

ORDINANCE NO. 17-52

AN ORDINANCE AMENDING SECTIONS 18.01.020, 18.20.020, 18.20.130, 18.20.150, 18.20.210, 18.20.270, 18.20.500, 18.30.050, 18.30.110, 18.30.130, 18.30.160, 18.30.180, 18.30.220, 18.30.230, 18.30.250, 18.30.270, 18.40.010, 18.40.040, 18.40.070, 18.40.090, 18.40.100, 18.40.110, 18.40.120, 18.40.125, 18.40.150, 18.40.180, 18.40.240, 18.50.020, 18.50.035, 18.50.060, 18.50.190, 18.50.225, 18.50.230, 18.60.020, 18.80.020, 18.80.030, 18.90.020, 18.90.040, 18.94.030, and 18.94.040 OF THE OLATHE MUNICIPAL CODE PERTAINING TO THE UNIFIED DEVELOPMENT ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

WHEREAS, on June 17, 2014, the Governing Body of the City of Olathe adopted Ordinance No. 14-39, the Unified Development Ordinance; and

WHEREAS, the Governing Body directed staff and the Planning Commission to proceed with consideration of amendments to the Unified Development Ordinance on an annual basis; and

WHEREAS, proposed amendments (UDO-16-002) to the Unified Development Ordinance were reviewed at a planning session with the Governing Body on May 2, 2017; and

WHEREAS, proposed amendments to the Unified Development Ordinance were discussed at a Planning Commission workshop on May 22, 2017; and

WHEREAS, the Planning Commission held a public hearing and recommended approval of the amendments on June 26, 2017; and

WHEREAS, the Governing Body reviewed the Planning Commission recommendations and concurs with their recommendations.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 18.01.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.01.020 Marked Copies of Ordinance on File. There shall not be less than three (3) copies of the Unified Development Ordinance, adopted by reference in Section 18.01.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, marked or stamped “Official Copies as Incorporated by Ordinance No. 14-39, as amended by Ordinance No. 15-16, Ordinance No. 16-20, Ordinance No. 16-51, Ordinance No. 17-01 and Ordinance No. 17-52,” and open to inspection by the public at all reasonable hours. The police department, municipal judges, and all other departments of the City charged with the enforcement of the Unified Development Ordinance shall be supplied, at the cost of the City, with such number of official copies of such ordinance as may be deemed expedient.”

SECTION TWO: Section 18.20.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.20.020 Districts Established

A. Categories.

The City is divided into the following categories of zoning districts:

Table 18.20-1. Zoning District Categories

Category	Description	Statutory Reference
Conventional	Districts that establish uniform use, dimensional and design standards. For some of these districts, composite categories are established that apply varying grades of site and building design.	KSA 12-753
Overlay	Districts that establish additional standards that supplement the conventional districts.	KSA 12-755
Planned	Development in planned districts is subject to a site development plan approved as part of a rezoning application.	KSA 12-755 (planned unit development)

B. Districts

The City of Olathe is divided into the following zoning districts, with the categories assigned to them in **Table 18.20-2:**

Table 18.20-2. Zoning Districts Established

	Conventional (C=Composite)	Overlay	Planned
Residential & Agricultural Districts			
AG (Agricultural)	✓		
R-1 (Single-Family)	✓		
R-2 (Two-Family)	✓		
R-3 (Low-Density Multifamily)	✓		
R-4 (Medium-Density Multifamily)	✓		
R-5 (High-Density Multifamily)	✗		

Mixed Use & Commercial Districts			
N (Neighborhood)	✓		
O (Office)	✓		
C-1 (Commercial Neighborhood)	✓		
C-2 (Community Center)	✓		
C-3 (Regional Center)	✓		
C-4 (Commercial Corridor)	✓		
D (Downtown)	✓		
TOD (Transit Oriented Development)			✓
PR (Planned Redevelopment)			✓
Employment & Industrial Districts			
BP (Business Park)			✓
M-1 (Light Industrial)	✓		
M-2 & M-3 (Heavy Industrial)	✓		
Miscellaneous Districts			
PD (Planned Development)			✓
North Ridgeview Road Overlay		✓	
Cedar Creek Overlay		✓	

SECTION THREE: Section 18.20.130 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.20.130 C-1 (Neighborhood Center)

Purpose: The C-1 (Neighborhood Center) district provides for development of small-scale neighborhood office, low intensity retail business, civic, and residential uses. This district is compatible with the Neighborhood Commercial Center future land use designations in the

Comprehensive Plan. A C-1 District encourages pedestrian movement between residential and nonresidential areas. Nonresidential uses in a C-1 are intended to service and blend into the residential character of the surrounding neighborhood. This district is not considered appropriate for conventional strip commercial pad sites, high traffic generating or automotive oriented uses, or uses oriented toward regional shopping facilities. C-1 is consistent with the Neighborhood Commercial Center future land use category, and implements the following Comprehensive Plan policies:

- LUCC-4.1: Support viable mixed-use and mixed-density neighborhoods.
- LUCC-5.1: Hierarchy of Activity Centers. Focus new commercial centers in concentrated activity areas at a variety of scales distributed throughout the community.
- LUCC-8.1: Mixture of Complementary Land Uses
- LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses
- HN-1.2: Mixed Uses and Mixed Incomes
- HN-2.1, HN-2.5, HN-4.1, and HN-4.2: provide a full range of housing choices, affordable housing, and neighborhoods that enable residents to “age in place.”
- HN-5.2: Provide for higher density residential housing retail and commercial centers.

A. Permitted Uses

1. See § 18.20.500 (Use Matrix).
2. **Residential uses** are permitted in the C-1 district only if –
 - a. they are located on upper stories of nonresidential buildings, adjacent to commercial or office buildings and uses, or around a square or plaza or immediately across a local street, and
 - b. The proposed development incorporates Category B or C composite building design standards for the residences and Category C or E composite building design standards for the commercial and office buildings, and
 - c. The proposed development incorporates Category 3 site design standards.

B. Dimensional Standards

Development in the C-1 District is subject to the following dimensional standards:

Composite Standards	Site 3 or 4-Building D or E Site 4-Building C	Site 3-Building C
Maximum District Size	• 10 acres	• 40 acres

Height (<i>maximum</i>)	<ul style="list-style-type: none"> • 2 stories / 30 feet <p><i>That portion of buildings over 20 feet in height shall set back an additional 1 foot for every 2 feet in height.</i></p>	<ul style="list-style-type: none"> • 42 feet / 3 stories
Front yard (<i>minimum</i>)	<ul style="list-style-type: none"> • 20 feet 	<ul style="list-style-type: none"> • n/a
Front yard (<i>maximum</i>)	<ul style="list-style-type: none"> • 150 feet 	<ul style="list-style-type: none"> • 25 feet (<i>applies to area within frontage buildout</i>)
Frontage Buildout (<i>minimum</i>)	<ul style="list-style-type: none"> • 50% 	<ul style="list-style-type: none"> • 80%
Maximum building footprint	<ul style="list-style-type: none"> • 15,000 sf 	<ul style="list-style-type: none"> • 50,000 sf
Side yard (<i>minimum</i>)	<ul style="list-style-type: none"> • 7½ feet 	<ul style="list-style-type: none"> • 5 feet
Rear yard (<i>minimum</i>)	<ul style="list-style-type: none"> • 7½ feet 	<ul style="list-style-type: none"> • n/a
Parking/paving location	Setback 15 feet from street right of way and 10 feet from property lines	Setback 15 from street right of way except for parking areas behind buildings
Open space (see § 18.30.170)	<ul style="list-style-type: none"> • 20% of net site area 	<ul style="list-style-type: none"> • 10% of net site area

* Larger landscape buffers may apply in addition to setbacks (see Section 18.30.130)

C. Parking Regulations for C-1 Developments

1. No more than one hundred twenty-five (125) percent of the required parking for a use may be provided on-site.
2. Where visible from a street, parking lots must be screened by landscaping or street walls between 3 to 4 feet in height.
3. Off-street parking areas shall be divided into parking modules not to exceed fifty (50) parking spaces.
4. A use may apply adjacent on-street parking toward the minimum parking requirements.

D. Additional Development and Performance Standards for C-1 Developments

1. No merchandise shall be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles, shall be stored outside a building.
2. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by a temporary sales and events permit or catering or food trucks as licensed by the City Clerk.

SECTION FOUR: Section 18.20.150 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.20.150 C-3 (Regional Center)

Purpose: The C-3 (Regional Center) District provides for development of retail, service, entertainment, office, finance and related business uses that have a regional market. This district implements the Regional Commercial Center future land use category of the Comprehensive Plan.

C-3 implements the following Comprehensive Plan policies:

- LUCC-5.1: Hierarchy of Activity Centers. Focus new commercial centers in concentrated activity areas at a variety of scales distributed throughout the community.
- LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses

A. Permitted Uses

See § 18.20.500 (Use Matrix).

B. Dimensional Standards

Development in the C-3 District is subject to the following dimensional standards:

Composite Standards	Site 3 or 4-Building D or E Site 5-Building C or D	Site 3 or 4-Building C
Height (<i>maximum</i>)	• 3 stories / 40 feet	• 5 stories / 64 feet
Front yard (<i>minimum</i>)	• 40 feet from arterial street right-of-way • 15 feet from other street right-of-way	• 15 feet
Side yard (<i>minimum</i>)	• 10 feet	• 7.5 feet
Rear yard (<i>minimum</i>)	• 10 feet	• 7.5 feet

Parking/paving location	<ul style="list-style-type: none"> • 15 feet from street right-of-way • 10 feet from property lines 	<ul style="list-style-type: none"> • 20 feet from street right-of-way • 10 feet from property lines
Open space <i>(see § 18.30.170)</i>	<ul style="list-style-type: none"> • 25% 	<ul style="list-style-type: none"> • 10%

* Larger landscape buffers may apply in addition to setbacks (see Section 18.30.130)

C. Parking Regulations for C-23 Developments

1. No more than 150% of the required parking for a use may be provided on-site.
2. Where visible from a street, parking lots must be screened by landscaping or street walls between 3 to 4 feet in height.
3. Off-street parking areas shall be divided into parking modules not to exceed fifty (50) parking spaces.
4. A use may apply adjacent on-street parking toward the minimum parking requirements.

D. Additional Development and Performance Standards for C-23 Developments

1. No merchandise shall be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles, shall be stored outside a building.
2. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by temporary sales and events permit or catering or food trucks as licensed by the City Clerk."

SECTION FIVE: Section 18.20.210 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.20.210 D (Downtown)

Purpose: The "D" (Downtown) District constitutes the "downtown" core and its fringe areas. It recognizes the unique characteristics of the traditional central area, which accommodates a mix of uses such as retail, service, special shops, offices and residential.

The "D" District is consistent with the Urban Center/Downtown future land use category, and implements the following Comprehensive Plan policies:

- The Original Town policies (Principles OT-1 to OT-3 and supporting policies) to provide a wide range of commercial, cultural, educational and entertainment experiences and to establish Downtown as the focal point of the community.
- Principle LUCC-4: Encourage mixed-use development, especially in the downtown area, to support commercial uses, promote walkability, and provide for a variety of housing options.

- HN-2.3: Higher Residential Densities. Target future medium and high-density residential development to locations that are accessible to and integrated with potential employment and transit centers
- LUCC-6.1: Targeted Development.
- LUCC-7.4: Alternative Zoning Techniques
- LUCC-8.1: Mixture of Complementary Land Uses
- HN-1.2: Mixed Uses and Mixed Incomes
- HN-1.8: Encourage architecturally compatible infill housing in older neighborhoods.
- HN-2.1, HN-2.5, HN-4.1, and HN-4.2: provide a full range of housing choices, affordable housing, and neighborhoods that enable residents to “age in place.”

A. Permitted Uses

See § 18.20.500 (Use Matrix).

B. Dimensional Standards

1. Development in the “D” District is subject to the following dimensional standards:

Downtown Core

Site 5 or 6 Building C	Supportive Uses	Civic Uses	
Lot Width (<i>minimum</i>)	• 10 feet	• 10 feet	• 10 feet
Height (<i>minimum</i>)	• n/a 2-stories / 35 feet	• n/a	• n/a
Height (<i>maximum</i>)	• 7-stories / 90 feet n/a	• 35-feet n/a	• 72-feet n/a
Front yard (<i>minimum</i>)	• n/a	• n/a	• n/a
Front yard (<i>maximum</i>)	• 5 feet (<i>applies to area within frontage buildout</i>)	• n/a	• n/a
Frontage Buildout (<i>minimum</i>)	• 90%	• n/a	• n/a
Side yard (<i>minimum</i>)	• n/a	• n/a	• n/a

Rear yard (<i>minimum</i>)	• n/a	• 5 feet	• 5 feet n/a
Spacing / Number (<i>minimum</i>)	• n/a	<ul style="list-style-type: none"> • 300 feet from lot boundary • No more than 1 per block 	• n/a

Downtown Mixed Use

Site 3 Building C	Supportive Uses	Civic Uses	
Lot Width (<i>minimum</i>)	• 10 feet	• 10 feet	• 10 feet
Height (<i>maximum</i>)	• 7 stories / 90 feet	• 35 feet	• 72 feet
Front yard (<i>minimum</i>)	• 15 feet	• n/a	• n/a
Frontage Buildout (<i>minimum – non-residential uses only</i>)	• 80%	• n/a	• n/a
Side yard (<i>minimum</i>)	• 10% of the lot width (<i>may be 0 on one side</i>)	• n/a	• n/a
Rear yard (<i>minimum</i>)	• 10 feet	• 5 feet	• 5 feet
Spacing / Number (<i>minimum</i>)	• n/a	<ul style="list-style-type: none"> • 300 feet from lot boundary • No more than 1 per block 	• n/a

Downtown Santa Fe Corridor

Site 5 or 6 Building C	Supportive Uses	Civic Uses	
Lot Width (<i>minimum</i>)	• 10 feet	• 10 feet	• 10 feet
Height (<i>minimum</i>)	• 2 stories / 35 feet	• n/a	• n/a

Height (<i>maximum</i>)	• 4 stories / 52 feet	• 35 feet	• 72 feet
Front yard (<i>minimum</i>)	• n/a	• n/a	• n/a
Front yard (<i>maximum</i>)	• 25 feet (<i>applies to area within frontage buildout</i>)	• n/a	• n/a
Frontage Buildout (<i>minimum</i>)	• 80%	• n/a	• n/a
Side yard (<i>minimum</i>)	• n/a	• n/a	• n/a
Rear yard (<i>minimum</i>)	• 10 feet	• 5 feet	• 5 feet
Spacing / Number (<i>minimum</i>)	• n/a	• 300 feet from lot boundary • No more than 1 per block	• n/a

* Larger landscape buffers may apply in addition to setbacks (see Section 18.30.130)

2. Where buildings or structures located in the same block on the same side of a street in the “D” District have front yards of greater or lesser depth than required by the district regulations, the Planning Official may require a similar setback for new buildings or structures constructed on the block.

C. Building Location and Design

1. Primary entrances to buildings at ground level shall face street rights-of-way rather than parking lots.
2. Primary building entrances shall be oriented towards streets, parks or pedestrian plazas.
3. Each block face shall have multiple building entries. A building occupying an entire city block shall include more than one building entrance along each block face.
4. The building façade shall have three vertical divisions: ‘bases’, ‘middles’, and ‘tops’. In buildings of three stories or less in height, the ‘top’ may be comprised of an ornamental ‘cap’ or cornice rather than the articulation of an entire floor of habitable space.
5. The majority of the building(s) of a development shall possess an architectural character that respects traditional design principles, such as:
 - a. Variation in the building form such as recessed or projecting bays;
 - b. Expression of architectural or structural modules and detail;

- c. Diversity of window size, shape or patterns that relate to interior functions;
 - d. Emphasis of building entries through projecting or recessed forms, detail, color or materials;
 - e. Variations of material, material modules, expressed joints and details, surface relief, color, and texture to scale;
 - f. Tight, frequent rhythm of column / bay spacing, subdividing the building façade into small, human scaled elements.
6. Building walls facing a street, pedestrian walkway, or adjacent residential development shall:
- a. Incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.
 - b. Incorporate a building bay or structural building system for walls exceeding 30 feet in width. Bays should be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials and fenestration pattern no less than twelve inches (12") in width.
 - c. Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
 - d. Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail along at least 60 percent of the façade.
 - e. Windows shall be recessed and include visually prominent sills or other forms of framing.
7. Buildings shall employ a uniform level of quality on street-facing sides of the building that is visible from a neighboring area in the Downtown Mixed Use Zone.
8. An open colonnade may extend into the front setback a maximum of 5 feet. An unenclosed balcony with a minimum clearance 9 feet above finished grade may extend 5 feet over a public sidewalk. An awning or walkway covering with a minimum clearance of 8 feet above finished grade may extend 5 feet over a public sidewalk.
9. Glass without coatings or tints shall be used for all retail glazing. Highly reflective glass is not permitted at the ground level of building elevations that abut a street right of way.
10. Each multi-story building shall have one clearly identifiable entrance abutting the street. In addition to this entrance, a building occupying an entire city block shall include at least one other building entrance along each block face.
11. At least 80% of the façade facing a street or public open space (not including windows, doors and their framing systems), shall be composed of building materials required for Class C Building Types in Chapter 18.15.
12. Consistent architectural design and durable building materials shall be continued on all façades adjacent to public streets and residential districts.

D. Parking & Circulation

1. Off-street parking is not required in the “D” Downtown district.
2. Off-street parking shall be located behind or to the side of buildings.
3. No more than 1 commercial off-street parking area may be located in a block.
4. Surface parking areas must be screened from the street by low hedges or walls at least 3 feet and up to 4 feet in height.
5. Parking structures with exposed street frontage shall not be oriented toward residential uses.
6. However, all multi-family and non-residential sites, where a parking area or lot is part of a redevelopment for a final site development plan as approved by the Planning Commission, shall have antique globe/coach style light poles and fixtures. The following actions are exempt from installing this style light of poles and: a parking lot permit not part of a new final site development plan approval, administrative review process, routine maintenance, or new poles that are consistent with existing site light poles and fixtures.

E. Service Areas

1. Service areas and refuse storage areas shall not front onto streets and public open spaces.
2. Service areas shall be located to the rear or side of buildings, and screened from view from the street and/or public open space.
3. Ground-based mechanical equipment shall be located away from property lines adjacent to public streets and Mixed Use areas and screened from view at the street.
4. Refuse storage and pick-up areas shall be combined with other service and loading areas.
5. Developments shall provide access for service vehicles via alleys or parking lots.

F. Supportive Uses

No Supportive Use may be established by demolishing an existing building. However, a Supportive Use may occupy an existing, or a lot on which a building was demolished before the effective date of this Ordinance.

G. Downtown Mixed Use

The following standards apply to the Downtown Mixed Use areas:

1. Multi-family residential buildings shall orient at least fifty percent (50%) of the residential building’s “active wall” toward the Downtown Core or a collector street. An “active wall” is considered the side of the building containing the majority of the residential entrances and windows.
2. Primary entrances to residential uses at ground level shall be oriented toward the public street rights-of-way rather than to parking lots.”

SECTION SIX: Section 18.20.270 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.20.270 Cedar Creek Overlay

See Ordinance No. 1153 as amended by Ordinance No. 15-16. A copy of the overlay district can be found on the City’s website and a paper copy is available in the offices of [the Planning Division Services](#) and City Clerk.”

SECTION SEVEN: Section 18.20.500 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.20.500 Use Matrix

Purpose: The permitted, conditional and accessory uses within each zoning district are set out in the Use Matrix, below. The Use Table contains a correspondence to the applicable national coding system classifications (American Planning Association’s Land Based Classification Standards [LBCS] and the North American Industrial Classification System [NAICS]) as aids to interpretation.

The Use Table establishes the following categories of uses:

Notation	Category	Description
P	By right	Permitted if they meet the standards established in the zoning district.
S	Special Use	Requires special approval by the Governing Body (refer to § 18.40.100).
A	Accessory	The use is permitted only if it is customarily incidental and subordinate to a principal permitted use located on the same lot. <u>Accessory uses are those as defined in §18.50.020.</u>
	Signs	<u>For information on what signs are permitted see § 18.50.190</u>

Except as otherwise provided, uses permitted by right and uses permitted with a special use permit for any planned district, shall be equivalent to the uses found in the associated conventional district. Planned districts and their associated conventional districts are provided in the table below. The PR District and PD District are two planned district categories to which a property owner or their designee may zone property to. Zoning to either of these districts provides a variety of uses. Refer to Section 18.20.220 and 18.20.240 for additional information.

<u>Planned District Category</u>	<u>Associated Conventional District Category</u>
<u>RP-1</u>	<u>R-1</u>
<u>RP-2</u>	<u>R-2</u>
<u>RP-3</u>	<u>R-3</u>
<u>RP-4</u>	<u>R-4</u>
<u>CP-O</u>	<u>C-O</u>
<u>CP-1</u>	<u>C-1</u>
<u>CP-2</u>	<u>C-2</u>

<u>CP-3</u>	<u>C-3</u>
<u>MP-1</u>	<u>M-1</u>
<u>MP-2</u>	<u>M-2</u>
<u>MP-3</u>	<u>M-3</u>

Use

Definition

Residential	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	IM-2 (Heavy Industrial)	IM-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Accessory Dwellings	P	P	P	P											P	P	P	1100	1130	814	See Chapter 18.50.
Cluster or conservation subdivisions	P	P	P	P	P													1100	1110	814	A subdivision that incorporates a Category 2 site design (see Chapter 18.15)
Elderly housing, Multi-family Residences				P	P										P	P	P	1210	1200	814	A housing development that is certified as Housing for Elderly Persons by the United States Department of Housing and Community Development, and that includes multifamily dwellings.
Elderly housing, Single-family Residences	P	P	P	P														1210	1200	814	A housing development that is certified as Housing for Elderly Persons by the United States Department of Housing and Community Development, and that includes only single-family dwellings.
Residence, Adaptive Reuse		P	P	P	P		P	P										1100	1360	814	The occupancy and use of an existing, abandoned building that was formerly used as a commercial, service, or other non-residential use.
Multifamily Dwellings: See below:																		1100	1340	814	A building -building or portion thereof, arranged, intended or designed for three (3) or more dwelling units, and commonly referred to as a triplex, fourplex, townhouse, condominium or apartment building. (Ord. 02-54 § 2, 2002)
Residence, Multifamily 3 units (triplex)				P	P										P	P	P	1100	1200	814	A building arranged, intended or designed for three (3) dwelling units. (Ord. 02-54 § 2, 2002)
Residence, Multifamily 4 units (quadraplex or fourplex)				P	P										P	P	P	1100	1200	814	A building arranged, intended or designed for four (4) dwelling units. (Ord. 02-54 § 2, 2002)
Residence, Multifamily, more than 4 units				P	P										P	P	P	1100	1200	814	A building arranged, intended or designed for more than five (5) or more dwelling units.
Residence, Single-Family Attached	P		P															1100	1121	814	A building arranged, intended or designed for two (2) dwelling units with each dwelling unit located on a separate lot. This is sometimes referred to as a "semidetached dwelling unit."
Residence, Single-Family Detached	P	P	P	P	P													1100	1110	814	A building arranged, intended or designed for one (1) dwelling unit, and that is not attached to another dwelling unit or building.
Residence, Single-Family Modular	P	P	P															1100	1110	814	A dwelling constructed in accordance with the standards set forth in the City's building code applicable to site built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
Residence, Two-Family (Duplex)			P	P											P	P	P	1100	1121	814	A building arranged, intended or designed for two (2) dwelling units on one (1) lot, commonly referred to as a duplex. (Ord. 02-54 § 2, 2002)
Residence, Zero Lot Line	S	S	S	S	S										P	P	P	1100	1122	814	A dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.
Residential Design Manufactured Home	P	P	P															1100	1150	814	See Chapter 18.50.
Townhouse				P	P											P	P	1100	1140	814	A building that has dwelling units erected in a row as a single building -building, each being separated from the adjoining unit or units by a fire wall constructed in accordance with the City's building code. A Townhouse is separated from other buildings by space on all sides.
Watchmen / caretakers						A	A	A	A	A	A	A	A	A	A	A	A		1300		A dwelling located on premises with a principal nonresidential use and occupied only by a caretaker or guard employed on the premises.

