

**ARTICLE XXVIII
KANSAS AVENUE OVERLAY DISTRICT**

A. Purpose and intent. The purpose of the Kansas Avenue Overlay District in the City of Liberal is to promote the general welfare, heritage, education, and economic benefit of the city through the preservation, protection, and regulation of buildings, sites, structures, districts, and neighborhoods. It is further the intent of this procedure to encourage the adaptation of these buildings, sites, and structures for current use while also maintaining the character of Kansas Avenue through an increased emphasis on compatible design and community appearance.

The Overlay District seeks to ensure that new development maintains the small town character of the area by encouraging site-specific land use development and design to augment the city's conventional zoning district bulk, density and area requirements. Additionally, a mix of commercial, institutional and residential uses is allowed in this district to encourage infill and redevelopment that is compatible with the traditional patterns of growth along the Kansas Avenue Corridor.

B. Applicability: All development within the Kansas Avenue Overlay District, as depicted on the city's Official Zoning District Map shall comply with the standards and procedures of this Section: from U.S. Highway 54 on Kansas Avenue to 6th Street, all commercial zoning districts.

C. Circumstances Requiring Application of the Kansas Avenue Overlay District: The following circumstances require application of Overlay District standards and procedures within the designated Kansas Avenue Overlay District:

- (1) An application for change in zoning or special use permit of a parcel; or
- (2) A re-subdivision of land, or a lot split; or
- (3) An application for new construction of a building for primary use; or
- (4) Any land use change where the following applies:
 - i. over 50% of a building, in value or bulk, is being altered; or
 - ii. an increase of 10% of off-street parking is required.

D. Additional Permitted Land Uses and Developments. The Kansas Avenue Overlay District designation qualifies property for additional uses beyond those permitted or special uses in the zoning district in which the property is located. A development within the Kansas Avenue Overlay District may contain the following additional uses as determined by the Planning Commission and the City Commission, provided that these uses shall not create an appreciable increase in land use intensity beyond what normally occurs in the underlying zoning district, nor substantially alter or affect the character of surrounding development:

- (1) Service-Institutional: In the portion of the District directly adjacent to residential districts. High-density residential uses; office and institutional uses are allowed regardless of the underlying zoning classification; and, limited service-commercial and retail facilities including restaurants, entertainment & arts establishments are

allowed if the underlying zoning allows such commercial uses, provided the retail function is directed toward Kansas Avenue and away from the residential areas in terms of traffic and off-street parking.

- (2) Retail-commercial and highway service-commercial use. Service-commercial establishments which create large numbers of peak hour auto trips may be allowed by special use permit after approval of a traffic study.

E. Governing Ordinance: Site specific land use and development restrictions shall be developed and adopted in conjunction with the approval of any site plan within the Kansas Avenue Overlay District. The site-specific requirements or governing ordinance shall be entitled "Attachment A" and shall be attached to the ordinance authorizing the establishment of the Kansas Avenue Overlay and/or rezoning. The Ordinance Number officially designating the site or area with the Kansas Avenue Overlay shall be noted on the city's Official Zoning Map. As such, any additional uses shall conform to the specific conditions established for the Kansas Avenue Overlay District including, but not limited to the following:

- (1) Building appearance.
 - (2) Minimum and maximum square footage per use.
 - (3) Sign restrictions (number, type, location).
 - (4) Off-street parking (number, location).

F. Lot area and yard requirements.

- (1) Minimum lot area. The lot area for any use or new building in the Kansas Avenue Overlay shall be governed by the underlying zoning district regulations in which the lot is located.
- (2) Minimum yard requirements. Setbacks for new parking areas and new structures shall be established in the conditions of the ordinance governing the particular site plan development proposed within the Kansas Avenue Overlay area; however, any proposed reduction in yard setbacks that are less restrictive than the requirements of the zoning district that underlies the overlay shall be offset by more generous open space dedications elsewhere on the property.
- (3) Exemption from area and yard requirements. The Planning Commission may recommend and the City Commission may approve a smaller than minimum lot area or parcel if it is characterized by one or more of the following criteria.
 - i. Has significant character, interest or value as part of the development, heritage, or cultural characteristics of the City of Liberal, or the State of Kansas.
 - ii. Is a legal lot of record as of the date of the original zoning ordinance.

