet shall be subject to the setback requirements for an accessory building.
 - d. Any playhouse or similar enclosed building or structures that might be adapted or transformed to another use (such as storage, pool or lawn equipment) shall be considered an accessory building, and shall be subject to the applicable conditions thereto.
 - e. Notwithstanding the above location requirements, all play structures shall meet any manufacturer recommended setbacks for safety purposes.
- (6) Emergency Generators. Permanent standby emergency generators shall be allowed as an accessory use, subject to the following conditions:
- a. A building permit is required prior to installation.
 - b. The generator shall be installed in accordance with NFPA 37 Standards for the Installation and Use of Stationary Combustion Engines and Gas Turbines, and shall meet all other applicable building code requirements.
 - c. The generator shall be connected to a natural gas line.

- d. The generator shall be contained in an enclosed cabinet or housing that provides sound attenuation, and the decibel level shall be less than or equal to 75 dBA at the property line.
- e. The footprint of the cabinet shall not exceed twelve (12) square feet, and the pad shall not exceed forty-eight (48) inches in any dimension.
- f. The generator shall be located within the building envelope but no further than five (5) feet from a wall of the principal building and not in a front or side yard, except that alternate location may be approved by the building official for greater than five (5) feet from the wall and up to the minimum additional distance necessary to adequately address any safety and carbon monoxide issues.

Exception: An exception may be granted to this location requirement upon a finding of the following:

- 1. There are special circumstances or conditions affecting the property;
- 2. Adequate distance exists between the location and adjacent properties;
- 3. The location will not cause an adverse impact on the adjacent properties;
- 4. The proposed location will be adequately screened from the street; and
- 5. The Board may impose any screening or other condition it deems necessary to mitigate any negative impacts of the proposed location.

Provided, in no event shall an exception be granted to locate a generator in any front yard.

- g. The generator shall be used during emergency situations only which result in power failures.
- h. The generator shall only be tested during daylight hours after 9:00 am, and not on any holiday.

(Ord. 1314, repealed and amended Ord. 1455)

(7) Accessory Structures and Streetscape Features. Accessory structures used to animate the streetscape, support neighborhood activities, and serve or provide ornaments for the residential lots, such as mail boxes, bird houses or little free libraries or other similar features are permitted subject to the following:

- a. Any structure that is permanently fixed to the ground must meet all applicable building codes.
- b. No structure may be located in the public right of way.
- c. Permanent structures within the front setback area shall not exceed 5 feet in height and shall not exceed 3 cubic feet of volume, excluding any support structure.
- d. No structure shall be located in a way that obscures safe ingress and egress of vehicles to the lot, considering visibility, and traffic speeds and volumes on the street.
- e. Any structure not kept in working condition and maintained shall be removed.

SUBDIVISION VII SUPPORTING MATERIAL

Figure 15-438-1 – *Enhanced entry features* - Single-story front entry features such as porches, ornamental stoops, or covered porticos, help reduce the scale of large (two-story) front facades, create a pedestrian-friendly streetscape, and preserve the character of existing neighborhoods. [See Sections 15-297(b)(1)a; 15-334(c)(1)b.]

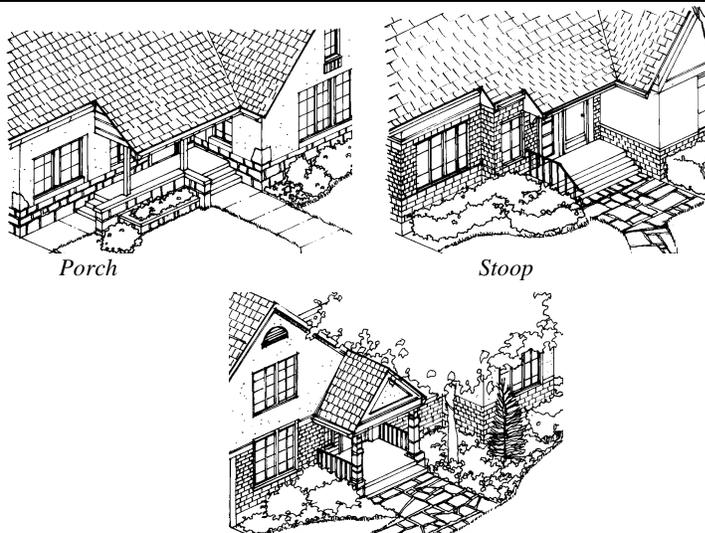
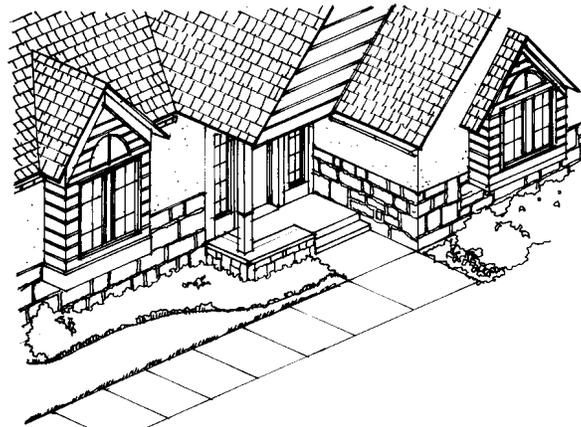