Use

Definition

Accommodations & Group Living	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	IM-2 (Heavy Industrial)	IM-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Assisted living, skilled nursing, continuing care retirement facilities	P	P	P	P	P		P	P	P	P					P	P	P	1220 1250		62311 0, 6233	A building, or a group of buildings, where for compensation, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital. (Ord. 08-104 § 13, 2008)
Bed and breakfast	S	S			S		P	P	P	P					P	P	P	1310		72119 1	An establishment operating primarily in a single family detached dwelling-dwelling or a building designated on the National Register of Historic Places and originally devoted to another use that supplies temporary accommodations to overnight guests for a fee.
Day-Care & Child-Care: Child day-care services	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	6562 6566	-	6244	See Chapter 18.50
Day-Care & Child Care: Family Day-Care Home	P	P	P	P	P													6562 6566		6244	See Chapter 18.50
Day-Care & Child Care: Child-Care Centers						P	P	P	P	P	P				P	P	P	6562 6566		6244	See Chapter 18.50
Day-Care & Child Care: Group Day-Care Home	P	S	S	S	S													6562 6566		6244	See Chapter 18.50
Day-Care & Child Care: Mother's Day Out -Care Home	P	S	S	S	S													6562 6566		6244	See Chapter 18.50
Day-Care & Child Care: Preschools	S	S	S	S	S	P	P	P	P	P	P							6562 6566		6244	See Chapter 18.50
Day-Care & Child Care: Adult Day-Care	S	S	S	S	S	P	P	P	P	P	P							6566		62412 0	See Chapter 18.50
Community living facility, Mental Health / Substance Abuse, with on-site staff	S	S	S	S	S													6520		62322 0	A "community living facility" means any dwelling or building defined as "group living" or "semi-independent living" by the Kansas Department of Social and Rehabilitation Services (see KAR 30-22-31). This category provides residential care and treatment for patients with mental health and substance abuse illnesses. These establishments provide room, board, supervision, and counseling services. Medical services may be provided if they are incidental to the counseling, mental rehabilitation, and support services offered.
Community living facility, Mental Health Convalescent	S	S	S	S			S	S							P	P	P	6520		62322 0	A community living facility, as defined above, where at least two persons afflicted with mental illness are housed or lodged, and furnished with nursing care.
Group boarding home for adults, minors	P	P	P	P	P	P	P	P							P	P	P			62399 0	A residential dwelling unit for six (6) or more unrelated persons, eighteen (18) years of age or over, except where it is a group home as defined by KSA 12-736. (Ord. 02-54 § 2, 2002)
Group day-care homes	S	S	S	S	S	P	P	P												62399 0	A residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists under license of the Kansas Secretary of Health and Environment, except where it is a group home as defined by KSA 12-736. (Ord. 02-54 § 2, 2002)
Group home (up to 10 persons)	P	P	P	P	P										P	P	P	6520		62322 0	A dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who

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																					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 of Kansas. (Source: KSA 12-736)
Hotel, boutique (50 rooms maximum)						P	P	P	P	P	P				P	P	P	1330	1330	721110	A hotel that (1) complies with any applicable City historic design guidelines or the Class C building design standards (see Chapter 18.15), include an accessory restaurant, and include no more than 50 rooms.
Hotel / Motel						P	IS P	P	P	P	P				P	P	P	1330	1330	721110	A building in which lodging or boarding and lodging are provided for primarily transient persons and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.
Rooming house (includes fraternity/sorority houses & dormitories)					P	P	P	P	P						P	P	P	1320		721310	A building, other than a hotel/motel, multi-family dwelling, or bed and breakfast, where for compensation and by pre-arrangement for definite periods, lodging, and meals are provided for four (4) or more persons.
Commercial/Mixed Use																					
Adaptive re-use (see Chapter 18.50)															S	S	S		2200, 2611		Adaptive reuse of a building formerly used as a dwelling unit for commercial, service, or office use
Nursery, lawn, garden center, and farm supply store	S									P		S	S		P	P	P	2123		44422	An establishment primarily engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials, topsoil and rental of landscaping equipment. This includes accessory service facilities.
Animal care facility (see categories below):																					A commercial operation that: (1) provides food, shelter, grooming, sitting, training or care for more than four (4) animals of six (6) months of age or older for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or (2) regularly engages in the breeding of animals for sale. (Ord. 02-54 § 2, 2002). A "kennel" refers to any area where animals are boarded or kept to provide the services listed above.
Animal and pet care services						P	P	P	P	P		S	S		P	P	P	2720		81290	An animal care facility with no outside kennel or retail sales. <u>Including establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting and training pets.</u>
Animal Care -- indoor or outdoor enclosed kennel only	S					P	P	P	P	P		S	S		P	P	P	2718	8700	541940	An animal care facility where all kennels are located within an enclosed and roofed building or outside of a building. This may include accessory retail sales.
Animal Care—outside or enclosed kennel	S		-	-		P	P	P	P	P	-	S	S	-	P	P	P	2718	8700	541940	<u>An animal care facility where all kennels may be located within an enclosed and roofed building or outside of a building. This may include accessory retail sales.</u>
Animal Care - veterinary clinics	S								IS		P	S	S	IS				2718	8700		An animal care facility operated by licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, animal surgery, or testing services for licensed veterinary practitioners. Examples include animal hospitals, veterinary clinics, veterinarians' offices, and veterinary testing laboratories. This may include either

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																					enclosed or outside kennels or dog runs.
Antique shop							P	P	P	P					P	P	P	2145	2200	45310	Establishments primarily engaged in retailing used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).
Apparel and accessory stores							P	P	P	P		S	S		P	P	P	2133	2200	4481-4483	Establishments primarily engaged in retailing new clothing, shoes, luggage, or footwear.
Auto supply (parts) stores								P	P	P							P	2115		4413	Establishments that: (1) are primarily engaged in retailing new, used, and/or rebuilt automotive parts, new or used tires, and accessories (known as automotive supply stores); (2) automotive supply stores that are primarily engaged in both retailing automotive parts and accessories and repairing automobiles; and (3) establishments primarily engaged in retailing and installing automotive accessories.
Bail bonding															S			2600		812990	An establishment principally engaged in providing security to ensure compliance with the terms of an appearance bond (see KSA 22-2202).
Bait shop											P	P						2200	45110		An establishment principally engaged in selling artificial or natural lures for taking fish by hook and line.
Bakery, retail (no wholesale distribution facilities)							P	P	P	P		P	P		P	P	P	2151	2200	311811	Establishments primarily engaged in retailing bread and other bakery products not for immediate consumption made on the premises from flour, not from prepared dough.
Bars, Taverns and Drinking Establishments								P	P	P		S	S		P	P	P	2540		722410	Premises which may be open to the general public, where alcoholic liquor by the individual drink is served. (Ord. 02-54 § 2, 2002)
Beer, wine, and liquor store							P	P	P	P					P	P	P	2155		4453	Establishments primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor.
Bicycle sales and service							P	P	P	P		S	S		P	P	P	2113	2200	45110	An establishment principally engaged in selling and repairing bicycles and bicycle equipment.
Boat/watercraft, marine supplies, and marine/boating equipment sales and service									P			S	S	S	P	P	P	2114		441222	Establishments primarily engaged in (1) retailing new and/or used boats or retailing new boats in combination with activities, such as repair services and selling replacement parts and accessories, and/or (2) retailing new and/or used outboard motors, boat trailers, marine supplies, parts, and accessories.
Book, magazine, or stationery store							P	P	P	P					P	P	P	2135	2200	4512	Establishments primarily engaged in retailing new books, newspapers, magazines, and other periodicals.
<u>Brewpub</u>									P	P					P	P	P				An establishment which brews beer or other fermented beverages in compliance with all state and federal laws. Production capacity shall be limited to not more than ten thousand (10,000) barrels per year. Such establishments may also serve food or other beverages on site and offer limited retail sales.
Building materials sales - without lumberyard								P	P	P		P	P		P	P	P	2126 2127		444190	Establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be installed. Lumber is sold only from enclosed buildings rather than unroofed spaces/unroofed spaces such as lumberyards.

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Building materials sales and storage									P	P		P	P	P				2126 2127		4441	Retailing, wholesaling or rental of building supplies or construction equipment. This classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments. (Note: establishments that operate from a warehouse are classified separately).	
Business service centers / business support						P	P	P	P	P	SA	P	PS	P	P	P		2424	2200	56143 5619	Includes blueprinting, printing, Photostating, copying, packaging, labeling, and similar services to other businesses.	
Cafeterias and snack bars (accessory)						A	A	A	A	A	A	A	A		A	A	A	2520 2530		72251 4, 72251 5	Cafeterias and snack bars that principally serve the employees in the buildings in which they are located and their guests.	
Camera and film shop; photography studio; frame shop							P	P	P	P					P	P	P	2132	2200	54192 81292	Establishments primarily engaged in providing still, video, or digital photography services, or developing film and/or making photographic slides, prints, and enlargements.	
Candy or confectionary making (retail)							P	P	P	P		S	S		P	P	P	3100	2200	3113 31191	Establishments that make candy or confectionaries on for retail sale on the premises.	
Car Wash, Automobile Laundries, or Car Care Centers									P	P		S	S						2593		81119 2	Establishments that wash, wax or clean automobiles or similar light vehicles.
Catering / food service						P		P	P	P	P	S	S		P	P	P	2560 2570		72231 72232	A business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.	
Commercial Use in Multifamily Development					A										A	A	A					A commercial use located in a building that has multifamily dwelling units, and that has no direct entry from the use to the street.
Convenience Stores, without gas sales								P	P	P	A	S	S		P	P	P	2152	2591	44711 0	Establishments that retail a limited line of goods that generally includes milk, bread, soda, and snacks.	
Convenience Stores, with gas sales								P	P	P	P	S	S	P	S	S	P		2591	44512 0	A convenience store that includes Fuel Sales. Automotive repair is also allowed if it is listed as a permitted use in the applicable zoning district.	
Courier and messenger services						P	P	P	P	P	P	P						4160		492	Establishments primarily engaged in providing air, surface, or combined mode courier services, express delivery services of parcels, or local messenger and delivery services of small items, with local pick-up and delivery. Examples include air courier services, express delivery services; local delivery services for letters, documents, or small parcels; greenery grocery delivery services (i.e., independent service from grocery store), or restaurant meals delivery services.	
Delicatessen / Limited-Service Restaurant							P	P	P	P		S	S		P	P	P	2151		72251 3	Establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location.	
Department store, warehouse club, superstore, or general merchandise								P	P	P		S	S		P	P	P	2145	2240, 2250	452	Establishments that retail new general merchandise from fixed point-of-sale locations. Establishments in this subsector are unique in that they have the equipment and staff capable of retailing a large variety of goods from a single location. This includes a variety of display equipment and staff trained to provide information on many lines of products.	
Drive-in or Drive-Through Service (for						A	A	A	A	A	A	A	A		A	A	A		2110 2210		See Chapter 18.50.	

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retail, restaurant)																					
Drive-Through Service (for financial institution)						A	A	A	A	A	A	A	A		A	A	A		2110 2210		See Chapter 18.50.
Elderly and disabled services							P	P	P	P					P	P	P			62412 0	Establishments primarily engaged in providing nonresidential social assistance services to the elderly, persons diagnosed with intellectual and developmental disabilities, or persons with disabilities.
Entertainment establishment							S	P	P	P					P	P	P	2540		72241 0	This includes any establishment other than a restaurant where alcoholic beverages are served for consumption on the premises (such as lounges, or private clubs), or which offers live entertainment such as music or dance floors (such as nightclubs). This includes any warehouse entertainment club or teen entertainment club (see Chapter 5.10 of the Municipal Code).
Executive Suite Space (Non-retail, Non-Industrial)						P	P	P	P	P	P	P	P		P	P	P	2200 - 2455 4210 4212 - 4241 - 4243 - 5140 - 5160 - 6200 - 6220 - 6800 - 6820 - 9210	2100	11511 5, 511, 51911 51913 - 523- 525, 531, 5411- 5418, 5611- 5616, 56192 - 5160 - 6200 - 6220 - 54199 - 6117, 6820 - 7113- 7115, 8132- 8133, 813, 923- 928	A building where offices are rented either for businesses that operate from the building, or that use the building for mail collection, conferences, or similar business services (sometimes referred to as "virtual offices"), and where the proprietor provides furnishings, private mailbox, receptionist and secretarial services, faxing, photocopying, conference rooms and other support services. These are sometimes referred to as as-as open plan offices, serviced offices, office business centers, office suites, business centers, executive offices, furnished offices, flexible offices, managed offices, shared-office spaces, or office hotels. This does not include leasing for onsite retail or industrial purposes.
Farm / landscape / garden supply sales	S						S	S	P	P		A	A		P	P	P	2123			Establishments that sell specialized products and services for lawns and gardens. This may include: (1) new outdoor power equipment which may or may not be accompanied with repair services and replacement parts, or (2)nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere (these establishments may sell a limited amount of a product they grow themselves).
Farmer's markets	S						S	S	P	P		S	S		P	P	P		2260		A structure or place where agricultural products or consumer goods are brought by individual producers for the purposes of retail sales. The structure from which produce is sold need not be portable or capable of being dismantled or removed from the site. This includes farmers markets or flea markets. <u>Flea markets are establishments primarily engaged in retailing or wholesaling used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes) outside of an enclosed building, typically on an open lot from individual booths.</u>
Farm Supplies Merchant	S								P		S	S			P	P	P	2000		42491 0	Establishments primarily engaged in the merchant wholesale distribution

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Wholesalers																					of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.
Fast Casual Restaurant						P	P	P	P	P	P				P	P	P				Fast-casual restaurants are those restaurant establishments in which meet all of the following: 1. Provide a healthier menu than that offered by traditional fast food; and 2. Menu items are more expensive than traditional fast food restaurants; and 3. Menu items are made to order and not pre-racked; and 4. Uses non-disposable dishware and flatware when dining in.
Financial Institution (bank, credit union, or savings institution)						P	P	P	P	P	P				P	P	P	2210	2100	521-522	An establishment that provides retail banking, credit and mortgage, or insurance services to individuals and businesses. This classification includes banks and savings and loan establishments, brokerage firms, check cashing and currency exchange outlets and stand-alone automated teller machines. This does not include a Payday Loan Business or Title Loan Business.
Flex Space (office and warehouse building)										P	P	P	P		P	P	P	3600			A building that combines office with manufacturing, wholesale, warehousing, or training facilities that relate to the office uses. Retail or showroom uses that are accessory to those uses may occupy up to 25% of the gross floor area.
Florist or floral/gift shop							P	P	P	P					P	P	P	2141		45310	Establishments known as florists primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others. These establishments usually prepare the arrangements they sell.
Furniture Stores									P	P	P							2121		44210	This industry comprises establishments primarily engaged in retailing new furniture, such as household furniture (e.g. baby furniture, box springs and mattresses) and outdoor furniture; office furniture (except those sold in combination with office supplies and equipment); and/or furniture sold in combination with major appliances, home electronics, home furnishings, or floor coverings.
Gas Station								P	P	P		P	P		S	S	S	2116	2270	4471	The retail sale of gasoline, diesel and kerosene fuels.
Grocery, meat, dairy product and bakery sales							P	P	P	P		S	S		P	P	P	2151		445	An establishment for retail sales of food and beverages for off-site preparation and consumption. Typical uses include supermarkets, specialty food stores, delicatessens or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.
Gun shops and Gunsmiths									P	P										45110	An establishment principally engaged in selling, exchanging, or transferring firearms, handguns, rifles, or ammunition at wholesale or retail.
Hardware store							P	P	P	P		S	S		P	P	P	2122	2592	444130	Establishments known as hardware stores primarily engaged in retailing a general line of new hardware items, such as tools and builders' hardware.
Home occupation	A	A	A	A	A	-	-	-	-	-	-	-	-	-	A	A	A				See Chapter 19.50
Laundry, pick-up only and garment services						P	P	P	P	P					P	P	P			81232	Establishments primarily engaged in one or more of the following: (1) providing dry-cleaning services (except coin-operated); (2) providing laundering services (except linen and uniform supply or coin-operated); (3) providing drop-off and pickup sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items

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Laundry, coin operated				A	A	A	P	P	P	P	A				P	A	P			8123	(except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises. Establishments primarily engaged in clean, dry clean, or supply (on a rental or contract basis) apparel, uniforms, garments and other textile items, linens, fur, leather, hats; draperies; and pillows. This includes industrial laundries that supply protective apparel (flame and heat resistant) and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels.
Leasing office, residential				A	A													2300		53110	Establishments primarily engaged in acting as lessors of buildings used as residences or dwellings, such as single-family homes, apartment buildings, and town homes.
Leasing, Commercial and Industrial Machinery and Equipment										P	S	S			P	P	P	2334		5324	Establishments primarily engaged in renting or leasing-machinery leasing machinery, and equipment for use in business or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. Examples including the leasing of heavy equipment, office furniture or equipment, or off-highway transportation equipment.
Leasing/Rental - consumer or recreational goods							P	P	P	P		S	S					2333 2335		5322, 5323	Establishments that rent electronics rent electronics, home health equipment, formal wear, furniture, party supplies, sporting goods, or similar consumer goods to the general public.
Leasing/Rental of Trucks, Trailers, RV's, Boats, Motorcycle										P		P	P					2332		532120	Establishments primarily engaged in renting or leasing, without drivers, one or more of the following: trucks, truck tractors, buses, semitrailers, utility trailers, or RVs (recreational vehicles).
Leasing/Rental, Car and Passenger Vehicle									S	S		S	S					2331		53211	Establishments primarily engaged in renting or leasing passenger cars without drivers.
Light manufacturing accessory to retail use							A	A	A	A	A	S	S								The production of goods or products as a subordinate function of a retail establishment, where the activities generate no offsite noise, vibrations, odors, or other nuisance impacts.
Live-work units	P	P	P	P	P		P	P	P						P	P	P	2200 - 2455 5140 - 5160 6200 - 6220 6800 - 6820	2300 2400		A building in which offices, studios, or other commercial uses are located on the first floor and a dwelling unit is located above the first floor, or behind the areas that house the commercial activities.
Medical equipment sales, rental or leasing									P	P	P				P	P	P			44619	Establishments primarily engaged in retailing medical equipment and supplies such as Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances.
Mixed Use, Commercial (includes offices units located over storefronts)						P	P	P	P	P					P	P	P	2200 - 2455 5140 - 5160 6200	2300, 2400, 2611		A building where retail activities occur on the ground floor, with offices or a mix of dwellings and offices located above the ground floor.

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																		6220 6800 6820			
Mixed use, Vertical (includes Residences located over storefronts)					P	S	P	P	P	P					P	P	P	2200 2455 5140 5160 6200 6220 6800 6820	2300, 2400, 2611		A building where retail activities occur on the ground floor, with residences located above the ground floor.
Mobile Food Services	----- As regulated by Municipal Code -----																	2550		72233	Establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts.
Monument dealers (tombstones and markers)										P		P	P		P	P	P			45399 8	Establishments that buy or sell finished monuments or tombstones, or semfinished monuments and tombstones with no work other than polishing, lettering, or shaping to custom order.
Motor vehicles, all types, sales/leasing/rental									S	S		S	S					2111		4411, 4412	Establishments that sell automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, motor homes and RV's, boats and similar equipment, including, include storage and incidental maintenance.
Motor Vehicles, internet sales, no outdoor display									P	P		P	P								Motor vehicles sold online with no display of vehicles outdoors and no on-site repair or refurbishing of the vehicles
Musical Instrument and Supplies Stores							P	P	P	P					P	P	P	2135		45114	Establishments primarily engaged in retailing new musical instruments, sheet music, and related supplies; or retailing these new products in combination with musical instrument repair, rental, or music instruction.
Nonstore retail / commercial Internet Retail						P	P	P	P	P		P	P		P	P	P	2144 2580		454, 42511 0	Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and sales through portable stalls (e.g., street vendors).
Office supply and equipment store						A	P	P	P	P	P	S	S		P	P	P	2135		45321	Establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) retailing a combination of new office equipment, furniture, and supplies; and (3) retailing new office equipment, furniture, and supplies in combination with selling new computers.
Office						P	P	P	P	P	P	P	P		P	P	P	2310 2322 2336 2455 4210 4212 4241 4243	2100	11511 5, 23611 8, 511, 51791 1, 51911 51913 523- 525, 531, 533, 5411-	A building or facility for a firm or organization that primarily provides professional, executive, management or administrative services (such as accounting, advertising, architectural, consulting, planning, computer software consulting, data management, engineering, medical assistance programs and associations, dental, chiropractors, or other health care professionals, environmental analysis, insurance, interior design, investment, graphic design, governmental offices, landscape design, law and

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBGS Function	LBGS Structure	NAICS	Definition
																					services and maintenance and repair of automobiles and other vehicles and equipment.
Restaurant (see classifications below)																					A building where food is prepared and served in ready-to-eat form to the public for human consumption. Restaurant includes cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house. (Ord. 02-54 § 2, 2002)
Restaurant or snack bar, accessory						P	P	P	P	P	P	P	P		P	P	P	2520 2530			A restaurant or snack bar, as defined below, that is subordinate to an office or retail building with no direct outside entrance.
Restaurant, Full Service						P	P	P	P	P	P				P	P	P	2510	72251 1, 72251 4		Establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating. These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment. This also includes establishments known as cafeterias, grill buffets, or buffets, primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment.
Restaurant, limited service or carry out						A	P	P	P	P	A	S	S		P	P	P	2520	72251 3, 72251 5		Establishments primarily engaged in (1) providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating (food and drink may be consumed on premises, taken out, or delivered to the customer's location), (2) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn, or (3) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises.
Retail sales, accessory	-	-	-	-	-	-	A	A	A	A	-	A	A	-	A	A	A	2000	-	44-45	An establishment engaged in sales of goods, such as: furniture and home furnishings, electronics and appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationary, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.
Retail sales, generally (not otherwise listed)							P	P	P	P		S	S		P	P	P	2000 2100 2101 2121 2124 2125 2131 2135 2143	2200 2590	44-45	The sale of any tangible personal property for use or consumption, and not for resale. Examples include the sale of: furniture and home furnishings, electronics and appliances, hobbies, tobacco, cosmetic and beauty supplies, gifts and novelties, and art work. Examples include standalone shops or stores, art galleries, pawn shops, and video stores. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.
Sales and service, manufactured homes										S		S	S					2112		45393	Establishments primarily engaged in retailing new and/or used modular or manufactured homes, recreation vehicle, bus, or trucks, including parts, and equipment.