G. Off-street parking and loading requirements. The minimum off-street parking and loading requirements for any use or building shall be reviewed and determined during site plan review. When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements, unless excepted by site

plan review approval. Where the applicant proposes two (2) or more uses—or adding a land use to an existing use—the Planning Commission may approve a reduction of the required off-street parking and loading spaces, where it has been demonstrated by study of the combined uses (and customary operation of the uses) that adequate shared parking would be provided.

1. **Gateways**: Gateways serve as focal points on Kansas Avenue in the city, and can consist of monument structures, distinctive building designs, or unique landscaping and lighting schemes. Any development located near the south or north ends of downtown along Kansas Avenue shall be encouraged to install or contribute to installation of gateway monumentation and landscaping. The Governing Body shall determine if gateway identification would be appropriate on the project site and also have final approval of the gateway improvements.
2. **Landscaping and Buffering**. All new development shall blend with the existing character of the corridor and shall contain, as an integral component of the site design, trees for landscaping and buffering. Development applications shall submit plans as required in ***Landscaping and Buffering Requirements of the City of Liberal***.
3. **Architectural Design**. The form and proportion of new buildings or redevelopment shall be consistent or compatible with the scale, form, and proportion of predominate development in the Overlay District corridor. Architectural design should promote stability through the use of complementary bulk and shapes and fenestrations in keeping with the patterns and designs within the downtown in the Kansas Avenue corridor.
 - (a). Exterior building materials shall consist of stone or masonry materials used in existing buildings and structures within the Kansas Avenue Corridor. At a minimum, newly constructed exterior walls shall consist of at least 50% of one or more of the following materials:
 - i. Stone material used for masonry construction may consist of limestone, granite, sandstone, slate or other hard and durable all-weather stone.
 - ii. All-weather common brick material (hard fired or kiln fired) or other all-weather facing brick.
 - iii. Stucco or approved gypsum concrete/plaster materials.
 - (b). Exterior building colors shall be specified and reviewed during site plan review so that the Planning Commission or their designee and applicant can select a mutually agreeable color scheme.
 - (c). Design Standards shall assure the following:
 - i. Loading docks, trash enclosures, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and shall be located to the rear of the building and screened to the extent practicable from neighboring residences.
 - ii. The use of unadorned walls, with little detailing or completely blank, is prohibited. Windows, awnings, and arcades totaling 60 percent or more of the primary facade length abutting any public street are encouraged.

- iii. Building rooftops shall feature parapets, overhanging eaves and/or other façade treatments to create visual interest and compatibility throughout the historic downtown and to conceal flat roofs and roof top equipment.
- iv. Roof mounted equipment, including ventilators and satellite dishes, shall be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred feet (300') away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
- v. Electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially-zoned area shall be screened from view (100% opacity), up to a maximum of three hundred feet (300') away. Such screens and enclosures shall be treated as integral elements of the building's appearance.

4. Pedestrian Access. Walking creates activity downtown; therefore, pedestrian access shall be an integral part of the overall design of each proposed development. Pedestrian access should provide not only safe and convenient access to and from parking areas but should also connect with abutting properties and developments so as to create an alternative means of transportation for residents.

- (1) Sidewalks providing connections to the city's current or future existing pedestrian facilities and crosswalks shall be provided.
- (2) Pedestrian areas shall incorporate way finding & interpretive signage (wherever appropriate), planting areas, street trees, and amenities whenever they can be safely accommodated without obstructing pedestrian movements; and are encouraged to provide benches, public art and other such materials. Planters and other streetscape designs or improvements must be coordinated with the city.