Figure 15-438-2 – Garage doors - Overhead garage doors present a blank building front along the street. Limiting front-facing overhead garage doors to a specified percentage of the total façade width helps preserve the character of the streetscape. [See Section 15-297(b)(2)b].



Figure 15-438-3 – Architectural relief – Offsets in the building, projections around window elements, and roof dormers are examples of architectural relief features that break up tall or long wall planes along a single building line and reduces the mass of residential facades. [See Sections 15-297(b)(3)a; 15-334(c)(3)a.]



Architectural relief breaks up large wall planes

Figure 15-438-4 – Residential façade openings – Openings help break up the mass of larger facades. Residential openings include windows and doors. When calculating openings as a specified percent of a total façade, integral molding and architectural details may be included in the area of the opening, however removable, non-integral elements such as shutters shall not be included. [See Sections 15-297(b)(3)b.;15-334(c)(3)b.]

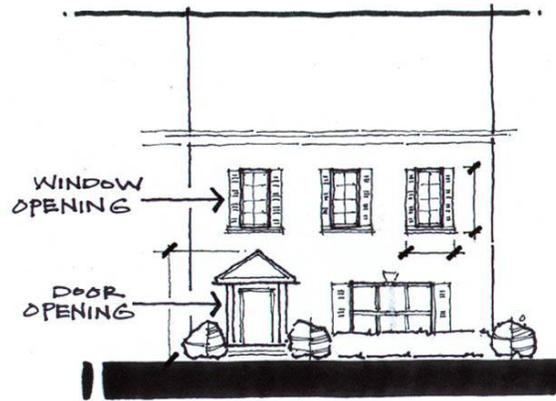


Figure 15-438-5 – Material change – Material changes, when limited to inside corners or horizontal architectural features helps better integrate diverse building materials into structural elements of the buildings [See Sections 297(b)(4)f.5.; 15-334(c)(4)f.4.]

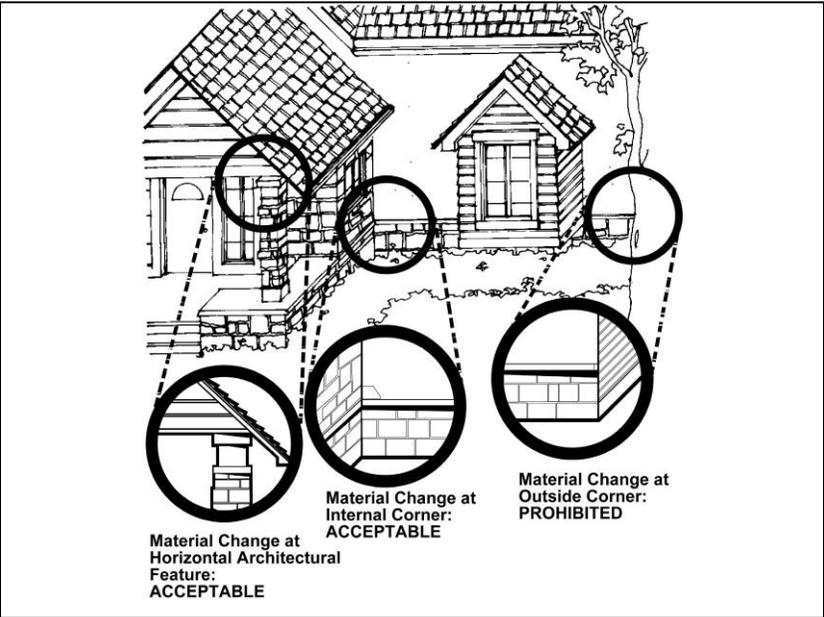
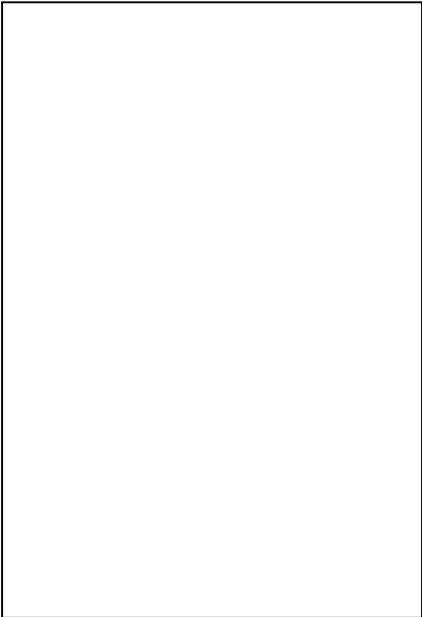