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Sales and service, large vehicles																		2114		441210, 441222, 441228, 441229, 532120	Establishments primarily engaged in retailing new and/or used recreational vehicles (commonly referred to as RVs), boats/marine, recreational vehicle, travel trailer, or campers, or retailing these new vehicles in combination with activities, such as repair services and selling replacement parts and accessories.
Services to buildings and dwellings							P	P	P	P		P	P		P	P	P	2450-2455		5617, 561622	An establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning, upholstery, painting and paper hanging, sign painting, packing and crating, landscaping, and locksmith services
Specialty food stores							P	P	P	P					P	P	P	2153-2154		4452	Establishments primarily engaged in retailing specialized lines of food, such as meat markets, fish and seafood markets, fruit and vegetable markets, and gourmet food stores.
Sporting goods shop							P	P	P	P					P	P	P	2134		45111	Establishments primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; and sporting goods, equipment, and accessories.
Tailor / shoe repair							P	P	P	P					P	P	P	3130		3152	Establishments primarily engaged in manufacturing cut and sew apparel from woven fabric or purchased knit fabric.
Tattoo Parlor/Tattoo Studio and/or Body Piercing									P	P					P	P	P	2600			An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
Temporary sales and events						P	P	P	P	P	P	P		P	P	P					Temporary sales and events require a permit (see § 18.50.225).
Travel Agency						P	P	P	P	P					P	P	P	2430		5615	Establishments primarily engaged in acting as agents in selling travel, tour, and accommodation services to the general public and commercial clients.
Travel Plaza/Truck Stop										P										447190	A facility that provides services to the trucking industry, including but not limited to the following: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.
Upholstery and furniture refinishing							P	P	P	P	P	P			P	P	P			811420	Establishments primarily engaged in <u>retailing used merchandise, antiques, and secondhand goods</u> , one of more of the following: (1) <u>reupholstering furniture</u> ; (2) <u>refinishing furniture</u> ; (3) <u>repairing furniture</u> ; and (4) <u>repairing and restoring furniture</u> (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).
Used merchandise stores (e.g., books, clothes, etc.)							P	P	P	P	P				P	P	P	2145		453310	Establishments primarily engaged in retailing or wholesaling used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes) from an enclosed

Use	AG (Agriculture)	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBGS Function	LBGS Structure	NAICS	Definition
Vehicle painting and body shops									P	P			P	P				2110	2280	81112	Establishments primarily engaged in: (1) repairing or customizing bodies or interiors of automotive vehicles, such as passenger cars, trucks, and vans, and all trailer bodies and interiors; (2) painting automotive vehicle and trailer bodies; (3) replacing, repairing, and/or tinting automotive vehicle glass; or (4) customizing automobile, truck, and van interiors for the physically disabled or other customers with special requirements. No vehicles are sold on the premises.
Vehicle repair and restoration (generally)									P	P		P	P					2110	2280	81111	Establishments providing mechanical or electrical repair and maintenance services for motor vehicles. This includes (1) repair or replacement of mechanical and electrical systems, engines, exhaust systems, transmissions, brakes, and radiators, and (2) installing radios, stereos, or similar items. These do not include automotive wrecking or long-term disabled vehicle outdoor storage.
Vehicle Services								P	P	P								2110	2280	81119 1	Establishments primarily engaged in providing automotive maintenance services. Examples include oil change, engine tune-ups, diagnostics, wheel alignment, and maintenance of air conditioning, charging or starting systems, belts, brakes, radiators, and transmissions. Repair services are limited to tires. Services do not include mechanical and electrical repair and maintenance: transmission repair; and body, paint, interior, and glass repair. This includes tune-up, quick lube and auto diagnostic centers.
Video/audio sales and/or rental								P	P	P		S	S		P	P	P			53223 0	Establishments primarily engaged in renting prerecorded video tapes and discs for home electronic equipment.
Woodworking shops						P	P	P	P	P		P	P		P	P	P			337, 44419 0	Establishments that make furniture, cabinets, or similar items from logs or lumber, for sale on the premises. Processes include carpentry or wood crafting.
Industrial																					
Automobile storage or towing (excluding junked vehicles)										P		P	P					4138		48841 0	Establishments primarily engaged in towing light or heavy motor vehicles, along with incidental services such as storage and emergency road repair services. Includes any impound towing business subject to Chapter 5.44 of the Municipal Code.
Bottling works												P	P		P			2613, 2620, 2621	31211		Establishments primarily engaged in one or more of the following: (1) manufacturing soft drinks; (2) manufacturing ice; and (3) purifying and bottling water.
Brewery/Tasting Rooms												P	P		P	P	P			31212 0	This industry comprises establishments primarily engaged in brewing beer, ale, malt liquors, and non-alcoholic beer. Food or merchandise may also be sold on site.
Building contractor <u>without outdoor storage</u>												P	P		P	P	P	7110 - 7450		236	Establishments primarily responsible for the construction of buildings. The work performed may include new work, additions, alterations, or maintenance and repairs.
Carpentry, floor, and tile contractor												P	P		P	P	P	7310		2383	Establishments primarily engaged in the specialty trades needed to finish buildings. The work performed may include new work, additions, alterations, maintenance, and rep
Computer and Electronic Product Manufacturing											P	P	P		P			2613, 2614, 2620, 2621	334		Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture

Use	AG (Agriculture)	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Construction and contractors													P	P						23611 5- 23611 7, 238	Establishments primarily engaged in the entire construction of new housing or non-residential buildings, or specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction, but that are not responsible for the entire project.
Crematories	S	S						S	S	S		S	S		S	S	S	6720	4800	8122	A building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.
Data Processing, hosting, and related services						P		P	P	P	P	P	P	P	P	P	P	4240	2613, 2620, 2621	518	Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. An example is a data center.
Explosives manufacturing/storage													P	S				3320	2620, 2621	33299 2- 33299 5, 32592 - 32599 8	Establishments primarily engaged in manufacturing ammunition, ordnance, or explosives such as dynamite.
Extractive industries	S													S				8000 - 8500		212, 21311 2- 21311 5	The extraction of metallic minerals and nonmetallic minerals, including coal. This includes mine site development, beneficiating (i.e., preparing), and support activities. Activities include ore extraction, quarrying, and beneficiating (e.g., crushing, screening, washing, sizing, concentrating, and flotation), customarily done at the mine site.
Food and Beverage Manufacturing												P	P					3110 - 3120	2613, 2614, 2620, 2621	311- 312	Establishments that transform livestock and agricultural products into products for intermediate or final consumption, or that manufacture beverages or tobacco products.
Fuel oil distribution												P	P							45431	Establishments primarily engaged in retailing heating oil, liquefied petroleum (LP) gas, and other fuels via direct selling.
Jewelry and Silverware manufacturing											P	P	P					3410	2613, 2620, 2621	33991	Establishments primarily engaged in one or more of the following: (1) manufacturing, engraving, chasing, or etching jewelry; (2) manufacturing, engraving, chasing, or etching metal personal goods (i.e., small articles carried on or about the person, such as compact or cigarette cases); (3) manufacturing, engraving, chasing, or etching precious metal solid, precious metal clad, or pewter flatware and other hollowware; (4) stamping coins; (5) manufacturing unassembled jewelry parts and stock shop products, such as sheet, wire, and tubing; (6) cutting, stabbing, tumbling, carving, engraving, polishing, or faceting precious or semiprecious stones and gems; (7) recutting, repolishing, and setting gem stones; and (8) drilling, sawing, and peeling cultured and costume pearls.
Junk yards, salvage yards, and auto and scrap processing													S					3510		42393	An establishment or part thereof, which is maintained, operated, or used for storing, keeping, repairing, buying or selling junk, including any parts of vehicles, equipment, or machines or discarded or similar materials, or for the maintenance or operation of a salvage yard. (Ord. 02-54 § 2, 2002). "Junk" includes, but

Use	NAICS													LBCS Function	LBCS Structure	NAICS	Definition				
	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	M-1 (Light Industrial)	M-2 (Heavy Industrial)					M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe
Laboratories-research and testing						P					P	P	P		P	P	P	2416	2614, 2615, 2620	54138	Establishments primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing (except medical and veterinary), calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing.
Laboratories-medical and diagnostic						P					P	P	P	P				6513	2614		Establishments that provide analytic or diagnostic services, and related services such as medical imaging, and forensics.
Landfill, demolition														S				6320 7000	6320	56221 2	An area used to dispose nonbiodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures.
Landfill, land clearing and inert debris														S				6320	6320	56221 2	A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.
Landfill, sanitary														S				4345	6320	56221 2, 56221 9	Any solid waste disposal area, as defined in KSA 65-3402.
Limited Sales in Industrial Districts/Uses On-site								P	P		P	P	P	P	P	P					Retail sales areas that occupy up to 5,000 sf or 25% of the floor area of a principal industrial use, whichever is less.
Manufacturing, excluding other uses listed in this table											S	S						3100 - 3230 - 3400 - 3520	2613, 2614, 2620, 2621	31-33	Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
Meat packing and poultry processing														P					2613, 2620	3116	Establishments primarily engaged in processing or preserving meat and meat byproducts from purchased meats.
Medical Equipment and Supplies Manufacturing											S	P	P						2614, 2620, 2621	3391	Establishments primarily engaged in manufacturing medical equipment and supplies. Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances.
Milling or canning of agricultural products, feed and flour mills												P	P					9240	2612, 2620	31121 1	Establishments primarily engaged in (1) milling flour or meal from grains (except rice) or vegetables and/or (2) milling flour and preparing flour mixes or doughs.
Motor Vehicle												P	P					3370	2613, 2620,	336	Includes automobiles, trucks, transportation equipment, aircraft,

Use	Use													LBCS Function	LBCS Structure	NAICS	Definition				
	AG (Agriculture)	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)					M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe
Manufacturing																		2621		2621	boat, railroad, and similar items.
Office Supply, inks, etc. manufacturing (except paper)											P	P	P					3430	2613, 2620, 2621		Office supply manufacturing establishments manufacture office supplies with the exception of paper. Examples of products made by these establishments are pens, pencils, felt tip markers, crayons, chalk, pencil sharpeners, staplers, hand operated stamps, modeling clay, and inked ribbons.
Oil and gas well drilling	S											S	S					8100		211, 21311 1	See Section 18.50.065.
Paper Manufacturing												P	P					3220	2613, 2620, 2621	322	Establishments that transform metal into intermediate or end products (other than machinery, computers and electronics) and metal furniture, or treat metals and metal formed products fabricated elsewhere.
Petroleum and coal products manufacturing												S	S					3310	2613, 2620, 2630 - 2636	324	Establishments that transform crude petroleum and coal into usable products.
Printing / Publishing									P	P	P	P	P	P	P	P			2613, 2614, 2620, 2621	32311 1- 32312 0, 511	Establishments primarily engaged in: (1) printing on apparel and textile products, paper, metal, glass, plastics, and other materials, except fabric (grey goods); (2) performing prepress and postpress postpress services in support of printing activities, or (3) publishing newspapers, magazines, other periodicals, and books, as well as directory and mailing list and software publishing.
Process Plant-Chemicals													S					3320 - 3350	2613, 2620, 2622	325	Establishments that transform organic and inorganic raw materials by a chemical process and the formulation of products.
Process Plant-Metals													S					3340	2613, 2620, 2622	331	Establishments that smelt and/or refine ferrous and nonferrous metals from ore, pig or scrap, using electrometallurgical and other process metallurgical techniques.
Production/Assembly Plant-Fabricated Metal or Machinery												P	S	P				3350	2613, 2620, 2621	332, 333	Establishments that: (1) transform metal into intermediate or end Products (other than machinery, computers and electronics), and metal furniture, or treat metals and metal formed products fabricated elsewhere, or (2) create end products that apply mechanical force, for example, the application of gears and levers, to perform work
Production/Assembly Plant-Electronics										P	P	S	P					3360	2613, 2614, 2621	334, 335	Establishments that (1) manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products, or (2) manufacture products that generate, distribute and use electrical power.
Stone cutting/mason	S											S	S	P				8500		2123	Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments primarily engaged in buying or selling partly finished monuments and tombstones.
Recycling Centers, Drop-Off	S							P	P			P	P					4346		56292 0	Establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.
Rendering and Meat												P	P					3110	2613, 2620	31161 3	Establishments primarily engaged in rendering animal fat, bones, and

Use	LBCS Function													LBCS Structure		NAICS	Definition				
	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core			D (Downtown)-Mixed Use	D (Downtown)-Santa Fe		
Byproduct Processing																					
Research and development						P	S	S	P	P	P	P	P	P	P	P	P	2416 3000 6320	2614	5417, 927	An establishment primarily engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components. Includes government research such as space research and technology.
Sign makers												P	P	P				3440	2613, 2620, 2621	33995	Establishments primarily engaged in manufacturing signs and related displays of all materials (except printing paper and paperboard signs, notices, displays).
Textile, Clothing, and Leather Manufacturing												P	P	P				3130	2613, 2620, 2621	313- 316	Establishments that (1) transform a basic fiber (natural or synthetic) into a product, such as yarn or fabric that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption, (2) make textile products (except apparel), or (3) cut and sew (i.e., purchasing fabric and cutting and sewing to make a garment), or manufacture garments in establishments that first knit fabric and then cut and sew the fabric into a garment.
Welding, tinsmithing and machine shop													P	P					2613	33271 0	Establishments primarily engaged in machining metal and plastic parts and parts of other composite materials on a job or order basis.
Wood or wood products manufacturing	S											P	P	P				3210	2612, 2613, 2620, 2621	321	Establishments that manufacture wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings.
Warehousing & Storage																					
Mini-Warehouse									P	P		P	P	P				2700	2710 2720	53113	Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
Petroleum Bulk Stations and Terminals	S												P	P				3600	2780 2782	42471 0	Establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas. These may include above-ground storage.
Refrigerated warehouse or cold storage												P	P	P				3600	2750	49312	Establishments primarily engaged in operating refrigerated warehousing and storage facilities, including the storage of furs.
Outdoor Display and Storage								A	A	A				P	A	A	A	3600		49319 0	Any off-street area designated and used for storing retail items sold on the premises. (Ord. 02-54 § 2, 2002)
Storage area or lot												P	P	P				7000		23	Any off-street area designated and used for placing, keeping, holding and storing of inoperable vehicles, vehicles awaiting repair, and vehicle parts; building materials, supplies and equipment; trailers; heavy construction equipment and other motorized vehicles and equipment, but not for junkyard or salvage yard purposes. (Ord. 02-54 § 2, 2002)
Warehousing, storage, wholesale, and distribution facilities	A										IS	P	P	P				3500 2740 3600	2730 2760	42, 493	A facility for (1) storing goods, merchandise, or bulk goods and non-retail store items for wholesale distribution, or (2) for keeping business, personal property and office records in an enclosed and roofed building. Warehousing and distribution are permitted in the BP District areas as follows:

• [When located within the Industrial Revenue](#)

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	M-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBGS Function	LBGS Structure	NAICS	Definition
																					<p>Bond (IRB) Target Areas according to City Council Policy F-5, OR</p> <ul style="list-style-type: none"> When located outside the IRB area and containing an existing building intended for a warehouse use, prior to the effective date of this ordinance (August 2017). OR When located outside of the IRB area with a Special Use Permit.
Arts, Recreation & Entertainment																					
Adult business establishments														P							See definition in Chapter 5.50. (Ord. 02-54 § 2, 2002, Ord. 08-20 § 6, 2008)
Amphitheater, outdoor stage, bandstand, or similar structure	S							S		S		S	S		S	S	S		3130, 69760		
Amusement parks	S									P		S	S		S	S	S	5310	4440	713110	Establishments primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.
Amusement, indoor							S	S	S	S		S	S		P	P	P	5320		713120	Includes game arcades.
Aquarium or Planetarium									S	P		S	S		P	P	P		4420 4430	712110	Establishments primarily engaged in preservation and exhibition of objects of historical, cultural, and/or educational value.
Art gallery							P	P	P	P		S	S		P	P	P	2142	4410	453920	An establishment primarily engaged in retailing original and limited edition art works. Included in this category are establishments primarily engaged in displaying works of art for retail sale.
Artist Studio	A	A	A	A	P		S	P	P	P		S	S		P	P	P	5160	4410	711510	A facility used for independent individuals primarily engaged in performing in artistic productions, in creating artistic and cultural works or productions, or in providing technical expertise necessary for these productions. Examples include: actors/actresses, producers, art restorers, recording technicians, artists (except musical, commercial or medical), cartoonists, theatrical costume designers, dancers, theatrical lighting technicians, journalists, and technical writers.
Club or Lodge, Membership	P	P	P				S	S	S	P		S	S		P	P	P	6830	3800	8134, 81399	A Class A or Class B Club. Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B club means premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. (Ord. 02-54 § 2, 2002)
Community center	S	S	S	S	S		P	P	S	P		S	S		P	P	P		3700 3800		A facility used for social, educational and recreational activities and programs. Generally open to the public and designed to accommodate and serve the

Use	AG (Agriculture)	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	M-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Conference and Retreat center	S					P		P	P	P	P	S	S		P	P	P		3400		community. A facility used for assemblies or meetings of the members or representatives of a group, such as convention centers and banquet halls. This does not include clubs, lodges or other meeting facilities of private or non-profit groups that are primarily used by group members.
Entertainment establishment	----- See listing under Commercial / Mixed Use -----																				
Fairgrounds	S										S	S	S		S	S	S	5310		713990	An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment providing recreational and amusement services.
Indoor athletic facility	S						S	P	P	P		S	S		S	S	S	5370		71394	An indoor space that is used for fitness, tennis, racquetball, soccer, gyms, health spas, reducing salons, swimming pools/auditorium, racquet clubs or other athletic or fitness activities.
Indoor athletic facility located in an existing building	-	-	-	-	-	-	S	S	S	P	-	P	P	-	P	P	P	5370	-	71394	-
Museum / art gallery / cultural facility	S	S	S	S	S	S	P	P	P	P	S	S	S		P	P	P	5210 5220	4400	712	Establishments primarily engaged in preservation and exhibition of objects of historical, cultural and/or educational value.
Parks and open space	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	5500		712190	A park, playground, recreation facility and open space. This classification includes community centers, playing fields, courts, gymnasiums, swimming pools, wave pools, picnic facilities, golf courses and country clubs, zoos and botanical gardens, and related food concessions.
Recreation, indoor	S					S	S	P	P	P		S	S					5300 5380	3200	71395 71399	Uses not specifically listed.
Recreation, outdoor	S						S	S	S	S		S	S		S	S	S	5120 5130 5310 5340 - 5350	3110 3140 3300	7112 7131 71121 2, 71391- 71392, 71399, 72121 1	Large, generally outdoor facilities primarily used for recreational or sports activities. Examples include: sports stadiums and arenas, amusement and theme parks, racetracks, driving ranges, swimming or wave pools, drive-in theaters, archery or shooting ranges, riding stables or academies, campgrounds, recreational vehicle parks, miniature golf, golf courses and country clubs, batting cages, driving ranges, go cart tracks, skiing, public or commercial swimming pools, or tennis courts.
Recreational vehicle parks/campgrounds	S											S	S					5400		7032	An area of land available for the overnight or temporary parking of recreation vehicles which is in compliance with the zoning and other ordinances of the City. (Ord. 02-54 § 2, 2002)
Skating Rink - Ice Or Roller Skating										P		S	S		P	P	P	5390		713940	An establishment that provides facilities for participant skating.
Sports stadiums and arenas	S									S		S	S		S	S	S	5120	3300	711211	A large facility primarily used for professional, semi-professional sports teams or clubs engaged in participating in live sporting events, such as but not limited to baseball, basketball, football, hockey, soccer, etc.
Theater, drive-in										P		S	S						3140	512132	An open lot devoted to primarily to showing motion pictures to patrons seated in vehicles.
Theater, Movie							P	P	P	P		S	S		P	P	P	5110	3120	512131	Establishments primarily engaged in operating motion picture theaters (except drive-ins) and/or exhibiting motion pictures. Said establishment can be comprised of one single theater or a complex structure with

Use	AG (Agriculture)	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	IM-2 (Heavy Industrial)	IM-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBGS Function	LBGS Structure	NAICS	Definition
Theaters, performing arts							P	P	P	P		S	S		P	P	P	5110 6	3110	7111	multiple movie theaters. Establishments primarily engaged in producing live theatrical presentations such as musicals, operas, plays, comedy, dance presentations, and musical entertainment.
Youth retreat	S		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5400	-	72121 4 71399 0	-
Education, Public Administration, Health Care, & Institutional																					
Cemetery	S	S							P										4700	81222 0	Land used as a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services. Crematories are classified separately.
Civic Assemblies, including churches/religious assemblies	P	P	P	P	P	S	P	P	P	P		IS	IS	IS				6600	3500	813	Includes religious assemblies such as churches or synagogues, clubs, lodges, meeting halls, recreation buildings, and community centers.
Community food and personal support services, non-residential	S	S	S	S	S		S	S	S	P					S	S	S	6563		62421 0	Establishments primarily engaged in collection, preparation, and delivery of food for the needy. These establishments may also distribute clothing and blankets. Food banks, meal delivery programs, and soup kitchens are included in this category.
Community Services, Counseling and Intervention							S	S	P	P		S	S		P	P	P	6512		62419 0	Includes family planning and outpatient care centers.
Correctional Facility												S	S		S	S	S	6222	4600	92214 0	A facility where persons are detained pending adjudication or confined under sentences of two years or less provided that the facility is operated by a JohnsonHamilton County law enforcement agency or under contract with the Board of County Commissioners of JohnsonHamilton County. Includes community correctional facilities, correctional facilities or juvenile detention facilities.
Correctional office, parole / probation												S	S		S	S	S			92215 0	A government facility engaged primarily in providing parole, probation, and pardon services.
Cultural facilities	S	S	S	S	S		S	S	P	P		S	S		P	P	P	5210 4300, 4400, 5230	4300, 4400, 4450	71211 71213	A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, zoos, libraries, zoos, aquariums and observatories.
Funeral home or mortuary	S	IS						P		P		S	S		P	P	P	6710	4800	81221	An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, mortuaries or columbaria. A "cemetery" means a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services. Crematories are classified separately.
Government facilities, other than offices	S					S	S	S	S	P	P	S			P	P	P	6221 6310	7000 7500, 6600	92211 .928	Includes courts, major mail processing centers, military installations, vehicle emissions testing facilities, and other similar facilities.
Hospital						P	P	P	P	P	P				P	P	P	6530	4110	622	A state-licensed facility providing medical, surgical, psychiatric or