5. General Street Graphic Regulations. Street Graphics in the Overlay District shall comply with the following standards:

- 1. Calculation of sign: The area of every sign shall be calculated as follows:
 - a) If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.
 - b) If a sign consists of individual letters, parts, or symbols, the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols shall be deemed the sign area.
 - c) In calculating sign area, only one side of any double-faced sign shall be counted.
 - d) The area of signs of unusual shapes - such as globes, cylinders, or pyramids - shall be computed as one-half of the total of the exposed surfaces.

2. Sign Area Allowance: Within the limitations and restrictions as further provided in this chapter, the total of the areas of flush mounted signs which a particular establishment is permitted to display shall be computed according to the following formula:
 - a) Two square feet of sign area per one foot of lineal street frontage.
 - b) The total areas of all other signs which a particular establishment is permitted to display shall be computed according to the same formula. Provided that no establishment in any zoning district shall display more than a total of two hundred fifty (250) square feet of signs.

3. Landscaping: All permanent monument and any other business and identification signs shall have landscaping, which may include, but not limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. If the outline and/or a height increase for any permanent sign is requested, the required landscaping for such sign shall be subject to Planning Commission approval.

4. Strictly prohibited street graphics: The following street graphics are strictly prohibited.
 - a) Portable display signs.
 - b) Elevated signs.
 - c) Roof signs.
 - d) Signs attached to trees, fences, or public utility poles, other than warning signs issued by public utilities.
 - e) Signs, including posts and other supports, that advertise or identify an activity, business, or service no longer conducted on the premises where such sign is located.
 - f) Signs attached to public benches, placed on vehicles or trailers which are parked or located for the purpose of displaying said sign. This does not apply to allowed portable or temporary signs or signs and lettering on buses, taxis or vehicles operating during the normal course of business.

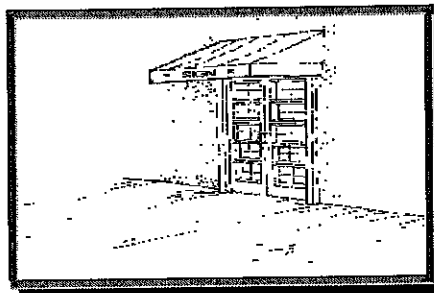
6. Commercial Sign Regulations. Kansas Avenue Overlay District signs may be permitted as follows:
 1. Flush-mounted signs: For aesthetic and safety reasons, flush-mounted signs are preferred type of sign. No flush-mounted sign shall:
 - a) Project more than twelve inches from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign); or
 - b) Extend more than three feet above the roof line of the building to which it is attached.

2. Projecting signs: No establishment in any zoning district of the Overlay District shall erect a new projecting sign on any street front. Existing projecting sign may remain, provided they are maintained properly and safely.
3. Signs on awnings, canopies or marquees: Signs mounted flush against any awning, canopy, or marquee shall be considered flush-mounted signs, and shall comply with the regulations of this Section. Signs suspended beneath any awning, canopy, or marquee shall be considered projecting signs. When the message is placed directly on the awning, the sign area shall be the computation of the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols.
4. Window signs: Any establishment may display window signs. Permanent window signs shall cover no more than twenty percent of any window. Permanent window signs shall be debited against the displaying establishment's sign area allowance, but temporary window sign shall not.
5. Shopping center identification signs: In addition to the individual signs permitted per business, a shopping center, as an entity, may erect an identification sign in accordance with the provisions of this Chapter if the total gross floor area of all the establishments in the center combined exceeds fifty thousand (50,000) square feet. A shopping center identification sign shall not exceed two (200) hundred square feet in area.
6. Monument signs: Any request for a freestanding sign after the date of adoption of this code shall be restricted to a monument signs for all uses located along Kansas Avenue pursuant to the following standards;
 - a) One monument sign per lot, not exceeding 6 feet in height.
 - b) Square footage of said signage shall be limited to 25% of the linear street frontage of the lot, not to exceed 75 square feet.
 - c) The base of a monument sign shall be $\frac{1}{2}$ the width of the sign face.
7. Freestanding signs: All freestanding signs erected after the passage of this ordinance along Kansas Avenue shall be Monument Signs pursuant to the standards contained herein.