Figure 15-438-6 - Privacy fence or wall locations – Privacy fences or walls generally should not be in front of the front building line of adjacent buildings except in special circumstances on corner lots and subject to specific conditions. [See Sections 15-297(c)(1)b. 15-297(c)(3).]

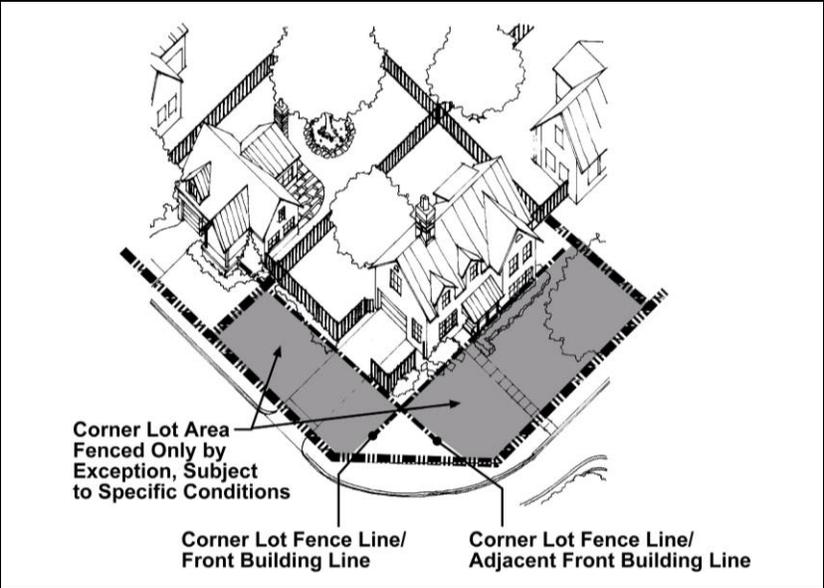
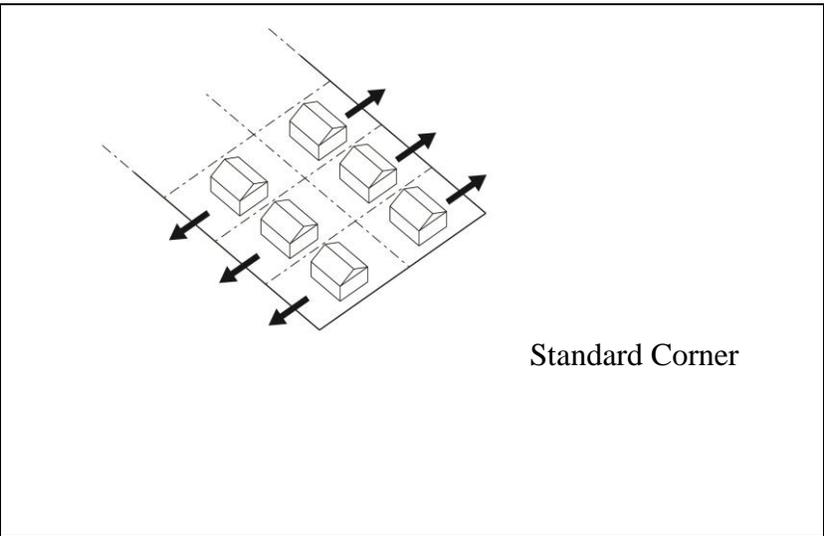
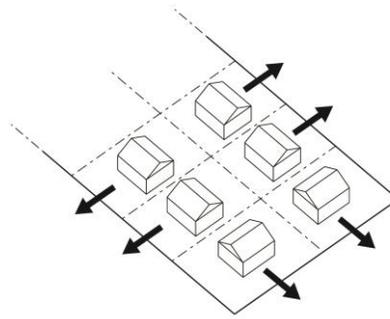
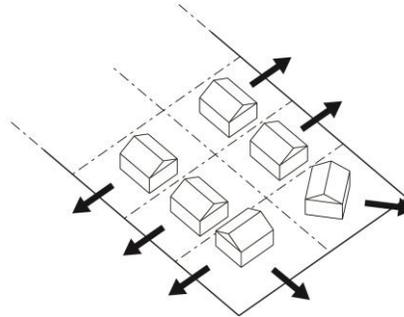