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	IM-2 (Heavy Industrial)	IM-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including drug and alcohol abuse programs as well as training, research and administrative services for patients and employees.
Library	P	S	S	S	S	P	P	P	P	P	P				P	P	P	4242	4300	519120	A facility engaged in maintaining collections of documents (e.g. books, journals, newspapers, and music) and facilitating the use of such documents as required to meet the informational, research, educational, or recreational needs of their user.
Medical Office or Clinic						P	P	P	P	P	P				P	P	P	6510 - 6511 - 6512 - 6514	4120	621	A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: offices for physicians, dentists, chiropractors, or other health care professionals-professionals; outpatient care facilities; urgent care facilities; blood and organ banks; and allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative." Patients are not provided with room and board and are not kept overnight on the premises. Medical Services and medical clinics include medical and dental laboratories incidental to the medical office use.
Post office and postal substations	P	P	P	P	P	P	P	P	P	P	P	S			P	P	P	4170		49110	These establishments provide and operate mail services under a universal service obligation. Mail services include the carriage of letters, printed matter, or mailable packages, including acceptance, collection processing and delivery.
Postal service receptacle pods designated on a plat or approved site plan	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P				
Public Safety services	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	6400 - 6430	4500 - 4530	92212 - 92216	A facility for public safety and emergency services, including police and fire protection and police and fire training facilities.
Schools, specialty						P	P	P	P	P					P	P	P	6124 - 6126 - 6140 - 6147	4230	6114- 6116	Includes training in alternative, adult-beauty, beauty, business management, technical, trade, computer, flight, sports and recreation, exam preparation, language, photography, and other specialty instruction or training.
Schools, colleges and universities						P	P	P	P	P					P	P	P	6130	4220	6112- 6113	An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services.
Schools, elementary or secondary	P	P	P	P	P		P			P		P	P		P	P	P	6111 - 6124	4200, 4210	6111	A facility for educational purposes that offers a general course of study at the elementary or middle school levels.
Schools, high schools	P	P	P	P	P		P			P		P	P		P	P	P	6111 - 6124	4200, 4210	6111	A facility for educational purposes that offers a general course of study at the high school level, and vocational and trade programs that are incidental to the operation of those schools.
Schools, nursery and	P	P	P	P	P	-	P	-	-	P	-	P	P	-	P	P	P	6110	4210	-	-

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
preschool Social Services								P	P	P								6560 - 6568		624	Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons). These services do not include residential or accommodation services, temporary shelters or community housing (classified separately under Transitional Housing, above).
Transportation, Communication, Information, and Utilities																					
Airport landing strip (field or strip only)	S											S	S	IS				4110 - 4114	5610	481	Landing area solely for takeoff and landing of aircrafts.
Airport	S											S	S	IS				4110 - 4114	3920 5600 - 5650	481, 4881	An area of land or water that is used or designed for the landing and takeoff of aircraft, of any type, and includes its buildings and facilities, for the shelter, servicing or repair of aircraft. (Ord. 02-54 § 2, 2002)
Bus/Truck maintenance, including repair and storage											P	P	P						5400		A facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes governmentally owned construction yards, equipment service centers and similar facilities.
Cable networks and distribution							P	P	P	P	P	P	P	P	P	P		4232			
Environmental monitoring stations	S	S	S	S	S	P	P	P	P	P	P	S	S		S	S	S		6600		
Freight terminals & truck terminals												P	P	P				4122 4140 - 4144	5700 - 5720	48211 - 4841- 4842	
Gas or electric generation distribution facilities, compressor stations, or substations	S											S	S	IS				4180	6410 - 6422, 6440 - 6460	2211- 2212, 486	Establishments primarily engaged in operating gas or hydroelectric power generation facilities. These facilities primarily transmit and distribute to transmission and distribution systems.
Hazardous waste storage or treatment facility	S	S										S	S	IS				4341 - 4342	6340	56211 2, 56221 1	Facilities that collect and/or haul hazardous waste within a local area and/or operating hazardous waste transfer stations. These facilities are responsible for the identification, treatment, packaging and labeling of waste for purpose of transport.
Heliport	S									A	A	A		A	A	A			5640		Facilities intended solely for takeoff and landing of helicopters.
Incinerator, Commercial													P					4344	6330	56221 3	Facilities operating combustors and incinerators for the disposal of nonhazardous solid waste. These establishments may produce

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	IM-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition	
Media Production										P	P	P	P		P	P	P	4220 - 4223		51211 51212 51219 5122	Establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, music, and sound recordings. This includes specialized motion picture or video postproduction services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios	
Parking lots, previous surface, as principal use	S				S	-	-	S	S	P	-	P	P	-	P	P	P	-	5210 5220	81293	-	
Parking lots, surface, accessory to principal use	A		A	A	A	A	A	A	A	A	A	A	A	-	A	A	A	-	5210 5220	81293	A parking lot where the spaces are not in a covered building and where the surface is composed of porous pavement or similar surface that complies with Chapter 18-30.	
Parking lots, surface, as principal use	S				S			S	S	P		P	P		P	P	P		5210 5220	81293	A parking lot offering parking to the public and is the principal use of the premises, and where parking is provided on an open, unroofed area.	
Parking lots, underground or structure, accessory to principal use	A	-	-	A	A	A	A	A	A	A	A	A	A	-	A	A	A	-	5230 - 5250	81293	A parking lot that provides spaces to serve the principal uses of the property.	
Parking lots, underground or structure, as principal use					P		S	S	P	P	P	P		P	P	P			5230 5250	81293	A parking lot where all spaces are provided in a covered building.	
Power generation plants	S											P	P						6430 - 6434		Plant facilities and equipment for the purpose of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.	
Public transportation facility	S				P	P	P	P	P	P	P	P	P		P	P	P		4121 4130 4135	3900 3940 5300	485, 48211	Includes ground passenger transportation services such as bus, taxi, limousine, train or light rail depots, school bus, employee bus, charter bus, or similar service. This includes stations or dispatch facilities and any taxicab establishment subject to Chapter 5.24 of the Municipal Code.
Public utility storage and service yards	S	S										P	P									
Radio and television broadcasting or recording studio						P				P	P	P	P		P	P	P		4231	6510	5151- 5152	Broadcasting and other communication services accomplished through electronic mechanisms. This classification includes radio, television or recording studios, switching centers and cable transmitting stations.
Railroad facilities	S											P	P	P					4123	5700 - 5720	4882	Railroad land used for through tracks, or areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.
Solar Electric Power Generation Energy	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S		6460	22111 4		Facilities that convert energy from the sun into electric energy for distribution to electric power transmission systems or to electric power distribution systems. Including photovoltaic cell, solar collector, solar energy conversion system, or solar greenhouse as defined in Chapter 18.50.200.
Solar Energy and Solar Systems	See Chapter 18.50																	-	-	-	A photovoltaic cell, solar collector, solar energy conversion system, or solar greenhouse as defined in	

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	M-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Waste collection	S	S	S	S	S					S		S	S		S	S	S	4343 4346		56211 1, 56211 9, 56292 0	Chapter 18.50. A facility where waste material, other than hazardous or infectious waste, is received and temporarily stored in closed containers without processing or disposition, including but not limited to: recycling drop-off point, yard waste depot, charitable drive box and other similar uses limited in volume and means of storage and posing no nuisance by reason of odor, noise, runoff, underground seepage or unsightly conditions. This includes solid waste collection centers, solid waste transfer stations, recycling centers, yard waste collection drop-offs, and similar facilities.
Solid Waste Landfill													S					4345	6320	56221 2, 56294	A facility operating landfills for disposal of nonhazardous solid waste or the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
Stormwater management / flood control facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		6220 6240	23799 0	Any stormwater management technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such as but not limited to: storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.
Telecommunication – architecturally integrated	See § 18.50.210 -----																	4233	6500	5172, 5174	See Chapter 18.50.
Telecommunication equipment attached to a building	See § 18.50.210 -----																	4233	6500	5172, 5174	See Chapter 18.50.
Telecommunication towers(wireless)	See § 18.50.210 -----																	4233	6500	5173, 5174	Depending upon the type of telecom facility, uses are permitted by right or special use. To further understand requirements, see Chapter 18.50.
Telephone and other wired telecommunications	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4234		5173 1	Establishments engaged in operating wired telecommunication network facilities. Providing a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband internet services.
Utility facilities, accessory to permitted use	A	A	A	A	A	A	A	A	A	A	A	A	A	-	A	A	A	4310 - 4340 - 4343 - 4343	6100 - 6162 - 6310 - 6314, 6350 - 6356	221, 56299 4	A facility for the distribution of gas, electricity, water, steam, hot water, chilled water and landline communications to a principal building or structure on the same lot or parcel.
Utility facilities, principal use	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	4310 - 4340 - 4343 - 4347	6100 - 6162, 6310 - 6314, 6350 - 6356	221	A facility where the distribution of gas, electricity, water, steam, hot water, chilled water, and landline communications serves as the principal use.
Water supply facilities	S	S	S	S	S					S		S	S		S	S	S		6200 - 6290		Includes including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities.
Wind Energy Conversion Systems (WECS)	S	S	S	S	S	S	S	S	S	S	S	S	S	S						22111 5	A Wind Energy Conversion System (WECS) as defined in Chapter 18.50.
Agriculture Agriculture and Agricultural Support	P																	9100 - 9155	8100 8210 8230	111- 11133 9,	The use of land where that is devoted to the production of plants, animals or horticultural products,

Use	AG Agriculture	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	M-1 (Light Industrial)	M-2 (Heavy Industrial)	M-3 (Intense Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Functions (including raising of crops and pasturing livestock)																		9230 - 8300, 8600, 9330 8800 9350 8900 9373 9500 9520 9380	112- 11221 0, 113- 114 115		including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apilary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use does not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though the properties may produce or maintain some of those plants or animals listed in the foregoing definition. (Ord. 02-54 § 2, 2002)
Agricultural support functions	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9380	-	115	-
Concentrated Animal Feeding Operations (CAFO's)	S																		8300 - 8450	112	
Forestry, Commercial	P	P																9400 - 9430			The growing or harvesting of forest tree species used for commercial or related purposes.
Non-commercial agriculture / community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9400		113	A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off site sale of items grown on the site.
Greenhouse or Nursery	P											P	P					9140	8500	1114	An enclosed structure with or without climate control facilities for growing plants and vegetation under controlled environments.
Greenhouse, Accessory to Florist Shop							S	S	P	P									8500		An enclosed structure with or without climate control facilities for growing plants to serve the principal retail use of the property.
Hatcheries and poultry houses	P																	9340	8220	1123	Establishments primarily engaged in raising and hatching poultry of any kind (e.g. chickens, turkey, ducks, and geese). These animals are raised for their meat and eggs.
Livestock sales, and markets	P	P																9200			An establishment primarily wherein livestock is collected for sale or auctioning.
Riding academies and/or stables (commercial)	S																	5300	8240	71399 0	A structure or premises for the keeping of horses, ponies or mules. (Ord. 02-54 § 2, 2002)
Stable, Accessory to Dwelling	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5300	8240	71124 9 71399 0	-
Support-functions for agriculture	P											P	P					9200 - 9230			includes farm and farm labor management services: spraying, dusting, and other related services; and crop harvesting and post-harvest crop activities (including drying, silage, etc.)
Miscellaneous Accessory Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Signs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SECTION EIGHT: Section 18.30.050 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.050 Access Management & Driveways

A. Driveway Entrances

1. Driveway entrances within the public right-of-way shall be constructed of concrete.
2. On local streets, each multifamily, commercial or industrial property is allowed at least one (1) driveway approach, but may have more if the total width of all driveway approaches on the property does not exceed twenty (20) percent of the length of the real property that fronts the abutting City street.
3. On service streets, collector streets, minor arterial streets, major arterial streets, and highways, driveway approaches and adjoining public streets are subject to the Access Management Plan.

B. Driveway Approach Width

1. Generally

The width of driveway approaches shall comply with the following:

Type of Use	Minimum Width (feet)	Maximum Width (feet)
Residential		
Single Family (one-car garage)	--	12
Single Family (two-car garage)	--	22
Single Family (three-car garage)	--	32
Two Family (two, one-car garages)	=	24
Two Family (two, two-car garages)	--	44
Multifamily	--	20% of frontage <i>(see subsection A.2, above)</i>
Commercial		
Generally	28	35
With 4 foot raised median between entrance and exit lanes, up to 20% of length of real property abutting City street	28	52

One-way inbound lanes	16	Combined lane width may not exceed total maximum width, above
Outbound lanes	20	
Industrial		
Generally	28	65
One-way driveway	20	--

2. Measuring Driveway Approach

Driveway approaches are measured from back of curb and parallel to the center line of the street at the property lines for two-way driveway approaches.

3. Private Access Drives

[If a private access drive intersects arterial, industrial, or collector roadways, then the developer or building must provide an outbound left turn, through and right turn lane must be provided unless the City Engineer waives the requirement.](#)

C. Corner of Adjacent Property Line Offset

1. Commercial or Industrial Driveway Approaches

All drive approaches near a street intersection will meet Access Management Plan requirements.

2. Minimum Tangent Length

Commercial or industrial driveway approaches shall have a tangent length of at least 12½ feet. The tangent length is measured between the curb return and the property line extended.

3. Driveway Alignment

Driveways should either be aligned with existing or proposed driveways on the opposite side of the street or offset by a minimum distance of 150 feet. If a driveway will align with an existing or planned driveway on the opposite side of the street, it should be designed so that its geometrics are compatible with those of the opposing driveway.

D. Turning Radii

Zoning district:	Minimum turning radii:
Industrial (<i>M-1, M-2, M-3</i>)	25 feet
Commercial (<i>N, O, C-1 to C-4, D, TOD, PR, PD</i>), BP	15 feet

E. Common Driveways

Driveways may be shared by adjacent property owners if a common driveway (ingress/egress) easement is filed and on record at the Johnson County Register of Deeds office.

F. Construction on Public Right-of-way Under State Jurisdiction or Control

All construction within right-of-way under the control or jurisdiction of the state of Kansas shall be reviewed and approved by the appropriate state agency prior to submittal of the plans to the City of Olathe. Plans submitted to the City of Olathe for review shall reflect all changes or corrections as required by that state agency and also outlined on the approved state permit.

SECTION NINE: Section 18.30.110 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.30.110 Height

A. Measurement

1. The "height" of a building or structure is the vertical distance from:

a. the average ground level abutting a building or structure to ~~the highest point of a building or highest point of any permanent part of a structure other than a building, either the:~~

i. Highest point of a building or highest point of any permanent part of a structure other than a building,

ii. Highest point of the coping of a flat roof,

iii. Highest point of a mansard roof; or

iv. Average height level between the eaves and ridge line of a gable, hip, or gambrel roof.

2. Height, where not regulated in feet, is regulated by stories. A story is equal to twelve (12) feet measured vertically for purposes of measuring structures.

B. Height Exceptions

The following projections are exempt from zoning district height limits to the extent established below:

Accessory Towers

Chimneys (residential only), belfries, spires, church steeples, monuments and other ornamental towers and features are exempt from the district's height restrictions. However, water towers, smoke stacks and other accessory towers shall comply with the district's height restrictions.

Communication Towers

Radio, television or microwave towers, not including freestanding towers, exceeding sixty (60) feet in height which are located on or within a structure and entirely screened from view.

Parapet Walls and False Mansards

Parapet walls and false mansards shall not extend more than six (6) feet above the roof or the applicable height restrictions within that district, whichever is more restrictive.

Public or Semi-Public Buildings

In any district, public or semi-public buildings that are not permitted by right, such as hospitals, churches and schools, either public or private, may be erected to a height of up to seventy-five (75) feet. These structures shall be setback from all property lines a distance equal of at least their height.

Airports and Landing Areas

NOTE: Regulations regarding airports are in a separate process with Johnson County, Olathe, Overland Park and Gardner. Upon agreements with those jurisdictions, separate public hearings regarding airport regulation are required.”

SECTION TEN: Section 18.30.130 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.130 Landscaping, Buffers & Screening

This chapter protects and preserves the appearance, character, health, safety and welfare of the City. Specifically, these regulations:

- preserve and protect existing vegetation and trees;
- maintain and improve environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge and decreased stormwater runoff;
- abate noise, glare and heat;
- encourage the use of xeriscaping and environmentally sustainable design/principles; and
- improve the aesthetic quality and appearance of developed properties by establishing minimum landscaping, buffering and side design standards.

A. Applicability

1. This section applies to any final site development plan or building permit.
2. This section does not apply to:
 - a. Agricultural Uses in the “A” (Agriculture) district.
 - b. Any development in the “D” Downtown district.

B. General Requirements

1. All land area subject to a final site development plan and issued a building permit, which are not paved or covered by buildings shall be brought to finished grade and planted with turf, native grasses, or other appropriate ground covers.

2. The American Standard for Nursery Stock (see Technical References in Chapter 18.90) applies to any technical landscaping term not already defined in this Title.
3. The Planning Official shall maintain/update the following preferred lists in order to meet City landscaping standards: trees and shrubs; street trees; and prohibited trees and shrubs.
4. Development constraints and conditions vary greatly among sites. The Planning Official may therefore approve landscape plans that deviate from strict compliance with this Section, including the applicability of any subsection to a particular development, if the purpose and intent of this Section (including any subsection) are met. Any proposed deviation shall be clearly identified on the proposed landscape plan, which shall be accompanied by a written description of the proposed deviation(s) and an explanation of how the purpose and intent of this Section (including any subsection) are met by the proposed revised landscape plan.
5. If landscaping is not installed, maintained and replaced as needed to comply with the approved plan and/or building permit plans, the owner and its agent or agents is considered in violation of the terms of the certificate of occupancy.

C. Landscape Plan

All plans submitted in support of a final site development plan or building permit shall include a landscape plan sealed by a landscape architect licensed to practice in the state of Kansas. The Planning Official may waive this requirement for smaller projects such as expansions, renovations, and sign installations. The landscape plan shall include the information required by Chapter 18.94.

D. Species and Installation

1. Generally

All landscape materials shall be installed in accordance with the current planting procedures established by the most recent addition of the American Standard for Nursery Stock.

2. Design Principles

- a. Landscape design and species shall be used to create visual continuity throughout the development.
- b. Landscape coordination shall occur among all phases of the development area.
- c. Trees, shrubs and other landscaping materials depicted on the approved final site development plans are considered site improvements in the same manner as parking, building materials and other details.
- d. A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance.
- e. At least one-third of the plantings shall be evergreen species.
- f. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

g. Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of a site.

h. Required landscape plantings shall be coordinated with the location of utilities, driveways and traffic site distance triangle areas.

i. Trees shall not be placed within public utility easements, but within adjacent areas that do not conflict with such public easements and meet site landscaping requirements.

j. Planting design shall coordinate the locations of trees to allow access to utilities with minimal disruption to the trees and their supporting root systems, while avoiding increased service costs to the utilities.

3. The Planning Official may approve exceptions to the location and spacing of trees to accommodate the location of public utilities.

4. Any area of a site not intended for a specific use, including a commercial pad site intended for future development, shall be seeded unless retained in its natural state. In all cases the site shall be maintained.

5. Vegetative stabilization and management techniques shall be used at a site after construction is completed. The applicant shall protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites.

6. **Approved Species List**

The Planning Official shall publish a comprehensive list of approved planting materials (the "approved species list"), and nuisance species or prohibited plants that are prohibited in required landscape areas. The applicant shall select planting materials correspond with the approved species list. The Planning Official may approve a landscape plan with species not shown on the approved species list if:

- a. the species are comparable in appearance and durability to the approved species, and
- b. are normally grown in northeastern Kansas, or are adaptable to the climate and growing conditions of Northeastern Kansas and are not invasive.

7. **Minimum Plant Specifications**

Minimum planting specifications are:

Category	Specifications
Deciduous shade trees	2½ to 3 inch caliper measured 6 inches above ground
Evergreen trees	6 to 8 feet in height
Small deciduous or ornamental trees	1 to 1½ inch caliper measured 6 inches above ground. For multi-trunk clusters (3 or more trunks) the smallest trunk shall be ¾ inch

Deciduous and Evergreen Shrubs	24 inch high plant size. Spacing from 3 to 5 feet apart depending upon species. Native plants should use the largest size available in the area. The seed stock for native plants shall be grown within a 200 mile radius of the job site.
Ground cover plants	Ground cover shall be planted in a number as appropriate by species to provide 50 percent surface coverage.

8. Turf

- a. Turf shall be used where necessary to provide coverage and soil stabilization.
- b. Seeding may be approved in lieu of turf at the time of final site development plan approval by the Planning Commission, or, in the case of plats, by the Planning Official.

9. Native Vegetation, Drought Resistance / Xeriscape and Irrigation

- a. Native vegetation and drought resistant plant material shall be used wherever possible.
- b. If native vegetation or drought resistant plant materials are not used, then an irrigation system shall be installed to provide water during a three (3) year establishment period.
- c. Native vegetation and xeriscape plants may exceed the height limit for vegetation provided in Chapter 6.09.050 Olathe Municipal Code.
- d. Xeriscape landscape practices are allowed as a way to minimize the need for supplemental watering. The following techniques are shall be used where possible:
 - (1) Using plant materials with lower moisture requirements;
 - (2) Selecting plants on the basis of specific slope, aspect, soil and micro climate conditions;
 - (3) Using native and adapted plant species;
 - (4) Minimizing the amount of irrigated turf area;
 - (5) Planting and designing slopes to minimize runoff, using terracing in lieu of a consistent slope, where possible;
 - (6) Separating irrigation zones according to plants water requirements to reduce evaporation;
 - (7) Emphasizing soil improvement by conserving topsoil, deeply loosening soil and incorporating organic matter and amendments based on soil tests;
 - (8) Using mulch in planting areas to reduce weed growth, promote soil cooling and reduce evaporation.