7. Structural Types of Signs.

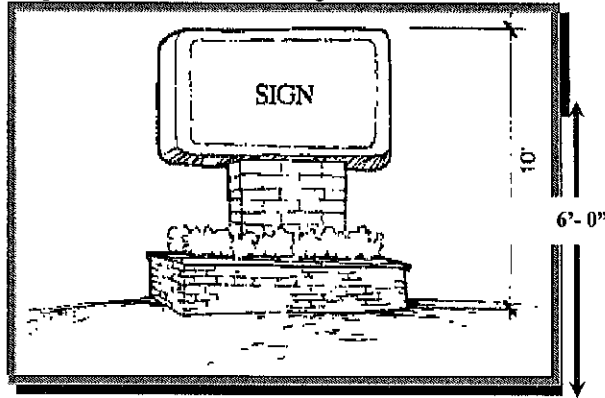
1. Awning, Canopy or Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.

Figure 1- Canopy Sign



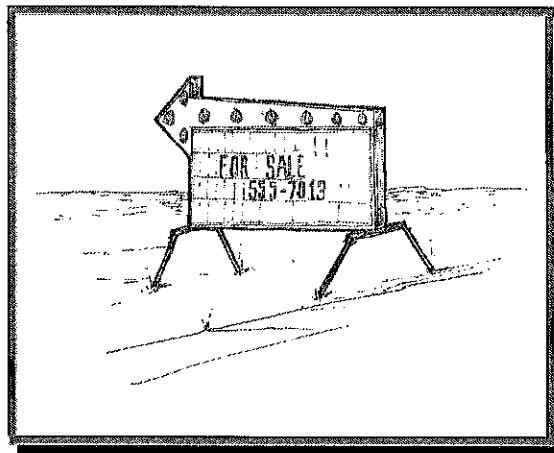
2. Monument Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property, where the bottom edge of the sign is less than four feet above the ground, the height is no greater than 6 feet, and the base is no less than 50 percent of the width of the face of the sign, presenting a monolithic structure

Figure 2- Monument Sign



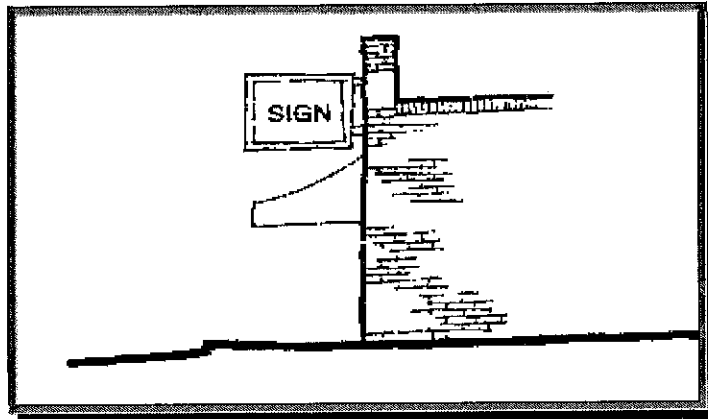
3. Elevated Sign (pole sign): Any sign placed upon, or supported by, the ground independent of the principal structure on the property where the top edge of the sign is greater than six feet above the ground level.
4. Portable Display Sign: Any movable display structure, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.