Figure 15-438-16: Corner Lots. Standard, Reverse and Intersection are different corner lot patterns found in Fairway. Flexibility to side setbacks are provided in certain situations with the goal of maintaining good relationships to streetscapes and aligning building frontages along predominant block faces (either short sides of blocks, long sides of blocks or both) based on the particular context of the lot and block. [See Section 15-296 (b)]





Reverse Corner



Intersection Lot

Figure 15-438-17: Foundation Planting. Foundation planting contributes to the greenspace and streetscape appeal of neighborhoods by adding visual interest and breaking up the front facades of buildings. A minimum of half of the building frontage shall have foundation plantings. [See Section 15-297 (a)(2)e.]

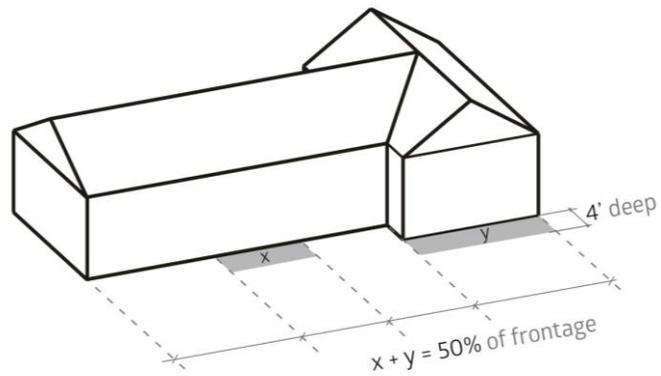


Figure 15-438-18: Driveway Widths. Driveway width limits help preserve the greenspace and streetscape views along blocks and are proportioned to the lot widths based on a percentage. Overall limits cap the allowed width, and exceptions for areas deeper into lots help ensure adequate vehicle access on narrower lots. – [See Section 15-297(a)(3).]

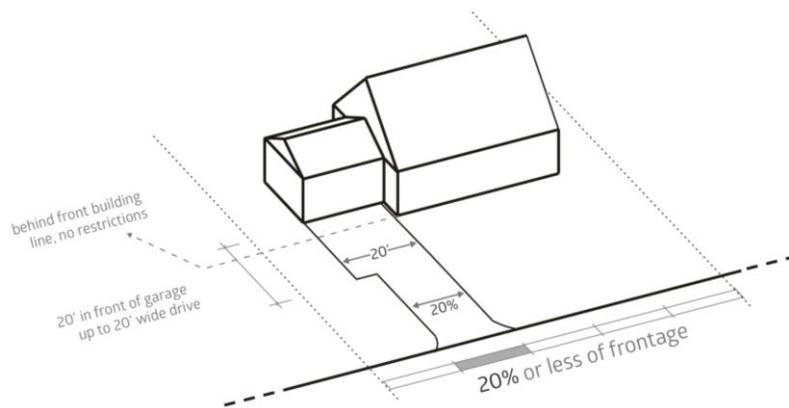


Figure 15-438-19: Building Massing & Side Setbacks. A “3-dimensional” setback helps break up building massing for larger buildings and preserve smaller scale building relationships the closer buildings are to property lines. The tiered approach limits wall planes closest to the setbacks, and encourages massing common to Fairways housing stock with main masses and smaller wings. [See Section 15-297(b)(4)a.]