10. Substitute Planting Materials

- a. After the landscape plan is approved and before planting occurs, the Planning Official may approve comparable substitute planting materials if:

(1) the approved plants and landscape materials are not available at the time that installation is to occur, or

(2) other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan.

b. If the substitute planting materials are on the approved species list, no new landscape plan is required.

c. A new landscape plan is required if the substitute planting materials are not on the approved species list. The applicant is not required to resubmit any other applications related to the landscaping plan (such as a site development plan or rezoning). The Planning Official may approve, approve with conditions, or deny the landscape plan. The applicant may appeal this decision to the City Manager.

E. Maintenance

1. The developer, its successor and/or subsequent owners and their agents, shall maintain landscaping on the property on a continuing basis for the life of the development.

2. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after installation.

3. All landscaping is subject to periodic inspection by the Planning Official or Designee.

4. The property owner shall maintain landscape areas in good condition and in a way that presents a healthy, neat and orderly appearance. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices.

5. The City may cause removal of any dead or diseased trees, plants and shrubs on private property within the City, when those trees, plants and shrubs constitute a hazard to life and/or property or harbor insects or disease which constitutes a potential threat to other trees, plants or shrubs within the City. If the Planning Official determines that removal of any diseased tree, plants or shrubs are necessary; the Planning Official shall provide the property owner written notice of the required maintenance or removal.

F. Timing of Landscaping

1. During the Development Process

Minimum timing requirements for landscaping (excluding street trees and master fence and screening improvements) are as follows:

a. For nonresidential or mixed-use development, all required landscaping materials, both living and non-living, shall be in place prior to the time of issuance of a final certificate of occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to the estimated cost of the landscaping, with the estimated cost certified by a landscaping provider. A contract letter or bill of sale from a landscape company or garden center for the required landscape materials may be accepted in lieu of a cash escrow or

irrevocable letter of credit. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one (1) year after the issuance of the temporary certificate of occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

b. For residential development, all required landscaping materials both living and non-living shall be in place prior to the issuance of a final certificate of occupancy for any permit in the same phase. If the required landscaping cannot be installed because of adverse weather or it is during a non-planting season, the developer may be issued temporary certificates of occupancy that are scheduled to expire one (1) month after the beginning of the next planting season. The planting seasons are either the fall (September 15 through December 1) or spring (March 15 through June 15). All required landscaping on developed lots shall be installed prior to the issuance of any building permits for subsequent phases of the development.

2. Seasonal

a. Trees planted in fulfillment of this section shall only be planted during the spring (March 15 through June 15) or fall (September 15 through December 1). Planting at other times during the year may occur if the Planning Official determines, in writing, that the planting is appropriate due to unusual weather conditions or similar factors.

b. The Planning Official may temporarily suspend the installation of landscaping required by this Section in individual cases during periods of adverse weather conditions or when plants and landscape materials are not available. A temporary certificate of occupancy would be issued, if temporarily suspended.

G. Street Trees

1. Applicability

a. Street trees are required in all residential and nonresidential districts along all local and collector streets.

b. Street trees are required along street right-of-way of public or private street frontage, excluding arterial and minor arterial streets where perimeter landscaping is required by this Section.

2. General Requirements

a. Street trees shall be spaced as uniformly as possible, with an average spacing of forty (40) linear feet between trees in all districts, resulting in at least one (1) tree per lot in residential districts.

b. A minimum of two (2) street trees are required on corner lots.

c. Street trees count toward the required number of trees within the interior of the lot only in residential districts for single-family and two-family dwellings.

d. Exceptions to the location and spacing of trees may be allowed to accommodate for the location of utilities, streetlights, driveways, storm drain structures, sidewalks and traffic sight distance triangle areas.

e. At least six (6) feet of space is required between the right-of-way or sidewalk and the back of curb for the planting of street trees.

f. The applicant shall coordinate adequate clearance between street trees and other infrastructure to allow for the location of street trees within the right-of-way, wherever practical, and shall promote the longevity of the street trees to avoid premature loss of the trees. The street tree plan shall coordinate the locations of street trees to allow access to utilities with minimal disruption to the street trees and their supporting root systems while avoiding increased service costs to the utilities.

g. See Section 18.30.220.E Sight Distance.

h. No tree, shrub, or woody vegetation shall be planted within a distance of 10 feet from any fire hydrant or fire department connection (FDC) to the sprinkler system.

i. No trees shall be planted within 15 feet of a street light.

3. Procedures

a. Timing

Street tree species and typical spacing requirements shall be provided with all preliminary plats and site development plans. Trees shall be planted prior to occupancy of the building.

4. Required Species

a. The Planning Official shall determine the botanical and common names of the street trees to be planted based on the requirements of this Section.

b. Trees to be used to meet City street tree standards are as follows:

Botanical Name	Common Name
Acer platanoides var.	Norway Maple
rubrum var.	Red Maple
saccharum var.	Sugar Maple
Carya illinoienses	Pecan
Celtis occidentalis	Hackberry
Cladrastis lutea	American Yellowwood
Ginkgo biloba	Ginkgo (male, seedless)
Gleditsia triacanthos inermis var.	Honeylocust (thornless, podless)

Botanical Name	Common Name
Gymnocladus dioicus	Kentucky Coffeetree
Liquidambar styraciflua	Sweetgum Blackgum
Liriodendron tulipifera	Tuliptree
Platanus x acerfolia	London Planetree
Quercus acutissima	Sawtooth Oak
bicolor	Swamp White Oak
borealis	Northern Red Oak
imbricaria	Shingle Oak
macrocarpa	Bur Oak
muhlenbergi	Chinquapin Oak
robur	English Oak
Tilia americana	American Linden
cordata var.	Little Leaf Linden
tomentosa	Silver Linden
Sophora japonica	Japanese Pagodatree
Ulmus carpinus var. buisman	Buisman Elm
parvifolia	Lacebark Elm
Zelkova serrata	Zelkova

c. The Planning Official may approve other species that are similar in quality, durability, and appearance, and that are suitable for the climate and rainfall conditions in Olathe.

5. Prohibited Plants/Trees

include Ailanthus, White and Silver Birch, Box Elder, Catalpa, Cottonwood, Siberian Elm, "Fruit" trees, Silver Maple, Mimosa, Pin Oak, Russian Olive, Poplar, weeping trees, Willows and all Ash species. Prohibited plants include those that are invasive or potentially damaging to streets, sidewalks, utilities, drainage improvements, and foundations.

6. Street Tree Specifications:

All street trees shall meet the requirements of subsections 1 through 5 above, except that the minimum size of newly installed street trees may be reduced to two (2) inch caliper as measured six (6) inches above ground. Trees shall be guaranteed by a one year warranty period.

7. Right-of-Way

- a. If the street trees are located in the right-of-way, the adjoining property owner shall maintain them as depicted on the subdivision(s) street tree plan.
- b. The adjoining property owner shall remove and replace street trees within the right-of-way (as depicted on the subdivision(s) street tree plan) that are dead, dying, diseased or otherwise unsafe at any time as depicted on the subdivision(s) street tree plan.

H. Landscaping Along Arterial/Collector Streets (Master Fence/Screening Plan)

The purpose of the master fence/screening plan is to increase privacy, mitigate noise, reduce glare and enhance the aesthetics of the streetscape through the use of fences, walls, berms and professional landscaping to separate residential units from thoroughfare streets.

1. Applicability

Where a subdivision for property zoned R-1 through R-4 is adjacent to an arterial street or where rear lot lines are adjacent to a collector roadway, a master fence/screening plan for all areas abutting the arterial street shall be submitted for approval by the Planning Official prior to recording the final plat.

2. Required Landscape Area

- a. Landscape tracts shall have a landscape area with a minimum width of **twenty-five (25) feet along an arterial** roadway and **fifteen (15) feet along a collector** roadway.
- b. This landscape area is in addition to the minimum required lot width and yard setback requirements of the zoning district.

3. Master fence/screening plan approval

- a. The Planning Official, or designee, shall review the plans with regard to proper building and plant materials, setbacks, height, grading and their effectiveness in creating privacy and mitigating noise.
- b. Improvements indicated on the master fence/screening plan are considered a private subdivision improvement.
- c. The applicant may –
 - (1) Complete the landscaping improvements prior to the issuance of any building permit for any lots within the affected phase covered by the master landscape/screening plan, or
 - (2) submit a bond or irrevocable letter of credit of up to two (2) years, equal to the value of the landscaping material as outlined in bids from the developer's landscape installer or

contractor. The bond or letter shall be held by the City until all landscaping is installed per the approved plan [after inspection and acceptance by the City](#).

~~(3) When the planting of landscape materials or the installation of irrigation systems is inappropriate due to adverse weather, the developer will enter into a development agreement with the City, stating the date of proposed placement. That date shall be at the beginning of the next planting season, either spring (March 15) or fall (September 15). The developer will have one month from that date to start installation of the landscaping. If the landscaping is not started within that time, the City will halt issuing building permits for that subdivision until the landscaping is installed.~~

~~4. Design:~~

a. Landscaping

The approved master fence/screening plan shall contain the following landscaping materials as a minimum for each one hundred (100) linear feet, or portion thereof, of arterial street frontage. Minimum size requirements shall be as stated in Section 18.62.070.

- (1) Eight (8) evergreen trees.
 - (2) Two (2) shade trees.
 - (3) One (1) ornamental tree.
- b. The landscape area shall not impair drainage and utility placements.
 - c. The required minimum landscape area shall not be located within a utility easement.
 - d. For each tree preserved within the landscape tract which meets or exceeds the minimum size requirements outlined in subsection D.7 above, a one (1) to one (1) credit shall be given against the minimum tree requirements of this section.
 - e. The above landscaping materials may be deviated from if an alternative list of materials is approved by the City Planner which achieves comparable screening and buffering.

5. Grass areas

Grass areas located within the arterial street right-of-way as well as the landscape tract shall be sodded. Use of appropriate drought-tolerant ground cover to reduce grass areas is encouraged in landscape tracts when approved through the planning process.

6. Fences/Walls:

- a. Fences or walls are not required as part of the master landscape/screening plan.
- b. In cases where the developer of the subdivision chooses to install a fence or wall, all types of fences installed by the developer, except wrought iron, split rail or similar see-through fence/wall types, must be located one (1) foot inside the boundaries of the landscape tract along the residential side of the tract. Wrought iron or similar see-through fences may be installed by the developer anywhere within the landscape tract, except they may be no closer than five (5) feet from the right-of-way line of the abutting arterial street.

7. Berms

- a. Berms are not required as part of the master fence/screening plan. In cases when the developer chooses to install a berm, the following standards apply:
- b. The slope of all installed berms shall not exceed three (3) to one (1);
- c. All berms shall be consistent with good engineering and landscape architectural design; and
- d. The grading plan for berms within the landscape tract shall be consistent with the approved subdivision grading plan and shall be approved by the City Engineer.

8. Maintenance/Irrigation:

a. Maintenance

The final plat and deed restrictions shall contain language as approved by the City Planner which identifies the organization (e.g. a homes association) that will be the entity having permanent responsibility and authority to enter upon the said landscape tract to maintain, plant, replant, replace, mow, clip, trim, spray, chemically treat, repair, and otherwise maintain any and all grass, trees, shrubs, flowers, plants, fences, and walls. Said deed restrictions shall be recorded with the Register of Deeds of Johnson County concurrently with the recording of the final plat.

b. Irrigation

Landscape areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

- c. All landscape areas shall be provided with a readily available water supply with at least (1) one outlet within one hundred (100) feet of the plants to be maintained. The use of nonpotable water for irrigation purposes shall be encouraged.
- d. No permanent irrigation system is required for an area set aside on approved plans for preservation of existing natural vegetation.
- e. Temporary irrigation systems installed pursuant to acceptable Xeriscape landscape practices may be used to meet the standards of this section. Xeriscape means to landscape using vegetation that is drought-tolerant or water-conserving in character.
- f. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones, or to water impervious areas.
- g. Whenever practical, irrigation systems shall be designed in zones to apply water onto shrub and tree areas on a less frequent schedule than those irrigating grass areas. When technically feasible, a rain-sensor switch shall be installed on systems with automatic controllers.
- h. No irrigation system shall be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
- i. The use of irrigation quality effluent or reused water shall be encouraged.

I. Screening

Landscape plans for all multifamily residential, commercial, industrial and nonresidential developments shall include a detailed drawing of enclosure and screening methods as provided below.

1. Areas or facilities used for trash, recycling containers, service and loading are to be located out of public view from streets, adjacent residential properties, and other highly visible areas such as parking lots access drives, and similar areas.
2. Trash containers, trash compactors, and recycling containers shall be screened from public view on all four sides:
 - a. On three (3) sides with a six (6) to eight (8) foot solid wall constructed of masonry, and
 - b. on one (1) side with a gate, and
 - c. the container/compactor areas shall be appropriately landscaped.
3. Recycling containers shall be screened from public view on the front or rear side with a six (6) to eight (8) foot solid wall constructed of masonry.
4. The screening requirements of this subsection do not apply to containers used to collect clothing donations, or publicly accessible recycling containers. See § 18.50.020.F for locational requirements.
5. Alternative compatible, durable materials for the screening of trash containers and trash compactors may be approved by the Planning Commission through the final site development plan approval process.
6. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture. Mechanical equipment shall be subject to the following:
 - a. Preferred locations for utility structures (cabinets), as listed in order of priority are: 1) non-residential properties; 2) arterial or collector landscape easements; 3) rear yards; 4) street side yards on a corner lot behind the front yard setback; and 5) front yards within the required side yard setback.
 - b. Size and Height – Residential: maximum height is 36 inches above grade. Office/Commercial: limited to 6 feet in height.
 - c. Arterial or collector landscape easements – utility structures subject to site plan approval. Limited to 4 feet in height.
 - d. Location in public right-of-way – Utility structures shall be located behind the sidewalk and are subject to approval by the City Engineer. For utility boxes located within the right-of-way, a landscaping plan shall be required with the right-of-way permit.
 - e. Landscaping – Landscaping shall be provided for all structures where it is necessary to substantially screen the structure from public view and/or the view of adjacent homeowners.
 - f. Other requirements – Utility structures located within public right-of-way (in front of sidewalk) require approval of an administrative review application.

7. All buildings or additions in nonresidential districts shall provide a solid screen fence or wall at least six (6) feet in height within all rear and side yards abutting property zoned for residential purposes. The screening shall be placed so the required perimeter landscape area is located between the property line and the fence or wall. The screening shall not be placed on property lines or within the landscape area of the development and shall not extend in front of the building line of adjacent dwellings. The screening is not required where similar screening exists on the abutting residential property or where a screened storage lot is provided.

8. In industrial and commercial districts, storage of materials, products or equipment outside of a fully-enclosed building shall be one hundred (100) percent screened from public view, except when adjacent to another storage area which is one hundred (100) percent screened from public view.

9. Outdoor display confinement areas shall be enclosed with materials compatible to the building architecture such as decorative fencing (i.e., wrought iron), a building wall or other similar enclosure. Limited visibility into the display confinement area may be permitted depending upon the location of the area and the visibility of the area from nearby roadways. The display merchandise may not extend above or be stacked higher than the confinement area enclosure.

10. For purposes of this section, the phrase "screened from public view" means not visible from the subject property from, adjoining properties or any street right-of-way at any distance.

J. **Buffers**

The intent of buffering is to provide landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction. The standards of this section provide for increases in the width and the opacity of the buffer as the land use intensity of the new or expanded development increases.

1. **Applicability**

a. **Generally**

This section applies to any activity subject to this section (see subsection A, above).

b. **Exemptions**

This section does not apply to:

- (1) Residential uses adjoining residential uses within the same residential zoning district.
- (2) Agricultural uses.
- (3) Any change of use that does not increase the existing building square footage or parking area.
- (4) Single-family dwellings located on an existing lot of record.
- (5) Contiguous commercial parcels or land areas under common ownership.

Commentary: Subsection (6) addresses situations where a parcel is rezoned with several different zoning districts, and one of the districts acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "C-2", the other part of the parcel as "R-1." The "R-1" portion of the parcel is a strip adjoining a residential area zoned "R-1." A type "3B, 4A, or 5A"

buffer is normally required between the "C-2" and "R-1" districts. No buffer is required between the portion of the parcel zoned "C-2" and "R-1" internal to the property in this situation.

2. Reduction in Required Buffers

The buffer requirements are reduced where a buffer exists on an abutting property, and the net buffer satisfies the minimum buffer requirements of this section.

3. Types of Buffers Required

a. Table 18.30.130-1 shows when a buffer is required between an adjoining zoning district. Uses in the "adjoining zoning district" are not required to provide the same buffer, but may be subject to a separate additional buffer requirement as shown in Table 18.30.130-1. The applicant shall install the type of buffer as indicated in the table.

Commentary: For example, if the proposed development is located in a "C-1" zoning district (see row (5) of the table), and the "adjoining zoning district" is zoned "R-1" (see the column (2) under adjoining zoning district), then the applicant shall install a type 3 buffer.

b. In order to encourage the preservation of natural vegetation, the applicant may substitute a type "N" buffer consistent with subsection 4, Table 18.30.130-2 for any category of required buffer.

Table 18.30.130-1. **Required Buffers**

		Adjoining Zoning District								
		1	2	3	4	5	6	7	8	9
District		AG	R-1, R-2	R-3, R-4	N	O, C-1,	C-2, C-3, C-4, BP, M-1	M-2, M-3	D, TOD	PD, PR
1	AG	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2	R-1, R-2	N/A	N/A	N/A	N/A	N/A	4B	4B	N/A	N/A
3	R-3, R-4	1	3	N/A	N/A	N/A	5B	5B	N/A	N/A
4	N	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	O, C-1	1	3	2 or 3	N/A	1	1	1	1	1
6	C-2, C-3, C-4, BP, M-1	1	3, 4A, or 5A ¹	3, 4B, or 5A ¹	3, 4B, or 5A ¹	1	1	1	1	1

7	M-2, M-3	1	3, 4A, 5A or 6 ¹	3, 4A, 5A or 6 ¹	3, 4A, or 5A or 6 ¹	2	2	1	1	1
8	D, TOD	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9	PD, PR	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

1 Buffers vary based upon the size of the development area adjacent to residential zoned land. Development areas less than 5-acres in size require buffer type 3. Development areas between 5-10 acres in size require buffer type 4A. Development areas greater than 10-acres in size require buffer type 5A or 6.

4. Buffer Types

- a. There are ten (10) types of buffers. Table 18.30.130-2 shows the minimum width and number of trees and/or plants required for each one hundred (100) lineal feet for each buffer.
- b. Each buffer type provides several plant material options. The applicant may either plant new trees or plants, or preserve existing trees or plants, within the required buffer which meet the requirements of this subsection.

Table 18.30.130-2. **Minimum Plant Materials Required for Each Buffer Type**

<th>Trees ¹						
Buffer Type	Minimum Width (in feet)	Deciduous Shade Trees per 100 linear feet	Ornamental Trees per 100 linear feet	Evergreen Trees per 100 linear feet	Shrubs and Ornamental Grasses per 100 linear feet ²	Constructed Features ³
1	10	1	1	1	20	None
2	15	2	3	2	35	None
3	20	1.5	1	1.5	35	Min. 6-ft high wall or berm
4A	25	4	2	3	40	Min. 9-ft high wall and berm combination (e.g. 6-ft wall and 3-ft berm)
4B	60	None	None	None	None	None

5A	30	5	3	5	45	Min. 11-ft high wall and berm combination (e.g. 6-ft wall and 5-ft berm)
5B	75	None	None	None	None	None
6	40	5	4	5	50	Varied berm with 4-foot average height
N4	20% reduction with minimum of 10 feet	Any combination of trees or shrubs is acceptable where: (1) the existing vegetation provides at least the number of equivalent planting units required by the Table 18.30.130-2, or (2) the existing vegetation provides complete visual screening from the adjoining property.				--

1. See Section 18.30.130.D for acceptable tree species and sizes
2. See Section 18.30.130.D for acceptable shrub species and sizes. A minimum one-third (1/3) of the shrubs shall be evergreen.
3. A double row of evergreen trees may be substituted for a screening wall, but may not be counted toward minimum requirements for trees, shrubs, and ornamental grasses.
4. Natural areas with native vegetation may be used to meet any of the above buffer requirements if the criteria of Table 18.30.130-2 are met. The width of a buffer shall be reduced by twenty (20) percent if the minimum width is at least ten (10) feet. Irrigation requirements do not apply if no additional planting is required to meet these criteria.
5. The number of **equivalent planting units** (EPU's) for purposes of applying a type "N" buffer, above, are calculated based on the following ratios: Canopy Trees = 1 EPU, Understory = 0.5 EPU, Large Shrubs = 0.25 EPU, Medium Shrubs = 0.1 EPU, and Small Shrubs = 0.05 EPU. Each buffer type "A" through "F", above, is assigned the following number of EPUs for purposes of determining whether a type "N" buffer may be substituted:

Buffer Type	EPU's
1	1
2	2

Buffer Type	EPU's
3	1.5
4A or 4B	3
5	4
6	5

6. Location of Buffer

- a. A buffer required by this section shall be provided along the side lot line of abutting uses.
- b. The required perimeter landscape area shall be located outside of the fenced area of the development between the fence and the street, unless this requirement is otherwise modified with final site development plan approval.
- c. Buffers are not required along the front property line.

7. Permitted Uses Within the Buffer

- a. The buffer may be included in the required yard or building setback.
- b. No active recreation area, storage of materials, parking, or structures, except for necessary utility boxes and equipment, shall be located within the buffer.
- c. Parking is permitted within the building setback, but not within the minimum width of the buffer.
- d. Buffers may be used as part of a greenway as defined in the parks/open space standards.

K. Residential Lots

- 1. In residential districts, large deciduous shade or evergreen trees are required within the interior of each lot at a ratio of three (3) trees for every single-family dwelling, four (4) trees for every two-family dwelling and one (1) tree for every dwelling unit for multifamily buildings.
- 2. For single-family and two-family dwellings, at least one (1) required interior lot tree may be a street tree in compliance with subsection G, above.
- 3. Multifamily developments shall have street trees in addition to the required interior lot trees. Perimeter and buffer landscaping trees shall not count toward the required number of trees within the interior of any lots.
- 4. Residential lot trees shall be planted in accordance with subsection G.3, above.