Figure 3 - Portable Display Sign



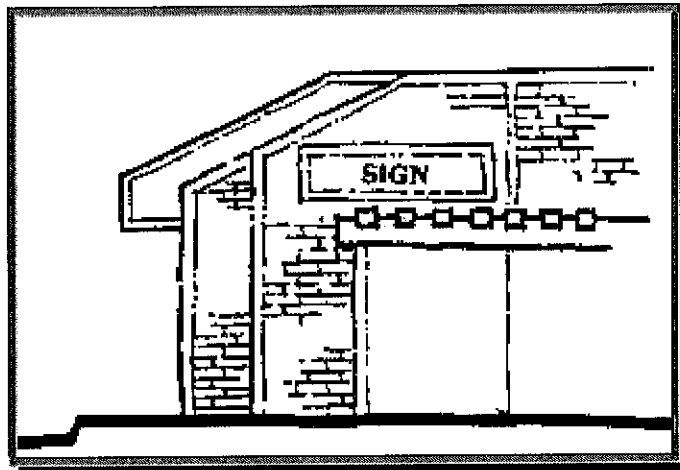
5. Projecting Sign: A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure.

Figure 4 - Projecting Sign



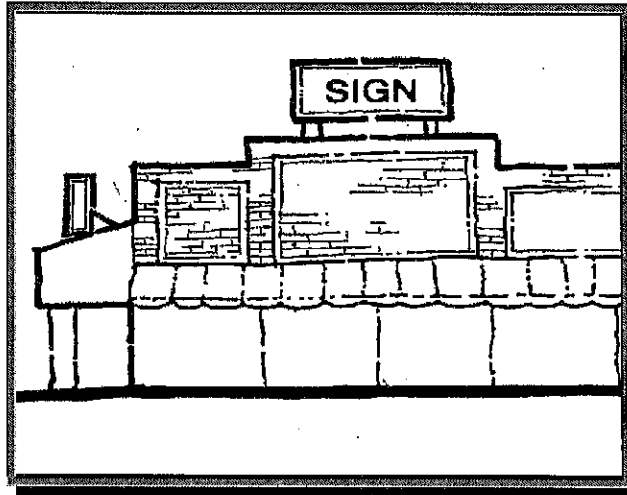
6. Wall Sign: A sign fastened to or painted on a wall of a structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such structure.

Figure 5 - Wall Sign



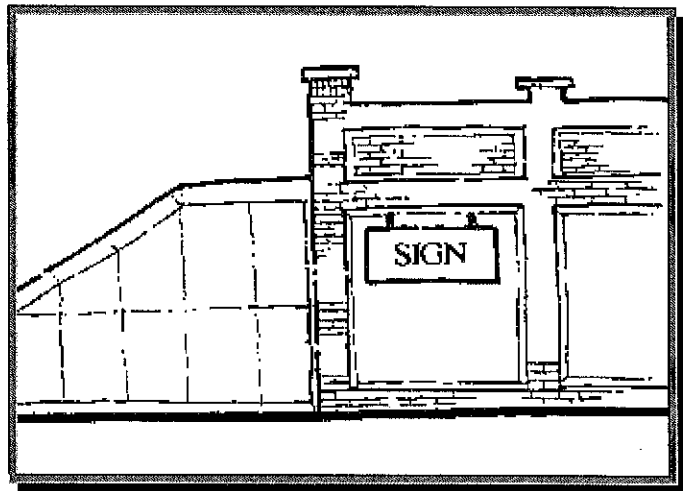
7. Roof Sign: A sign that projects more than 12 inches beyond the face of the structure.

Figure 6 - Roof Sign



8. Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Figure 7 Window Sign



9. Scale and Context: Scale includes both human scale and proportion. Signs shall maintain a pattern that is proportional to the element they are attached to and the facade as a whole. Signs shall be in scale with the site or structure where located and in context with the site, structure and service offered. Context includes form, style, color, balance and structure lines as defined below:
 - a) Form: Sign shape and its relationship to the structure or service offered.

- b) Style: Historical, eclectic, modern or contemporary shapes, texts and colors.
- c) Color: Analogous or complementary in relation to site or structure.
- d) Balance: Location of sign in structure element relating to balance through location, mass and color.
- e) Structure Lines: Major lines of building elements and compatibility to outlines, horizontal and vertical lines such as roof line, ground line, window lines, etc.
- f) Limitations:
 - I. All signs must be constructed of permanent all-weather materials; and
 - II. Sign shall maintain a consistent pattern and scale.