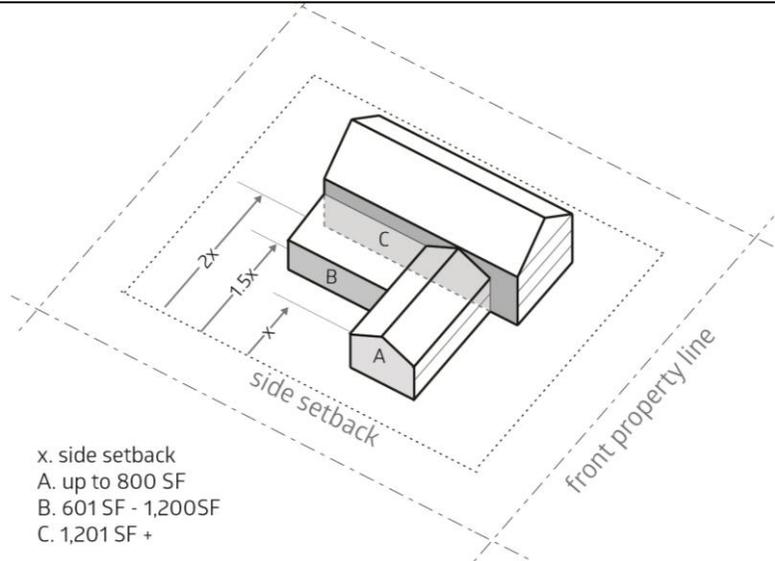


Figure 15-438-20: Building Massing & Rear Setback. A “3-dimensional” setback helps break up building massing for larger buildings and preserves smaller scale building relationships the closer buildings are to property lines. The tiered approach limits wall planes closest to the setbacks, and encourages massing common to Fairways housing stock with main masses and smaller wings. – [See Section 15-297(b)(4)b.]

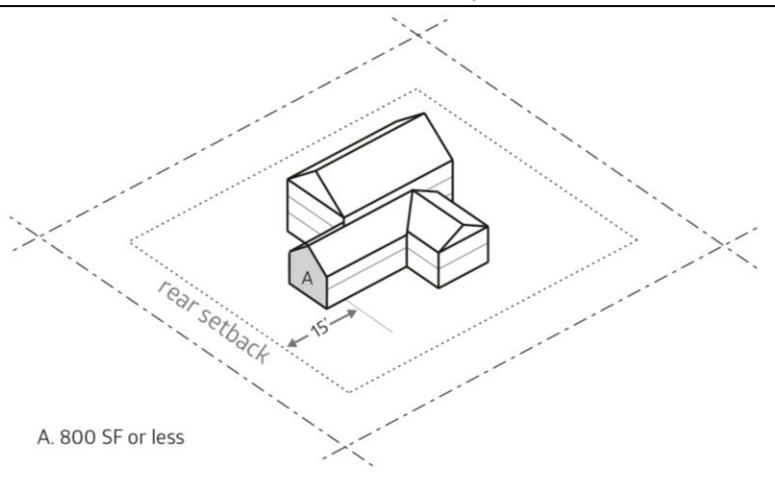
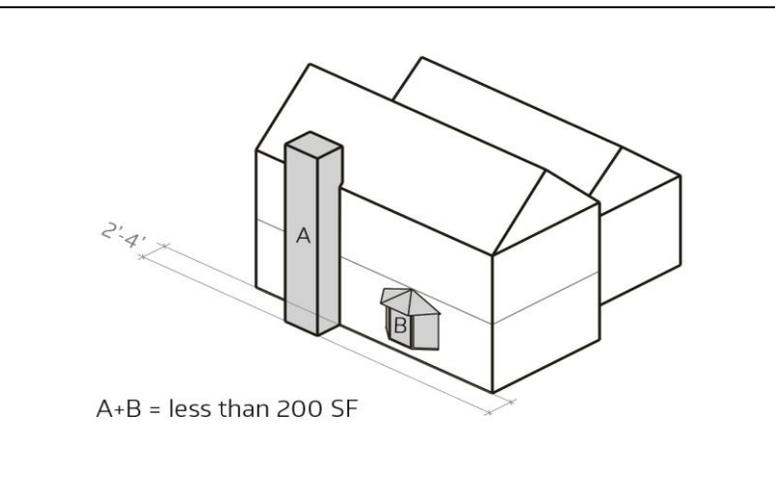


Figure 15-438-21: Building Massing & Limited Projections. Limited projections are common to many architectural styles present in Fairway. The limitation on the projections, combined with the “3 – dimensional setbacks” will help proportion the massing of buildings, break up larger facades, and preserve small scale relationships with adjacent buildings – [See Section 15-297(b)(4)c.]