L. Nonresidential Landscaping

1. Within the front and corner side yards where a street separates a nonresidential use from property zoned or designated on the Comprehensive Plan Map for residential use, a continuous fifteen (15) foot landscape area shall be provided with landscaping, clustered or spaced linearly and need not be placed evenly, at a rate of one (1) deciduous shade or evergreen tree for every thirty (30) feet of linear street frontage. In addition, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen tree.
2. Where a street separates a nonresidential use from property zoned or designated on the Comprehensive Plan Map for nonresidential use, a continuous ten (10) foot landscape area shall be provided with landscaping at a rate of one (1) deciduous shade or evergreen tree for every fifty (50) feet of linear street frontage. In addition, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen tree.

M. **Parking and Vehicular Use Areas**

All multifamily residential and nonresidential developments shall include the following interior landscaping standards within their parking and vehicular use areas:

1. **Generally**

Landscaping and planting areas shall be dispersed throughout the parking lot.

2. **Perimeter**

- a. Along street rights-of-way, parking areas shall be screened to a minimum height of 3 feet as measured from the grade of the parking lot or adjacent street curb, whichever is of the higher elevation.
- b. Screening may include:
 - (1) Berms,
 - (2) Shrubs, or
 - (3) A decorative wall of a material design compatible with the architecture of the primary structure.

3. **Interior**

- a. The interior dimensions of any planting area or landscape islands shall be at least one hundred sixty-five (165) square feet in area. Landscape islands shall be at least nine (9) feet wide, as measured from back of curb to back of curb, and shall be constructed at a ratio of one (1) per each twenty (20) parking spaces. Each area shall be protected by vertical curbs or similar structures, and be designed and grouped into a parking and vehicular use area to create defined aisles and entrances for on-site traffic circulation.
- b. One (1) shade tree shall be provided for every parking and vehicular use landscape island. [Areas where utility conflicts restrict tree plantings, other landscape plantings such as shrubs and ornamental grasses may be approved by the City.](#)
- c. Landscape aisle and strips between parallel parking rows shall be a minimum of ten (10) feet in width. When incorporating pedestrian walkways, the aisles and strips shall be a minimum of twenty

(20) feet in width to accommodate vehicular overhangs, walk, lights, posts and other appurtenances. Landscape aisles and strips shall include medium to large deciduous trees at a minimum of one (1) tree every thirty (30) linear feet, in addition to other parking lot landscape requirements.

d. Primary landscape materials shall be trees which provide shade or are capable of providing shade at maturity. Ornamental trees, evergreen trees, shrubbery, hedges and other planting materials may be used to compliment the landscaping, but shall not be the sole means of landscaping. Earth berms, existing topography and decorative walls shall be integrated with the landscape plan where feasible.

e. No landscaping tree, shrub, fence, wall, or similar item shall be placed in traffic zones of ingress or egress at street corners, or in the intersection of public right-of-way, which the City Engineer determines is an obstruction to visibility, or extends into a sight-distance-triangle as set forth in Section 18.30.220, or is otherwise a traffic hazard.

f. Landscape islands in parking lots alternately be designed and planted to serve as dual-purpose and stormwater treatment areas. When landscaping islands are designed as a stormwater treatment area, trees are not required as the primary landscaping material if the City determines that trees are incompatible with native plantings proposed for use as a means of stormwater treatment.

g. Islands shall be designed in locations based on the following priorities: defining major drives and vehicle lanes, delineating the end of parking rows and at aisle intersections and internal to the parking rows.

h. Plantings shall anticipate foot traffic patterns, discourage foot traffic where dictated by safety concerns, and shall provide adequate visibility for the safety of pedestrians and vehicles.

i. If earthen berms are constructed they shall be at least to a height of two-and- one-half (2.5) feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 3:1 and shall have a crown of at least two (2) feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect.

N. Environmentally Sustainable Design/Principles

Landscape Plans shall address:

1. the placement/arrangement of buildings(s) to minimize disruption to existing ecosystems and designing the building to minimize its footprint, and
2. strategies such as stacking the building program, and sharing parking facilities with adjacent property owners, to minimize the building footprint, and
3. the relationship of open space to development footprint(s) on site biodiversity, and
4. marking construction boundaries to minimize disturbance of the existing site and restore previously degraded areas to their natural state, and
5. if appropriate to the site, a soil/climate analysis to determine appropriate plant material and design the landscape with native or adopted plants to reduce or eliminate irrigation requirements, and

6. the feasibility of using stormwater, and/or condensate water for irrigation, and
7. whether native plants are incorporated in lieu of planted landscaping.

O. Building Façade/Foundation Landscaping

Purpose: Landscaping and planting areas provide a buffer between the parking lot or drives and building walls or pedestrian circulation. Landscape areas may be placed adjacent to the building wall or adjacent to the curb to coordinate with building overhangs and canopies, if any. Building landscaping is encouraged to include a variety of shrubs, ornamental trees and/or shade trees. Any trees used should accommodate pedestrian circulation.

1. Applicability

- a. This subsection applies to nonresidential developments, unless modifications to these standards are otherwise approved as part of final site development plan approval.
- b. This subsection does not apply to building façades that abut a sidewalk or the rear yard.

2. Location

- a. Along any building façade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building façade or foundation. The landscape area may be a continuous area or comprised of several areas.
- b. Building façades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.
- c. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.

3. Planting

- a. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
- b. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
- c. Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.
- d. Appropriate plant species should be installed so that mature tree limbs can be maintained at a minimum eight- (8) foot clearance from ground level and so that shrubs do not exceed two and one-half (2½) feet in height for areas where it is important to maintain visibility for security and safety purposes.

e. Berms may be incorporated in the landscape areas if positive drainage from the building is provided.

4. Planting areas shall have a minimum **width** of either six (6) feet or the equivalent of twenty (20) percent of the building façade height as measured from the ground elevation to the top of the wall or parapet, whichever is greater.

5. Irrigation

Building façade and foundation landscape areas shall be irrigated.

P. Residential Traffic Islands, Thoroughfare Rights-of-Way, Planting Restrictions

No trees, shrubs, woody vegetation, or other landscape improvements over two (2) feet in height are permitted on residential traffic islands or thoroughfare rights-of-way unless approved by the City Engineer and the Planning Official.

SECTION ELEVEN: Section 18.30.160 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.160 Parking and Loading

A. Parking Required for All Structures

1. All buildings or structures that are erected, constructed, reconstructed, moved or altered shall provide off-street parking in the form of garages or areas made available exclusively for parking.
2. Parking spaces shall be located entirely on the same property as the principal use, except where specifically provided in this section or the zoning district regulations (Chapter 18.20).
3. No portion of the parking area or structure other than the necessary drives shall extend into any street or other public way.
4. The issuance of building permits or certificates of occupancy require compliance with the minimum parking standards. This applies even if a final site development plan was previously approved with fewer parking spaces due to the unknown or changing status of occupancy.

B. Improvement of Parking Areas

1. All parking areas and drives shall be ready for use upon occupancy of a building.
2. Parking areas and drives shall be surfaced with a permanent, bituminous or concrete paving meeting the Technical Specifications prior to the issuance of a certificate of occupancy.
3. All parking lots and drives, except those serving single-family dwellings, shall have curbs and drainage facilities that are consistent with the Technical Specifications.
4. Approach aprons and curbs shall be Portland cement concrete.

C. Access to Parking Areas

See Section 18.30.050.

D. Dimensions and Design of Parking Areas

1. Parking Stalls

Parking stall dimensions are as follows:

Table 18.30.160-1. **Parking Space Dimensions**

Type	Dimensions (feet) <i>(minimum dimensions; excludes access drives or aisles)</i>	Conditions / Exceptions
Standard spaces	9' x 20'	
Parallel Parking Space	9' x 22'	
Parking areas reduced for landscaping	9' x 18' (standard) with 25' wide aisle	The reduction in pavement area must be used as landscape area within the parking lot.
Spaces abutting curbed overhangs	9' x 18' (standard)	The parking space must abut an interior parking lot curbed area at least 6 feet wide (with landscaping or sidewalk). The overhang is measured from the face of the curb.

2. Parking Pods

Parking lots shall be divided into parking pods with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. The maximum number of spaces within a parking pod is regulated by Chapter 18.15 (Composite Standards).

3. Entrance Drives

Landscape aisles shall be placed on both sides of entrance drives to create pleasing tree-lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicular stacking at exits onto perimeter roadways.

4. Pedestrians

- a. Parking lots shall separate pedestrians from vehicles through protected pedestrian walkways which lead to store entrances, except for sites with unique conditions or terrain.
- b. Sidewalks and crosswalks shall connect sidewalks along adjacent roadways, trails in the City's greenway system and buildings within a development.
- c. Walkways shall be designed and buffered in a manner that encourages their use.

d. Sidewalks and crosswalks shall be designed to keep pedestrians together where they can be seen by motorists, and where they can cross most safely with the flow of vehicular traffic.

e. Crosswalks designated on the final site development plan shall comply with the general standards for crosswalks within the Manual of Uniform Traffic Control Devices (MUTCD). Crosswalks outside of the public right-of-way or in the D District may include -

- (1) brick pavers with concrete borders;
- (2) concrete with brick borders; or
- (3) stamped and colored concrete.

5. Reserved Parking Areas

a. For purposes of this subsection, "Reserved Parking Areas" including parking stalls for customer parking, employee parking, persons with disabilities, vehicles for sale, lease, rental, or display.

b. Reserved Parking Spaces shall be designated on all final site development plans and any other plans submitted for approval to the City.

c. Reserved Parking Spaces used for sale, lease, rental or display shall not be located within a required parking/paving setback area, shall not reduce the capacity of a parking lot below that required by this Section unless otherwise approved by the Planning Commission, and shall not hinder the movement of vehicles in drive aisles.

d. All Reserved Parking Spaces shall be striped, maintained, and specifically used for the related purpose as identified on the plans.

e. Areas designated for parking shall not be used for display of vehicles for sale, lease, rental, etc.

E. Parking Spaces for Persons with Disabilities

Parking for persons with disabilities shall comply with the applicable requirements of the 2010 ADA Standards for Accessible Design (United States Department of Justice, September 15, 2010), as amended.

F. Parking and Paved Area Setbacks

Parking areas and other paved areas such as drive-through aisles shall be set back as follows:

1. In Districts AG, R-1, R-2, and for single-family and two-family dwellings in any other district, no parking area shall be located within two (2) feet of a lot line, excluding nonresidential uses.
2. For multifamily dwellings not located in a planned district, no parking area shall be located within thirty (30) feet of a street right-of-way or in a required yard area.
3. No parking area for a nonresidential use in any residential district shall be located within thirty (30) feet of any street right-of-way or in a required yard area.

4. In mixed use, commercial, office, business park and industrial districts, no parking area shall be located within the applicable parking and paving setback requirements within that zoning district.
5. Parking area setbacks within planned zoning districts shall be approved with the final site development plan, and shall not occupy any portion of the required yard areas.

G. Parking Lot and Building Lighting

See section 18.30.135.

H. Landscaping and Screening for Parking Areas

1. The interior of parking areas shall be landscaped in accordance with Section 18.30.130 (Landscaping, Screening, and Buffers).
2. As part of a rezoning, special use permit or site plan condition, the Approving Authority may require that any wall, fence or screen planting around a parking area shall be set back from a street if needed to prevent adverse effects upon the appropriate use of adjacent property or to prevent a traffic concern. This setback shall not exceed the front or side yard requirement applicable to the zoning district.

I. Deferred Construction of Parking Spaces

1. A portion of the parking area required for office, business park or industrial development may remain unimproved until it must be improved to adequately serve the parking demand. Delayed construction of parking is permitted only if:
 - a. the initial occupancy of the premises is adequately served by the lesser number of spaces,
 - b. the final site development plan clearly indicates the location, pattern and circulation to and from the deferred parking spaces.
2. The land area delineated for future parking shall be brought to finished grade and landscaped, and shall not be used for building, storage, loading or other purposes.

J. Parking Areas for Single and Two-Family Dwellings

1. No driveway serving single or two-family dwelling shall be located within two (2) feet of an adjoining lot line except for a driveway serving two (2) properties.
2. Parking is restricted to customary passenger vehicles and emergency vehicles up to a factory designated, one (1) ton, single axle, dual wheel size which is unloaded and immediately available for emergency response by an operator who is on duty or on call. However, emergency vehicles shall not be parked upon a driveway for more than twelve (12) hours during any twenty-four (24) hour period.
3. All passenger cars shall be parked on paved driveways or parking areas relating to the garage or carport. In areas where there are no garages or carports, passenger cars and motor vehicles may be parked on paved driveways constructed perpendicular to the street.
4. No parking is allowed in that portion of the street right-of-way not used for traffic movement, i.e., between the curb and the sidewalk, and between the curb and the front lot line.

5. Parking passenger vehicles on driveway extensions that lead directly to the garage or carport is permitted, if the extension does not exceed more than one additional ten (10) foot drive beyond the capacity of the garage or carport, and is adjacent and connected to the existing driveway. If there is no garage or carport, a drive up to twenty-two (22) feet in width is permitted.

6. No person shall stop, stand or park a commercial vehicle on any street, alley, or lot within any residential district, except when necessarily loading or unloading property or when in the performance of a service to or upon property in the block where the vehicle is parked. This section may not be avoided by a mere location change of a vehicle within the residential district. Residential district refers to any place or area where the property is zoned for residential occupancy including single-family, two-family and multifamily dwellings.

K. **Off-Street Parking Schedule**

1. The minimum number of parking stalls are as indicated in Table 18.30.160-2, below. Where the parking ratio indicates "sf", the ratio is based on gross floor area excluding attics, cellars, or similar uninhabitable space.

2. The Planning Official shall determine the parking requirements for any use not listed above, based on the determination of similar uses as set out in the Use Matrix (Chapter 18.20) and any documentation of parking generation for that type of use.

3. Where convention centers, conference centers, assembly halls, ballrooms or other similar facilities are built in conjunction with a hotel, office park or shopping center, the Planning Commission or Governing Body may permit up to a thirty-five (35) percent parking space reduction for each of the uses listed above when built in conjunction with the uses listed above, due to overlapping usage of a portion of the parking spaces. Request for such shared parking must be received as part of a preliminary development plan. The request shall outline the justification in reducing the number of parking spaces. In addition, a change in use to a use other than listed above shall conform to City parking standards.

4. Whenever a theater is located in a shopping center that has more than two hundred thousand (200,000) square feet of gross floor areas, the number of parking spaces required for the theater may be reduced by twenty-five (25) percent, provided that a joint parking agreement for the joint use of all parking within the shopping center is reviewed and approved by the City. The agreements shall be recorded with the Register of Deeds and a copy submitted with the application for a building permit.

5. The revised parking requirement for Eating Places (of all types) shall not apply to any preliminary site development plan approved in a planned district prior to August 1, 2005, provided that a final site development plan is approved complying with the pre-existing parking requirements and a building permit is issued prior to August 1, 2006.

6. The revised parking requirement for Eating Places (of all types) shall not apply to any final site development plan approved in a planned district prior to August 1, 2005 or to any site development plan approved in a conventional district prior to August 1, 2005, provided that the approved plan complied with the pre-existing parking requirement.

Table 18.30.160-2. **Parking Spaces Required**

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Accessory Dwellings (Carriage Houses, Granny Flats, Echo Homes)	1 per dwelling unit
Cluster or conservation subdivisions	1 per dwelling unit
Elderly housing, Multi-family Residences	1 per dwelling unit
Elderly housing, Single-family Residences	1 per dwelling unit
Residence, Adaptive Reuse	0.5 per dwelling unit
Residence, Multifamily 3 units (triplex)	1.5 per dwelling unit
Residence, Multifamily 4 units (quadraplex)	1.5 per dwelling unit
Residence, Multifamily, more than 4 units	1.5 per dwelling unit
Residence, Single-Family Attached	1.5 per dwelling unit
Residence, Single-Family Detached	2 per dwelling unit
Residence, Single-Family Modular	2 per dwelling unit
Residence, Two-Family (Duplex)	1.5 per dwelling unit
Residence, Zero Lot Line	1.5 per dwelling unit
Residential Design Manufactured Home	2 per dwelling unit
Residential Property Manager	1 per dwelling unit
Townhouse	1.5 per dwelling unit
Watchmen / caretakers	1 per dwelling unit
<i>Accommodations and Group Living</i>	
Bed and breakfast	1 per guest room plus 1 per 800 sf of restaurant

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
	space
Boarding and lodging house	1 per guest room plus 1 per 800 sf of restaurant or public meeting space
Community living facility, Mental Health Convalescent	1 per 400 sf
Community living facility, Mental Health / Substance Abuse, on-site staff	1 per 400 sf
Day Care, adult day care	1 per guest room
Dormitories	1 per 400 sf
Group home	1 per 400 sf
Group residence, general (9-15), limited (0-8), children, elderly residential services	1 per 400 sf
Hotel, motel	1 per each 2 employees on the largest shift and 1 per each guest room or 2 guest beds
Sorority and fraternity housing	1 per guest room
<i>Commercial, Services and Mixed Use</i>	
Adaptive re-use of converted buildings	1 per 500 sf
Agricultural machinery and equipment sales area and service facility	1 per 500 sf (indoor sales/service area only)
Animal care services – Veterinary clinics, animal hospitals, boarding, grooming, sitting, and training, no outside kennel, no retail	1 per 1,500 sf
Antique shop	1 per 500 sf
Apparel and accessory stores	1 per 300 sf

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Bail bonding	1 per 500 sf
Bait shop	1 per 500 sf
Bakery, without wholesale distribution facilities	1 per 300 sf
Bars, Taverns and Drinking Establishments	1 per each employee and 1 per 2 seats
Financial Institution (bank, credit union, or savings institution)	1 per 400 sf
Beer, wine, and liquor store	1 per 300 sf
Bicycle sales and service	1 per 500 sf
Boat/watercraft, marine supplies, and marine/boating equipment sales and service	1 per 1,000 sf (indoor sales/service areas only)
Book, magazine, or stationery store	1 per 300 sf
Building materials sales - without lumberyard	1 per 300 sf
Building materials sales and storage	1 per 300 sf
Business Service Centers, including blueprinting, printing, photostatting and copying	1 per 300 sf
Cafeterias and snack bars to serve the employees of office building within which they are located	1 per 800 sf
Camera and film shop; photography studio; frame shop	1 per 300 sf
Candy or confectionary making, on premises and retail only	1 per 300 sf
Car Wash, Automobile Laundries, or Car Care Centers	1 per 1,500 sf
Catering establishments	1 per 300 sf

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Commercial Uses in Multifamily Developments (no direct entry from the use to the street)	1 per 300 sf
Commercial buildings not specifically listed	1 per 250 sf
Convenience Stores, with gas sales	1 per 250 sf
Convenience Stores, without gas sales	1 per 250 sf
Courier and messenger services	1 per 800 sf
Delicatessen	1 per 100 sf
Department stores	1 per 300 sf
Drive-in facilities (for retail, restaurant or financial institution)	Parking analysis
Elderly Service Center, non-residential	1 per 500 sf
Entertainment establishments, such as lounges, nightclubs, private clubs, and music or dance establishments	1 per 200 sf
Executive Suite Space (Non-retail, Non-Industrial)	1 per 800 sf
Farm / landscape / garden supply sales	1 per 300 sf
Farm supplies -- wholesale trade	1 per 300 sf
Farmer's markets	Parking analysis required
Fertilizer sales and storage	1 per 300 sf
Flex Space (office and warehouse building); may include call centers or mail order houses	1 per 800 sf
Florist or floral/gift shop	1 per 300 sf
Food service, accessory	1 per 300 sf

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Gas Station	1 per 1,000 sf
Grocery, meat, dairy product and bakery sales	1 per 300 sf
Gun shops and Gunsmiths	1 per 300 sf
Hardware store	1 per 300 sf
Laundry, pick-up only and garment services	1 per 300 sf
Laundry, coin operated	1 per 300 sf
Leasing office for apartment complex	1 per 300 sf
Leasing, Commercial and Industrial Machinery and Equipment	1 per 500 sf (indoor sales area only)
Leasing/Rental - Accessory Use, Recreational Goods (Furniture, Party Supplies, Sporting Goods)	1 per 300 sf
Leasing/Rental of Trucks, Trailers, RV's, Boats, Motorcycle	1 per 500 sf (indoor sales area only)
Leasing/Rental, Car and Passenger Vehicle	1 per 500 sf (indoor sales area only)
Light manufacturing accessory to retail use	1 per 1,500 sf
Live-work units	1 per dwelling unit
Management / Services	1 per 800 sf
Medical equipment sales, rental or leasing	1 per 500 sf
Mixed Use, Commercial (includes offices units located over storefronts)	1 per 500 sf
Mixed use, Vertical (includes Residences located over storefronts)	1 per 500 sf

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Monument dealers (tombstones and markers)	1 per 1,000 sf
Motor vehicle sales	2 per 1,000 sq. ft. of indoor sales area plus 1 per 4,500 sq. ft. of outdoor sales area
Motorcycles, ATV's, retail sales and repair	1 per 500 sf
Musical Instrument and Supplies Stores	1 per 300 sf
Nonstore retail / commercial (mail order, catalog facility, electronic markets)	1 per 800 sf
Office supply and equipment store	1 per 300 sf
Offices for business, professional, industry and government	3.8 per 1,000 sf
Optical Goods Stores	1 per 300 sf
Outdoor Display and Storage	n/a
Packing, crating, and convention and trade show services	1 per 800 sf
Palmistry services, Fortune Tellers, Astrologers	1 per 1,000 sf
Pawnshops and secondhand goods	1 per 300 sf
Payday Loan Business or Title Loan Business (as defined in Municipal Code § 5.43.010)	1 per 300 sf
Personal care service shops	1 per 300 sf
Pet care	1 per 1,500 sf
Pet store	1 per 1,500 sf
Pharmacy and drugstore	1 per 300 sf

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Real Estate, Sales, Rental & Leasing	1 per 800 sf
Rental Management / Leasing Facility (Residential)	1 per 800 sf
Repair, restoration of vehicles, machinery and equipment	1 per 500 sf
Restaurant or snack bar, subordinate to an office or retail building with no direct outside entrance	1 per 3 seats
Restaurant service, carry out	1 per 3 seats
Restaurant, Full Service	1 per three (3) seats
Retail sales, accessory	
Retail sales, generally (not otherwise listed)	1 per 300 sf
Sales and service, manufactured home, recreation vehicle, bus, truck, or similar large vehicles	1 per 500 sf
Sales, boats/marine, recreational vehicle, travel trailer, camper sales or leasing (including repair)	1 per 500 sf
Services to buildings and dwellings (extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.)	1 per 800 sf
Snack or nonalcoholic bar	1 per 150 sf
Specialty food stores	1 per 300 sf
Sporting goods shop	1 per 300 sf
Tailor / shoe repair	1 per 1,000 sf
Tattoo Parlor/Tattoo Studio and/or Body Piercing	1 per 500 sf
Temporary sales and events	1 per 300 sf

<i>Use</i>	Parking Spaces Required <i>(minimum)</i>
<i>Residential Uses</i>	
Travel Agency	1 per 300 sf
Travel Plaza/Truck Stop	1 per 300 sf
Upholstery and furniture refinishing	1 per 300 sf
Vehicle repair and restoration, not including automotive wrecking or long-term disabled vehicle outdoor storage	1 per 500 sf
Video/audio sales and/or rental	1 per 300 sf
Woodworking shops, cabinetmaking shops, or wood crafting services	1 per 1,500 sf
<i>Industrial Uses</i>	
Automobile storage or towing (excluding wrecked and junked vehicles)	1 per 1,500 sf
Bottling works	1 per 1,500 sf
Building contractor	1 per 1,500 sf
Carpentry, floor, and tile contractor	1 per 1,500 sf
Computer and Electronic Product Manufacturing	1 per 1,500 sf
Crematories	1 per 1,500 sf
Explosives manufacturing/storage	1 per 1,500 sf
Extractive industries	1 per 1,500 sf
Food and Beverage Manufacturing	1 per 1,500 sf
Fuel oil distribution	1 per 1,500 sf
Industrial uses not specifically listed	2.5 per 1000 sf (buildings <25,000 sf); 2.5 per 1,000 sf devoted to office uses plus 1 per 1,000 sf of

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
	other floor area (buildings >25,000 sf)
Jewelry and Silverware manufacturing	1 per 1,500 sf
Junk yards, salvage yards, and auto and scrap processing	1 per 1,500 sf
Laboratories-research and testing	1 per 1,500 sf
Laboratories-medical and diagnostic	1 per 1,500 sf
Landfill, demolition	1 per 1,500 sf
Landfill, land clearing and inert debris	1 per 1,500 sf
Landfill, sanitary	1 per 1,500 sf
Laundry, cleaning and garment services	1 per 1,500 sf
Limited Manufacturing of Products Sold on the Premises (up 5,000 sf or 25% of the floor area of a principal retail use, whichever is less)	1 per 1,500 sf
Manufacturing, excluding other uses listed in this table	1 per 1,500 sf
Meat packing and poultry processing	1 per 1,500 sf
Medical Equipment and Supplies Manufacturing	1 per 1,500 sf
Milling or canning of agricultural products, feed and flour mills	1 per 1,500 sf
Motor Vehicle Manufacturing	1 per 1,500 sf
Motor vehicle painting and body shops, exclusive of sales	1 per 1,500 sf
Office Supply, inks, etc. manufacturing (except paper)	1 per 1,500 sf
Oil and gas well drilling	Parking analysis required

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Paper Manufacturing	1 per 1,500 sf
Petroleum and coal products manufacturing	1 per 1,500 sf
Printing / Publishing	1 per 1,500 sf
Process plants (chemicals, and metals, machinery, and electronics manufacturing)	1 per 1,500 sf
Quarrying and stone cutting establishment	1 per 1,500 sf
Recycling Centers	1 per 1,500 sf
Rendering and Meat Byproduct Processing	1 per 1,500 sf
Research and development offices	1 per 1,500 sf
Sign makers	1 per 1,500 sf
Textiles	1 per 1,500 sf
Welding, tinsmithing and machine shop	1 per 1,500 sf
Wood or wood products manufacturing	1 per 1,500 sf
<i>Warehousing and Storage Uses</i>	
Construction equipment storage	n/a
Express and shipment facilities	1 per 1,500 sf
Mini-storage Warehouse	3 spaces
Natural Gas Distribution, Flammable Liquid, Petroleum, Bulk Stations and Terminals and Above Ground Storage	n/a
Outdoor Storage of construction equipment, generally	n/a

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Refrigerated warehouse or cold storage	1 per 1,500 sf
Solar Energy Facility	1 per 1,500 sf
Warehousing, storage, wholesale, and distribution facilities	Parking analysis required
Wind Energy Conversion Systems (WECS)	n/a
<i>Arts, Recreation & Entertainment</i>	
Adult business establishments	1 per 200 sf
Amphitheater, outdoor stage, bandstand, or similar structure	n/a
Amusement parks	Parking analysis required
Amusement, indoor	1 per 300 sf
Aquarium or Planetarium	1 per 400 sf
Art gallery	1 per 400 sf
Artist Studio	1 per 800 sf
Club, Membership	1 per 400 sf
Community center	1 per 400 sf
Conference center	1 per 150 sf
Fairgrounds	Parking analysis required
Golf courses and clubhouses	Parking analysis required
Golf driving ranges (see Outdoor Recreation)	1 per 1.5 tee boxes
Golf, miniature	Parking analysis required

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Historical association or society	1 per 800 sf
Indoor athletic facility	1 per 650 sf
Indoor athletic facility located in an existing building	1 per 1,000 sf
Museum / art gallery / cultural facility	1 per 400 sf
Parks and open space	n/a
Recreational vehicle parks/campgrounds	1 per 4 recreational vehicle or camping spaces
Skating Rink - Ice Or Roller Skating	1 per 500 sf
Sports stadiums and arenas	parking analysis required
Temporary carnivals, rides, Ferris wheels	parking analysis required
Theater, drive-in	n/a
Theater, Movie	1 per 4 seats
Theaters, performing arts	1 per 4 seats
Youth retreat	n/a
<i>Education, Public Administration, Health Care, and Institutional</i>	
Cemetery	n/a
Civic Assemblies, including churches/religious assemblies, clubs, lodges, meeting halls, recreation buildings, and community centers	1 per 4 seats or building capacity calculated by building standards
Community food and personal support services, non-residential	1 per 800 sf

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Community Services, Counseling and Intervention	1 per 800 sf
Correctional Institution Facility	1 per 800 sf
Correctional office, Parole / Probation	1 per 800 sf
Cultural facilities	1 per 400 sf
Day Care	1 per 800 sf
Day care facility (accessory to institution or business)	1 per 800 sf
Day care facility, accessory to dwelling	n/a
Funeral home or mortuary	1 per each 2 employees on the largest shift and 1 space per 4 seats
Government - Post office and postal substations	1 per 400 sf
Government - Public Safety services	1 per 800 sf
Government facilities, other than offices	1 per 800 sf
Hospital	1 per 4 beds and 1 per each staff member (including visiting doctors)
Library	1 per 1,000 sf
Medical Office or Clinic	1 per 500 sf
Postal service receptacle pods designated on a plat or approved site plan	n/a
Schools, academic, continuance, alternative, adult, and technical, trade, and other specialty schools	1 per 500 sf
Schools, colleges and universities	1 per each staff member

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
	and 1 per 2 students
Schools, elementary or secondary	1 per 1,000 sf
Elementary and secondary schools	1 per each staff member
High schools	1 per each staff member and 1 per 4 students
Schools, nursery and preschool	1 per 500 sf
Social Services	1 per 800 sf
<i>Transportation, Communication, Information, and Utilities</i>	
Airport landing strip (field or strip only)	1 per 800 sf
Airport terminal	n/a
Bus, taxi, train or light rail depots, stations or dispatch facilities	n/a
Bus/Truck maintenance, including repair and storage	1 per 1,500 sf
Freight terminals & truck terminals	1 per 1,500 sf
Heliport	1 per 1,500 sf
Parking lots, surface, accessory to principal use*	n/a
Parking lots, surface, as principal use	n/a
Parking lots, pervious surface, as principal use	n/a
Parking lots, underground or structure, accessory to principal use	n/a
Parking lots, underground or structure, as principal use	n/a
Public transportation facility	n/a

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Railroad facilities	1 per 1,500 sf
Stormwater management / flood control facilities	n/a
<i>Utility Uses & Structures</i>	
Commercial incinerator	n/a
Cable networks and distribution	1 per 800 sf
Commercial radio, television, broadcasting and/or receiving towers	n/a
Communication or telecommunication equipment attached to a building	n/a
Communication towers	n/a
Communication towers - Architecturally integrated	n/a
Environmental monitoring stations	n/a
Gas or electric generation distribution facilities, compressor stations, or substations	n/a
Hazardous waste storage or treatment facility	1 per 1,500 sf
Power generation plants	Parking analysis required
Public utility storage and service yards	n/a
Radio and television broadcasting or recording studio	1 per 800 sf
Solid waste collection centers, solid waste transfer stations, recyclable materials, yard waste and similar items	n/a
Solid Waste Landfill	n/a
Utility facilities, principal use	n/a

<i>Use</i>	Parking Spaces Required <i>(minimum)</i>
<i>Residential Uses</i>	
Utility facilities, accessory to permitted use	n/a
Water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities	n/a
<i>Agriculture</i>	
Agriculture (including raising of crops and pasturing livestock)	n/a
Animal Production and Support Services	n/a
Concentrated Animal Feeding Operations (CAFO's)	n/a
Farm product raw materials -- wholesale trade	n/a
Forestry, Commercial	n/a
Non-commercial forestry or raising of vegetation / community garden	n/a
Grain or agricultural storage facility	n/a
Greenhouse or Nursery	1 per 300 sf
Greenhouse, Accessory to Florist Shop	n/a
Hatcheries and poultry houses	n/a
Livestock sales, and markets	n/a
Riding academies and/or stables (commercial)	1 per 1,500 sf
Stable, Accessory to Dwelling	n/a
Support functions for agriculture	n/a
<i>Miscellaneous</i>	
Accessory Uses	n/a

<i>Use</i>	<i>Parking Spaces Required (minimum)</i>
<i>Residential Uses</i>	
Signs	n/a
Telecommunication tower facilities, antennae locations, repeater stations, and distribution centers.	n/a

L. Off-Street Loading Schedule

1. For purposes of this section there shall be considered to be two (2) sizes of off-street loading spaces. Each large space shall have an overhead clearance of at least fifteen (15) feet, shall be at least twelve (12) feet wide and shall be at least fifty (50) feet long, exclusive of access or maneuvering area, platform and other appurtenances. Each small space shall have an overhead clearance of at least twelve (12) feet, shall be at least twelve (12) feet wide and shall be at least thirty (30) feet long, exclusive of access or maneuvering area, platform and other appurtenances.
2. Off-street loading facilities shall be located on the same building site on which the structure for which they are provided is located. Access, maneuvering area, ramps and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not permitted to back from the property into the street. The number of required loading spaces which are adequate to serve the uses or categories of uses proposed, shall be in accordance with Figure 18.60.150.A.
3. Off-street loading facilities shall be constructed, maintained and operated in accordance with City standards and shall be surfaced with concrete, asphaltic concrete or asphalt maintained in good condition, free of weeds, dust, trash and debris.
4. Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than six hundred (600) cars, provisions shall be made to maintain separate circulation routes within such facilities.
5. Any off-street loading facility shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
6. For the purpose of determining the amount of off-street loading, or if the number of berths to be provided by such use is not readily determinable, the number of loading areas shall be fixed by the Planning Commission.

Table 18.30.160-3. Loading Spaces Required

Loading Category	Gross Floor Area in Square Feet	Required Number
Institutional Uses		

Loading Category	Gross Floor Area in Square Feet	Required Number
Institutional Uses		
Schools	10,000 to 100,000	1
Health/Medical, Recreational, Civic, Social, Religious	For each additional 200,000 or fraction thereof	1 – Additional
Business Uses		
Retail	5,000 to 25,000	1
	25,001 to 200,000	2
	For each additional 200,000	1 – Additional
Retail Services	5,000 to 10,000	1
	10,000 to 100,000	2
	For each additional 100,000 or fraction thereof.	1 – Additional
Service/ Trade	10,000 to 200,000	1
	For each additional 200,000 or fraction thereof	1
Service/Miscellaneous	5,000 to 25,000	1
	25,001 to 200,000	2
	200,001 to 400,000	3
	For each additional 100,000 over 400,000 or fraction thereof	1
Industrial Uses		
	5,000 to 10,000	1

Loading Category	Gross Floor Area in Square Feet	Required Number
Institutional Uses		
	10,001 to 40,000	2
	40,001 to 100,000	3
	For each additional 100,000 or fraction thereof.	1 – Additional

M. Drive-in and Drive-through Stacking Distance Requirements

See Chapter 18.50 (Drive-Up / Drive-Through).

N. Parking Lot Permit

1. No person shall initiate construction of a new parking lot or expansion of an existing parking lot without first obtaining a permit from the Public Works Department and reviewed by the Planning ~~Services-Department~~ Division.
2. A parking lot permit is not required for the resurfacing or re-striping (painting) of an existing parking lot consistent with the current striping.
3. Application for a parking lot permit shall be made on a form provided by the Public Works Department and shall be accompanied by a site plan depicting:
 - a. The parking lot layout, including proposed striping;
 - b. Number and location of parking spaces, including handicapped spaces;
 - c. Structures on the same property;
 - d. Structures and parking areas on adjacent property;
 - e. Ingress and egress for the property;
 - f. Existing and proposed landscaping; and
 - g. Grading, drainage and erosion and sedimentation control;
 - h. Parking lot lighting;
 - i. All other information required by the Public Works Department and/or Development Services Department.

SECTION TWELVE: Section 18.30.180 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.180 Pedestrians, Sidewalks & Trails

A. Sidewalks

1. Within the boundaries of [and adjacent to](#) a development, sidewalks shall be installed by the developer or builder [in accordance with the Technical Specifications and Design for Public Improvement Projects](#) as follows:

Zoning District or Development Situation	Required where
R-2, R-3, R-4, N, O, C-1, C-2, C-3, C-4	Both sides of all arterial, service (commercial) and collector streets, local streets (public or private)
R-1	At least one (1) side of all local streets
M-1, M-2, M-3	At least one (1) side of service streets
Local streets serving neighborhood swimming pools, parks, schools, or existing or designated future transit stops	Both sides of public and private streets or as determined by the City Engineer
Large-lot subdivisions with lot areas at least 20,000) square feet without curb and gutter and street lights	not required
Major internal access drives and streets within office, commercial and business park districts	both sides

2. All sidewalks shall be at least ~~four (4)~~ [five \(5\)](#) feet in width, ~~and shall comply with the specifications of the City.~~

3. Sidewalks shall be located:

- a. in the platted street right-of-way, as approved by the City Engineer, and
- b. in any required pedestrian easements.

4. Sidewalks along public and private residential streets for single family developments will be constructed as part of the building permit and will be constructed prior to the building receiving a final certificate of occupancy. If the sidewalks cannot be installed due to adverse weather, a temporary certificate of occupancy may be issued for the building.

5. Sidewalks that are required along both sides of all public and private streets for all multi-family areas shall have all sidewalks complete for the approved phase prior to moving on to the next phase of development.

B. Pedestrian and Maintenance Accessways

1. In **residential** developments, the developer shall provide accessways for pedestrian and maintenance purposes to greenways, parks and open space areas, and detention areas. The access shall conform to the following:

- a. The accessway shall be provided where cul-de-sac streets back up to those areas, or to another cul-de-sac or similar non-connecting street.
- b. At least one (1) accessway shall be provided for every six hundred (600) feet where lots back up to those areas.
- c. Accessways shall be a minimum of thirty (30) feet in width or shall be another alternative in conformance with adopted ~~design criteria~~ [Technical Specifications and Design Criteria for Public Improvement Projects](#).
- d. Accessways which are intended to provide access for both pedestrians and maintenance vehicles must provide a minimum of eight (8) to ten (10) foot wide paved surface in conformance with ~~requirements of the City Engineer~~ [the Technical Specifications and Design Criteria for Public Improvement Projects](#).

2. Crosswalks shall comply with the ~~general standards for crosswalks within the Manual of Uniform Traffic Control Devices (MUTCD)~~ [Technical Specifications and Design Criteria for Public Improvement Projects](#).

C. Trail System

1. Any street within a subdivision, which is indicated on the *Trails & Greenways Plan* as being a part of the trail system, shall be constructed with a widened sidewalk within the right-of-way and/or within a recreation easement paralleling the street.

2. Within the boundaries of subdivisions, open spaces, greenways or recreation easements shall be dedicated to the City when those areas are indicated in the *Trails & Greenways Plan*. The ~~Development Services, Community Services and~~ Public Works Departments shall approve the location, configuration and final boundaries of the open spaces, greenways or recreation easements. Open spaces, greenways and recreation easements:

- a. shall be platted for the use of the public, and for the construction and maintenance of public trails, and
- b. shall be accessible to the public during normal park operations hours for such improvements and to City personnel for inspection and maintenance purposes.

3. Within the boundaries of subdivisions, trails shall be installed by the City within publicly dedicated open space, greenways or recreation easements when such trails are indicated in the *Trails & Greenways Plan*.

4. Within the boundaries of subdivisions, trails shall be:

- a. installed by the developer within publicly dedicated open space, greenways or recreation easements, or
- b. within private homes association open space when the trails indicated on an approved preliminary plat are not indicated in the *Trails & Greenways Plan* .

5. All trails or widened sidewalks required by subsections 1 through 4 above shall:
 - a. If publicly dedicated, shall comply with the applicable minimum design standards established pursuant to the Technical Specifications and Design Criteria for Public Improvement Projects manual, or
 - b. If private, shall have a minimum 5 foot width and a minimum 4 inch deep asphalt or concrete surface.
6. Within the boundaries of subdivisions, private homes associations may provide, own and maintain trails and walkways in open space areas not indicated in the *Trails & Greenway Plan* or not otherwise dedicated as public open space. These private trail and walkway connections may connect open space areas, neighborhood and adjacent perimeter destinations, and connectivity between cul-de-sacs in locations where direct internal street connections are not provided.

D. **Bicycle Facilities**

1. On-street bikeway improvements, including but not limited to bike lanes and “share the road” routes, shall be provided within the boundaries of subdivisions and where applicable along adjacent arterial and collector streets, when identified on the Major Street Map, Transportation [Master Plan](#), Parks and Recreation Strategic Plan and/or other applicable plans to implement the City’s bicycle network.
2. Designated on-street bicycle facilities shall:
 - a. comply with the on-road or shared path facility requirements of the *AASHTO Guide for the Development of Bicycle Facilities*, and
 - b. Have a minimum width of 5 feet with curb and gutter, or 4 feet without curb and gutter.

SECTION THIRTEEN: Section 18.30.220 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.220 Streets

A. **Generally**

1. **Applicant to Provide Streets**

The developer shall install all streets, including curbing, within the boundaries or adjacent to a subdivision. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer.

2. **Design**

All street construction shall conform to the ~~applicable minimum construction standards established by the Technical Specifications~~ [Technical Specifications and Design Criteria for Public Improvement Projects](#) and this Section.

3. **Major Street Map**

a. **Adoption by the Governing Body**

To establish building or setback lines on existing and proposed major streets within the City and prohibiting any new building being located within the building or setback lines, the Governing Body, pursuant to the authority of K.S.A. 12-765, adopted an ordinance establishing building or setback lines on existing and proposed major streets, prohibiting any new building being located within the building or setback lines. This ordinance incorporates by reference the Major Street Map, with its supplementary documents, which sets forth the major street plan for the City and shows, to the extent possible, the location and width of existing or proposed major streets or highways and ~~building or setback lines~~ right of way widths. At least three (3) copies of the Major Street Map together with the adopting ordinance is on file and available for inspection in the offices of the ~~City Planner,~~ the City Engineer and the City Clerk.

b. Filing with Register of Deeds Records and Tax Administration

A certified copy of the Major Street Map and adopting ordinance shall be filed with the Register of Deeds Records and Tax Administration of Johnson County, Kansas.

c. Measurement of Yard and Lot Areas

In measuring any required yard or lot area, those portions of a lot which lie in an established or proposed street right-of-way as ~~depicted~~ defined on the Major Street Map and supplementary documents are not counted as part of any the required yard or lot area.

~~d. **Setbacks**~~

~~Notwithstanding any yard requirement, no building, parking area or other structure shall be located closer to a street right of way than a setback established by the Major Street Map and supplementary documents.~~

ed. **Adoption of Building and Setback Lines**

The building and setback lines for existing and proposed major streets and highways shall be those building and setback lines established by the applicable provisions of the Unified Development Ordinance (UDO) and Olathe Municipal Code.

fe. **Access Management Plan**

All access, including from driveways, private streets and public streets, ~~from major arterial streets, minor arterial streets, highways and collector streets~~ onto adjacent properties shall conform to and be subject to the Access Management Plan.

gf. **Amendment**

The Major Street Map may be amended by ordinance in accordance with K.S.A. 12-765. The Access Management Plan may be amended by resolution by the Planning Commission and the Governing Body. Building and setback lines may be amended in accordance with the requirement of the Unified Development Ordinance (UDO) and state statutes on zoning and platting.

B. Street Layout

1. Generally

- a. Proposed new streets shall be designed and located in relation to existing and planned streets, topographical conditions and natural terrain features such as streams and existing tree growth, to promote public convenience and safety, and in appropriate relation to the proposed uses of land to be served by the streets.
- b. All streets shall be properly integrated with the existing and proposed system of collector and arterial streets, and dedicated rights-of-way, as established on the Major Street Map, Transportation Plan, and Access Management Plan and this ordinance, or as directed by the City Engineer.
- c. All service, collector and arterial streets shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, population densities, and the pattern of existing and proposed land uses.
- d. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- e. All streets within subdivisions shall conform to the Technical Specifications [and Design Criteria for Public Improvement Projects](#).
- f. A fire apparatus access road shall reach 150 feet of any portion of an exterior building, as required by the Fire Code and subsection C below.
- g. The final street design and arrangement of the development shall be completed in accordance with the Major Street Map, Transportation Plan, Access Management Plan, [Technical Specifications and Design Criteria for Public Improvement Projects](#) and applicable corridor studies and plans.
- [h. All streets whether platted as public or private shall be built to City standards.](#)
- [i. All setbacks are measured from the edge of pavement.](#)

2. **Connectivity:**

Street layouts should respond to local conditions such as topography, watercourses, greenways and the existing street systems of neighboring developments. Local street patterns may discourage through traffic, but should also include interconnecting streets with alternative routes throughout the neighborhood to diffuse automobile traffic and shorten walking distances. A well connected street network shall be provided to spread traffic efficiently, and to provide greater opportunities for access and circulation of motor vehicle, pedestrian, and bicycle modes of travel.

a. **External Connectivity**

- (1) Where adjoining areas are not subdivided, the arrangement of Streets in the subdivision shall provide for the extension of Streets into the unsubdivided areas.
- (2) Parcels shall be arranged to allow the opening of future Streets and logical further subdivision.

(3) Proposed streets shall be extended to the boundary lines of the tract to be subdivided or developed, unless prevented by topography or other physical conditions, or unless the Planning Official determines that the extension is not necessary or desirable for the coordination of the layout of the subdivision or development with the existing layout or the most advantageous future development of adjacent tracts.