DIVISION 8 DEFINITIONS AND INTERPRETATION

15-797	Interpretation – General
15-798	Defined Terms
15-799	Dimensional Standards

15-797 Interpretation - General

All standards, regulations, and guidelines in Article 4 shall be interpreted to bring about the general purpose of this Article. All words used in Article 4 shall have the customary dictionary meaning, unless specifically defined or described by this Division 5 or unless context requires a different meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. Graphics used in this Article are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic and the text, the text shall control.

15-798 Defined Terms

For the purpose of this Chapter, certain terms and words shall have the specific meaning given below:

Abutting. Having a common border with, or being separated from such a common border by a right-of-way.

Accessory building. A building detached from a principal building located on the same lot and clearly and customarily incidental and subordinate to the principal building or use.

Accessory structure, Accessory use. Any structure or use that is: (1) clearly incidental to and customarily found in connection with the principal building or use; (2) subordinate to and serves a principal building or use; (3) contributes to the comfort, convenience or necessity of the occupants of the principal building or use served; and (4) located on the same lot and under the same ownership as the principal building or use served. *Alteration.* As applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure, or an enlargement, increase in height, or the movement from one location or position to another.

Antenna. For the purposes of this Article regarding wireless communication facilities, towers and antennae, “antenna” shall mean any device used to transmit or receive electromagnetic signals for communication purposes. It shall not include antenna and satellite dishes used solely for home television or radio reception purposes, or transmitting and receiving antennae for amateur purposes. It shall include micro-cells and repeaters.

Antenna, Micro-cell. A low-power mobile radio service communications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage.

Antenna, Omni directional. An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed. (*a.k.a. whip antenna*)

Antenna, Panel. An antenna that transmits signals in specific directions and is typically square or rectangular in shape.

Antenna, Repeater. A low-power mobile radio service communications facility that extends coverage of a cell to areas not covered by the originating cell.

Antenna, Slim-line. A panel antenna which mounts directly to and parallel with a monopole or alternative tower structure.

Antenna support structure. Any pole, telescoping mast, tower tripod, or any other structure which supports a device or antenna used in the transmission or receipt of radio frequency energy.

Architectural relief. A structural building element that breaks up a wall plane by creating a projection or recession of at least eighteen (18) inches and occurring cumulatively over at least twenty-five (25%) percent of the wall plane requiring relief. Examples include dormers projecting from a roof, projecting front porches, or projections or recessions in the facade building line.

Block. The land area bounded by the centerline of intersecting public streets, or where public streets do not provide a complete boundary, the centerline of intersecting public streets and private lanes.

Block Faces. The area made up of the building line or street edge along a single side of a block.

Board or Board of Zoning Appeals (BZA). The Board of Zoning Appeals of the City of Fairway, as authorized by Statute and established by this Article.

Building. A structure having a roof, supported by columns or walls, whether or not completely enclosed.

Co-location. Placement of wireless communication facilities, towers or antennae by more than one wireless service provider on a single tower or alternative tower structure.

Disability. Disability means, with respect to a person:

- a. A physical or mental impairment which substantially limits one or more of such person’s major life activities;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Drive Aisles. Areas within a parking lot which provide access to parking spaces or other vehicle storage and service points on the lot.

Dumpster. Any container used for the collection of big item or bulk refuse, rubbish or waste disposal, which is placed upon any real property, and is typically rented to owners or occupants of real property for their use by a collector or contractor (whether or not appropriately permitted by the City under Article 1 of Chapter VI of the Fairway City Code), and is delivered or can then be transported to another location by an appropriate truck, tractor trailer or other motorized equipment.

Effective radiated power (ERP). The product of the antenna power input and the numerically equal power output gain.

Encroachment. An extension beyond a required or established line. To advance beyond the usual or proper limits established by zoning regulations or other city codes.

EPA. Environmental Protection Agency.

Facade. The exterior of the architectural face of a building lying between the grade and the lowest level of the roofline. (Also referred to as the elevation) A façade shall be considered as an entire composition of a building elevation and may involve multiple wall planes. (See Wall Plane)

Family. Any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage, formal adoption, in a legal foster family relationship, or other recognized housekeeping unit entitled by law to the benefits of single-family residential surroundings, plus not more than two (2) additional people not so related.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Floor Area. The total of all gross horizontal areas of the interior floors in a building measured from the exterior face of exterior walls or from the centerline of party walls. Floor area shall exclude any space where floor-to-ceiling height is less than 5 feet. Floor area shall also exclude stairs, equipment rooms, garages, and floors below the ground floor, except when used or intended to be used for human habitation.

Frontage. In describing a lot or building area which is generally oriented to the street or public area and is thought of as providing a primary access point for the lot or structure.

Garage. An attached or individual structure for the storage of motor vehicles accessory to a dwelling unit.

Governing Body. Shall be as defined in Section 1-101 of the Code of the City of Fairway, Kansas.

Ground floor area. All habitable space of a structure exclusive of porches, patios, attached garages or other accessory structures.

Group Home. Any dwelling occupied by not more than ten persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the state.

Impervious surface. Any area of a lot that is covered with a structure, material, or other fixed physical element that does not allow the infiltration of ground water and cannot be planted with landscape materials.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Maintenance Easement. An easement providing legal rights of access to the grantee onto adjacent property for the upkeep of any portion of a structure.

Manufactured Home. A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403.

Mixed-use. A combination of uses, either within a building or on a single integrated parcel, designed and intended for the uses by more than one use category described in this Article.

New House. A new house shall be any construction that meets one or more of the following criteria: (New house construction fees are calculated on total square footage of the finished project, including main and second floors, garage, and basement.)

- a. Construction of a new dwelling unit;
- b. Repair or reconstruction resulting from the demolition of more than 70% of the structural components of an existing dwelling unit;
- c. New construction and/or structural demolition totaling more than 70% of the total square footage, including the main and second floors, garage, and basement, of the existing dwelling unit.

For the purposes of determining applicable permit fees, all other work will be considered a remodel and based upon valuation unless a set building permit fee has been established.

Party wall. A common shared wall between two separate structures, buildings, or dwelling units.

Permeable surface. A surface that allows water to infiltrate through itself into the material immediately below the surface and through the ground surface before disposal into the groundwater.

Planning Commission or Commission. The Planning Commission of the City of Fairway, as authorized by Statute and established by Article 2.

Portable Storage Unit. Any container designed for the storage of personal property, which is placed upon any real property, and is typically rented to owners or occupants of real property for their temporary use, and is delivered or can then be transported to another location by an appropriate truck, tractor trailer or other motorized equipment (a.k.a. portable storage container, portable on demand storage, and PODS).

Principal Building. A building located on a lot which is used for the primary purpose of the applicable zoning district. (For example, the dwelling unit on a residentially zoned lot is the principal building.)

Primary Entrance. The entrance to a building which is designed to accommodate the majority of patrons, residents, or visitors to the building.

Primary Entrance Feature. Significant architectural or structural details which signify prominence of the primary entrance.

Primary Entrance Feature, Unenclosed. An entry feature with a floor and a ceiling, but where walls, rails, screens, windows, or other obstructions occupy no more than 40% of the total wall area between the ceiling and floor.

Private Lane. A private vehicle access point located and designed to mimic public street standards, including landscaping, pedestrian access, potential on-street parking, curb-cuts, and crosswalks. Private lanes are typically used on larger sites where public streets are unable to provide the access and block design standards called for in the zoning ordinance.

Public Building. A building designed exclusively for city purposes.

Public Open Space. Any space dedicated for public use, exclusive of right-of-way and easements, and open from the ground to the sky. Public open space does not include any impervious surfaces designated for automobile use.

Residential-Design Manufactured Homes. A manufactured home on permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes.

Sport Court. A use accessory to a residential use, where an area of a lot is altered primarily for the purpose of athletic play, whether through placement of structures such as special fencing or lighting, or through provision of a differentiated playing surface.

Structural Components. The supporting members of a building including exterior walls, load bearing walls or partitions, columns, beams, joists, rafters or girders.

Street Edge. A conceptual line that gives definition and consistency to a street or private lane by assembling physical elements across all lots along a block into a uniform pattern and providing a pedestrian scale to streets and private lanes. A street edge is typically made up of building facades but can incorporate alternative elements where building locations and site conditions dictate.

Structure. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Excluded from this definition are retaining walls, sidewalks, pavement and public improvements such as utility poles, street light fixtures and street signs.

Tower. A structure designed to support at least one or more antennae. This does not include structures owned and operated by amateur radio personnel licensed by the FCC.

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

Tower, Guyed. A tower that is supported, in whole or in part, by guy wires and ground anchors.

Tower, Lattice. A three or four-sided tower constructed of open steel framing.

Tower, Monopole. A tower of single-pole design, constructed without support (guy) wires or anchors.

Wall Plane. The exterior portion of the massing of a building, lying between the grade and the lowest level of the roofline and comprising a single vertical plane. Several wall planes offset horizontally may make up a façade. (See Façade)

Wireless communication facility. Any complex, including tower, antennae, antenna support structure, cabinet, building, screen walls, transmission equipment, power source or other equipment constructed on the ground and used to assist antennae in the generation or receipt of electromagnetic communication signals, or used for the transmission or receipt of electromagnetic communication signals.

Wireless service provider (provider). Any provider of cellular or wireless communication service (digital, PCS, and PCN) allowing customers to use mobile telephones to connect, via low-power radio transmitter sites, either to the public switched network or to other mobile telephones. Such providers shall be licensed by the FCC in a specific geographical area in which the radio frequency spectrum is divided into discrete channels. (Repealed & Amended by Ord 1487)

15-799 Dimensional Standards

For the purposes of this Article, the dimensional standards shall have the meanings and be given interpretations in accordance with the following definitions and rules. In a case where the definitions and rules below do not strictly apply the specific circumstances, an interpretation shall be given that is most consistent with the rules and definitions and which brings about the purposes and intent of the specific ordinance provisions and of the zoning district.

Build-to line. The line specified as a distance from the right-of-way or other public easement or private lane at which structures are required to be constructed for some portion of the lot.

Building height. Vertical distance measured from the threshold of the front door, provided the threshold is no higher than thirty (30) feet above the lesser of: finished grade of the previous structure measured at previous threshold or current finished grade measured at current threshold, to the highest ridge of the roof line of a building, exclusive of chimneys. Where a maximum building height is established in both stories and feet, each shall apply as a maximum, neither of which may be exceeded. When measuring any single facade or wall plane for purposes other than the overall building height, the distance used for building height shall be from the lowest grade to the highest point on the wall plane.

Building line. The actual line at which a building on a lot is constructed.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the right-of-way lines is the corner.

Lot, Interior. A lot other than a corner lot.

Lot, Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the front right-of-way lines.

Lot Width. The horizontal distance between the side lot lines, measured at the right angles to the lot depth and measured parallel to the front lot line. A minimum lot width shall be applied at the front setback line and the rear setback line. In calculating the lot width for purposes of determining a required side setback, the largest width between the front setback and the rear setback line shall be the applicable lot width.

Lot Line, Front. The lot line contiguous to the right-of-way line of the street on which the lot has least dimension.

Lot Line, Rear. The lot line opposite to, parallel or nearly parallel with, and most distant from the front lot line. In the case of triangular or otherwise irregular shaped lots, where no lot line is nearly parallel with the front lot line, the rear lot line shall be interpreted as a line ten (10) feet in length, entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a right-of-way is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Setback lines. A line that is the required minimum distance from any lot line and establishes the area on the lot within which a building or structure shall be built, except where specifically permitted otherwise. In cases where a setback line for a principal building is listed as a range having a minimum setback and a maximum setback, the maximum setback shall be interpreted as a "built-to line" at or within such distance a building line must be established.

Story. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, generally not exceeding more than 14 feet total height.

Story, Half. A space under a sloping roof that has the line of intersection of the roof and wall supporting the roof not more than three (3) feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies between thirty (30%) percent and seventy (70%) of the total floor area of the story directly beneath.

Tower height. The vertical distance measured from the base of the tower or alternative tower structure at grade to the highest point of the tower or alternative tower structure. If the tower or alternative tower structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

Wall plane. Any plane of continuous vertical and horizontal orientation not set off by projections or recessions. This includes any plane on an angle or incline, such as a roof surface. (Ord. 1314, 1455, 1517)