(4) At least one (1) street shall extend to the boundary line of the tract for each six hundred sixty (660) linear feet of the boundary line with adjoining tracts. This section does not require designated Local streets to extend into floodplains, bluffs or other natural features or existing development that does not accommodate the connection.

b. Internal Connectivity

(1) The following terms are defined for purposes of this subsection only:

Street Link	That portion of a Street that lies between 2 Nodes.
Node	The intersection of two (2) or more streets, a cul-de-sac head or a dead-end. The following are not considered Nodes: <ul style="list-style-type: none"> • An eyebrow. An eyebrow is a semicircular shaped portion of a street that is configured so that a circle with a radius of thirty (30) feet can fit within the confines of the paved portion of the surface. • The intersection of a local Street within the proposed subdivision with an external public street that connects to the proposed subdivision is not considered a node in computing the connectivity ratio.
Pedestrian Connection	A pedestrian accessway or portion of a development’s trail system that: <ul style="list-style-type: none"> • Complies with § 18.30.180.B and –C, and • Connects a dead-end street, cul-de-sac, or T-intersection to another public street or to a commercial or office development that is built, approved, or designated as part of the proposed development. Pedestrian accessways or trails that connect only to parks, greenways or recreational areas are not counted as a Pedestrian Connection for purposes of calculating the Connectivity Ratio.
Street	See 18.90.020.

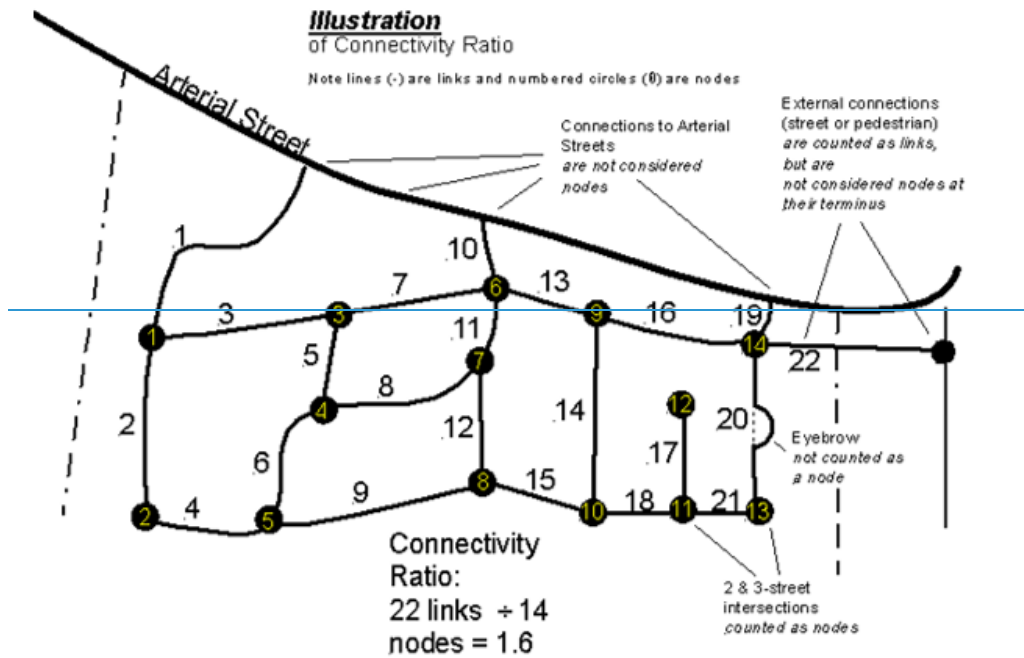
(2) Streets within any proposed residential subdivision shall provide a Connectivity Ratio as provided below. The Connectivity Ratio is computed by dividing the number of Street Links and Pedestrian Connections by the number of Nodes within the subdivision.

(3) The Planning Commission may modify the Connectivity Ratio (see § 18.30.020.B) by counting a feature as a Street Link or Pedestrian Connection or reducing the required ratio if:

- (a) Existing topography or natural features make the required number of connections impractical, and
- (b) The applicant provides alternative solutions that substantially accomplish the purposes of this section.

Table 18.30.220-1. **Connectivity Ratios**

Site Design Category <i>(see Chapter 18.15)</i>	Connectivity Ratio <i>(minimum)</i>
1 (Conventional Neighborhood)	1.2
2 (Conservation Neighborhood)	Not applicable
3 (Neighborhood Center / Urban Center / TOD / Mixed-Use Residential Neighborhood)	1.6
4-6 (Commercial / Office / Industrial)	Not applicable



(Street Standards begin on next page)

C. Street Standards

The minimum right-of-way, horizontal curves, gradients and miscellaneous widths for streets shall [be as listed below for conventional street designs and for compact street designs be in conformance](#)

with the [Technical Specifications and Design Criteria for Public Improvement Projects](#). Horizontal curves and gradients can be varied subject to approval by the City Engineer.

1. Conventional Street Design

Conventional Street Design standards apply to the following Site Design Composite Standards (see Chapter 18.15): 1 (Conventional Neighborhood), and 4-6 (Commercial / Office / Industrial).

Table 18.30.220-2. **Conventional Street Design Standards**

<i>R/W – right of way ft – feet mph – miles per hour</i>	Arterials	Collector	Service Roads	Local Street
Number of Traffic Lanes	4-6	2-5	2-5	2
Width of Traffic Lanes (ft) ^b	12	12	12	12
Left Turn Lanes	Double at Signals	N/A	N/A	N/A
Minimum R/W Width (ft)	120-150 ^{d,e}	60-80 ^e	60-80 ^e	50
Design Volume (VPD) Range	23,000-42,000	1,500-12,000	1,500-12,000	Less than 1,500
Minimum Design Speed (mph)	50 MPH	40 MPH	40 MPH	30 MPH
Stopping Sight Distance (ft)	400-475	275-325	275-325	200
Minimum Radii Horizontal Curve (ft)	750	250	250	200
Sidewalk width (ft; see 18.30.180 for requirements)	5 on one side and 8 on other side (see subsection j)	5 on both sides	4 (commercial) 5 (industrial)	4 one side
On Street Parking	Prohibited	Permitted	Permitted	Permitted
Maximum Grade (percent) ^f	5%	8%	8%	10%
Minimum Grade	1%	1%	1%	1%

Curb	Yes	Yes	Yes	Yes
Curb Radii (ft)	50	30	30	25
Minimum Spacing of Similar Roadways <i>(Ft, unless otherwise indicated)</i>	1 mile	400	400	300
Bike Facilities ^h	Yes	Yes	Yes	No
Street Trees with R/W ⁱ	N/A	Yes	Yes	Yes

~~a. Interior streets in a subdivision that are otherwise required to comply with Table 18.30.220-2 may instead comply with Table 18.30.220-3 (entitled “compact street design standards”), regarding pavement width requirements only, if the connectivity ratio (see subsection B.2) is at least 1.5.~~

~~ba.~~ Additional width is required where needed to comply with the Fire Code, Appendix D, unless the buildings are equipped with an automatic sprinkler system that complies with the Fire Code.

~~eb.~~ The actual right-of-way varies based ~~on the number of travel lanes and lane widths~~ functional classification, and the provision of other elements to support the type and density of adjoining land uses including parallel or angled on-street parking, buffer planting zones with landscape and streetscape materials, pedestrian zones and sidewalk widths, on-street bike facilities, and medians.

~~d.~~ A minimum 200 foot right-of-way is required for 135th Street east of Mur-Len Road. The actual right-of-way for 135th Street and associated service roads shall be based on traffic generation rates and the 135th Street study.

~~ec.~~ Minimum right-of-way width for ~~Major Arterials, Minor Arterials and Collector~~ all public streets shall comply with the intersection dimensions adopted as part of the Major Street Map.

~~f.~~ The maximum grade may be exceeded only upon written approval of the City Engineer. Such approval will be granted only in unusual cases where the grades within the acceptable limits cannot be obtained.

~~gd.~~ Curb cuts are not allowed on controlled access routes.

~~h.~~ When designated on bicycle master plan as approved by City Council.

~~i.~~ In accordance with the street tree standards provided in Section 18.30.130.G.

~~j.~~ Eight (8) foot sidewalk location will be determined by the City Engineer.

~~k. All streets shall be designed in accordance with AASHTO's Geometric Design of Highways and Streets.~~

D. Intersections

- ~~1. The intersection of more than two (2) streets at one (1) point~~ intersection of more than two (2) streets at one (1) point is prohibited.
- ~~2. Streets shall intersect one another at approximately a ninety (90) degree angle. No intersections at angles less than seventy five (75) degrees are permitted. All intersection geometry and spacing shall be in accordance with the Technical Specifications and Design Criteria for Public Improvement Projects.~~
- "T" intersections (3-way) are allowed for all streets. A "T" intersection for arterials and highways requires approval by the City Engineer.
- ~~4. Off center street intersections shall be separated by a minimum centerline to centerline dimension of one hundred fifty (150) feet.~~

[Sight Distance requirements begin on next page]

E. Sight Distance

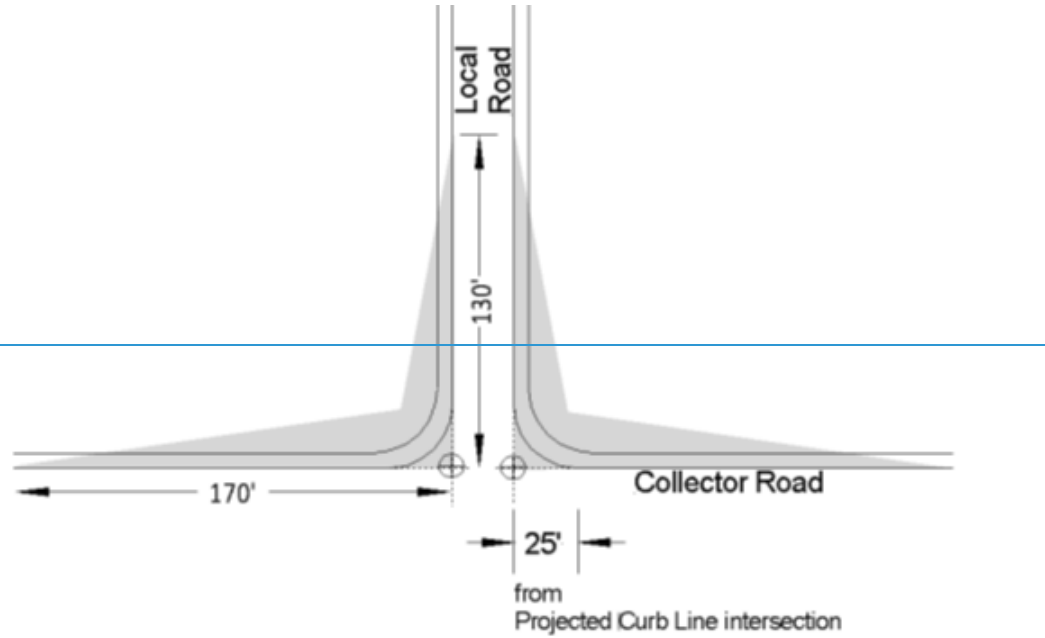
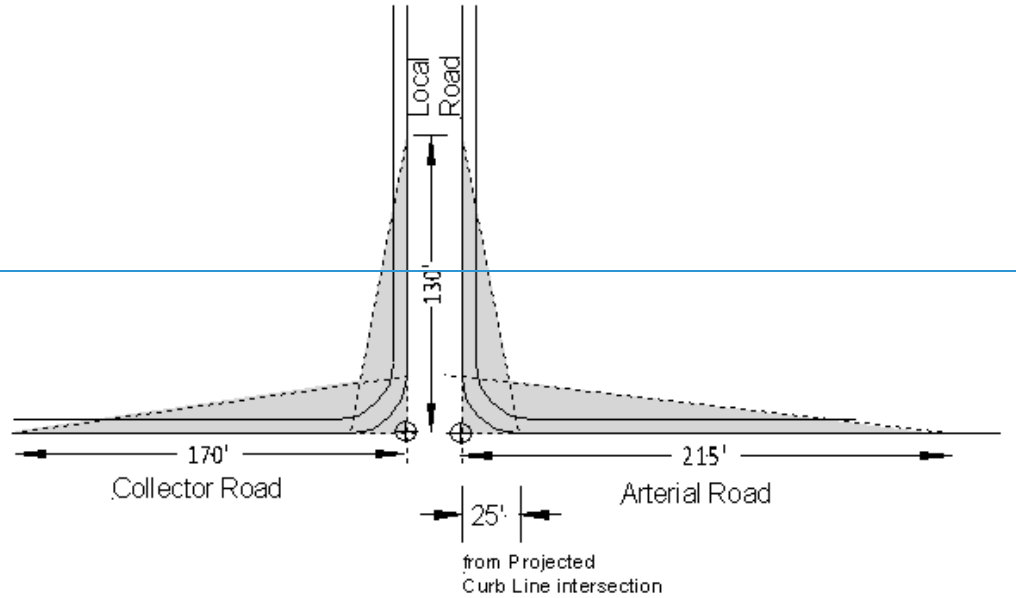
- Two sight triangles are needed at each quadrant of the intersection of two streets, public or private and commercial entrances in accordance with the Technical Specifications and Design Criteria for Public Improvement Projects. ~~Measurements are from the edge of the pavement. Their purpose is to provide vision of traffic control, pedestrian and vehicular traffic.~~
- Sight triangles are used to limit the location of and height of vegetation, structures, fences, walls, and other items at intersections. Any items in the triangle shall be no higher than 24 inches, or lower than 9 feet above. Power poles, city signs, trees may be acceptable as long as they are less than 18 inches wide. Items that cause a sight restriction it should be removed, or (in the case of vegetation) trimmed.
- Sight triangles are not to be used for intersection design – intersection sight distance and stopping sight distance ~~as per AASHTO shall be used~~ shall be in accordance with the Technical Specifications and Design Criteria for Public Improvement Projects.
- Exception may be made in the "D" downtown District, to streets designed under the Compact Street Design option, or to signalized intersections, as approved by the city engineer.

~~Table 18.30.220 5. Required Sight Distances~~

~~(Measured in feet from the intersection of projected curb or pavement edge lines)~~

Major Road Type	Clear Distance Required
Arterial	215
Collector	170

Local	130
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F. Reverse Curves

~~A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets. The minimum tangent length between reverse curves shall be fifty (50) feet for local streets. No tangent shall be required for radii longer than five hundred (500) feet. Reverse curves shall be in accordance with the [Technical Specifications and Design Criteria for Public Improvement Projects](#).~~

G. Cul-de-sacs

The following criteria apply to cul-de-sac street design:

1. The length of cul-de-sac streets shall not exceed 750 feet, measured from the nearside right-of-way line of the intersection street to the center of the cul-de-sac turnaround. Before granting any modification to this provision (see Section 18.30.030), the approving agency shall consult the fire code official.
2. Turnaround right-of-way shall ~~be at least one hundred eighteen (118) feet for residential areas and one hundred twenty (120) feet for nonresidential areas.~~ [be in accordance with the Technical Specifications and Design Criteria for Public Improvement Projects](#).
3. The terminus shall include a paved radius of at least forty-eight (48) feet.

H. Temporary Turnarounds

~~1. This subsection applies to locations where a street:~~

~~a. is to be temporarily terminated,~~

~~b. will be extended at a later date, and~~

~~c. extends beyond the intersection of an adjacent street more than one hundred and fifty (150) feet measured from centerline of intersecting street to the edge of platted area.~~

~~2.~~ 21. A temporary turnaround shall be constructed in accordance with [the Technical Specifications and Design Criteria for Public Improvement Projects](#) and the Fire Code, Appendix D . The fire code official [or City Engineer](#) may approve a smaller turnaround radius where justified by the existing street geometry, topography, traffic volumes, or similar considerations.

~~3. The temporary cul-de-sac shall be constructed of asphalt or concrete with a minimum depth of six (6) inches.~~

~~4. Curb and gutter is not required.~~

~~5. The cul-de-sac shall be constructed within a permanent construction easement.~~

I. Private Streets

1. No plat containing proposed private streets shall be approved by the Planning Commission unless the proposal to utilize private streets has been previously approved by the Governing Body and adequate assurances are provided to maintain the streets.

2. Private streets shall comply with Appendix D of the Fire Code and the [Technical Specifications and Design Criteria for Public Improvement Projects](#).

3. Private streets shall be designated as a separate tract or tracts under common ownership on the plat and inspected by the City.

4. Public access easements shall be dedicated to assure adequate access to all adjacent property owners and the general public being served by the private street for government agencies and public utilities consistent with access provided elsewhere by public streets.

5. All street setbacks are measured from edge of pavement.

J. Driveway Entrances

See Section 18.30.050.

K. Median Strips and Entrance Ways

1. Median strips, which are part of a dedicated public right-of-way, may not be used for any purpose other than by the City or a public utility.

2. A developer or property owner may beautify a median strip with landscaping which conforms with sight distance, and has submitted documentation of the entity which will have permanent responsibility for maintenance and liability of the improvements. Landscaping installed in median strips shall conform with Section 18.30.130.

3. Subdivision entranceways which have a local or collector street intersecting with an arterial street, or a street of higher functional classification, shall be designed at a minimum of sixty (60) and seventy (70) feet in width, respectively, by one hundred forty (140) feet in length. Such entranceway shall accommodate at least one (1) entrance and ~~two (2)~~three (3) exit lanes.

L. Dedication of Right-of-way for Abutting Streets

1. If a proposed subdivision abuts a public street or a proposed public street as indicated on the plat or the Major Street Map, and adequate right-of-way does not exist for the street or proposed street in accordance with the standards set forth in Chapter 12.04 of the Municipal Code, and this Section, or other right-of-way requirements established by a transportation corridor study, traffic analysis or area plan accepted by the City, the City Engineer shall make an individualized determination of the subdivider's responsibility to dedicate to the City, without charge, the right-of-way that is necessary to conform to the indicated right-of-way requirements.

2. Any such dedication shall be shown on the preliminary and final plat.

3. Any determination to require dedication of right-of-way shall be based upon the existence of an essential nexus between the dedication requirement and any public purpose sought to be achieved through such requirement, and the existence of rough proportionality between the dedication requirement and the traffic demands or safety concerns created by the development.

SECTION FOURTEEN: Section 18.30.230 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.30.230 Street Lighting

A. Generally

Any person, firm, corporation, subdivider, developer or owner who is responsible for any new public street construction within the City shall procure and install street lighting. Street lighting shall comply with the Technical Specifications [and Design Criteria for Public Improvement Projects](#).

B. Underground Circuit

All street lighting circuits shall be placed underground.

C. Surety

1. The contractor or developer shall submit a performance and maintenance bond on all street lighting projects before beginning construction.
2. The amount of the surety shall be for the full amount of the project.
3. If surety is given in the form of a bond, it shall remain in effect for a period of two (2) years after the date of completion and acceptance of the construction.

D. Financial Responsibility

The applicant shall pay the cost for the street light materials and installation.

SECTION FIFTEEN: Section 18.30.250 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.250 Underground Utilities

A. Applicability

1. When Required

Utility wires and cables shall be placed underground in subsurface conduits or other suitable and acceptable method of underground installation when they are installed or replaced for electric, communication or other similar or associated service as part of:

- a. new construction of a structure; or
- b. construction of an expansion greater than fifty (50) percent of the square footage of an existing structure; or
- c. reconstruction of an existing structure damaged greater than fifty (50) percent of its fair market value as set by the Johnson County, Kansas Appraiser.

2. Exemptions

This section does not apply to:

- a. electric power lines rated at or above "feeder" line class.
- b. Any telecable, communication or other similar or related service lines rated at or above "trunk" line class.
- c. Existing poles, overhead wires and associated overhead structures, when part of a continuous line, or existing services to individual properties from an existing overhead line. All

future extensions or service connections from these lines shall be placed underground. This chapter does not prevent the replacement of poles, overhead wires and associated overhead structures on these lines when necessary to maintain the line or upgrade the line's capacity, or, in the case of single-phase lines, the addition of necessary facilities to three (3) phasing of the line;

- d. Radio and television antennas;
- e. Existing overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one (1) location on the building to another location on the same building, or to an adjacent building without crossing a property line;
- f. Poles used exclusively for street or area lighting or for traffic-control facilities;
- g. Service terminals, transformers, regulators, meters or other on-and above-ground facilities normally used with and as a part of an underground distribution system;
- h. Electric substations and the accompanying equipment and apparatus necessary to provide adequate electric service.

B. Standards

The underground installation shall meet existing safety standards prescribed by the City Council, based upon the National Electric Code (NEC).

C. Coordination of Installation

1. The applicant shall make the necessary arrangements to install underground facilities, including circuits for street lights and traffic signals that are required by the City.
2. The arrangements shall be made with each of the companies or persons supplying the electrical and communications service to the development, in accordance with the established charges of the company or person.
3. Letters from each company or person, indicating that these arrangements have been made, shall be submitted to the Planning ~~Department~~ [Division](#) at the time the final subdivision plat or site development plan is filed.

D. Temporary Modifications

1. The Planning Official may temporarily waive a requirement of this section if:
 - a. the waiver is the minimum necessary to mitigate an unnecessary hardship due to site constraints, or
 - b. the revisions assure compatibility with land owners within two hundred (200) feet of the boundary of the area, or
 - c. temporary electrical power or communication service is reasonably required for emergencies or for building construction purposes, or
 - d. for other temporary purposes.

2. A temporary waiver allows the applicant to erect, construct, install or maintain poles, wires and other overhead structures for a period not to exceed one hundred twenty (120) days.
3. If the purpose for which the temporary waiver is granted cannot be completed within the period provided above, the Planning Official may approve an additional temporary period or periods necessary to allow completion of such construction. Grounds for an extension of time including a shortage of material, a natural disaster, strikes or other circumstances beyond the control of the parties, or unusual hardships.

E. Permanent Variances

Persons or utility providers required to place cables and wires underground may appeal by submitting a written request for a variance from the Board of Zoning Appeals. The Board may grant full or partial relief based on good cause such as the following factors:

1. Character of surrounding neighborhood and whether wires and cables are underground.
2. Extremely high cost of placing the wires and cables underground in relation to the proposed development.
3. Potential of serious environmental or aesthetic damage such as the removal of significant numbers of trees.

F. Special Exception

Notwithstanding any other provisions of this chapter, the City Council may grant special exceptions on a permanent or temporary basis to this Section on terms that the City Council deems appropriate in cases of emergency or unusual circumstances to any party to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures.

G. Hold Harmless

The utility, its successors and assigns, shall save and hold harmless the City of Olathe, Kansas, from all liability, costs, damages, and expenses of every kind, for the payment of which the City may become liable to any person, firm or corporation by reason of any negligence by the utility in the construction, maintenance and operation of its utility system within the City of Olathe.

H. Underground Wiring Prohibited

The installation, placement or maintenance of any and all underground electrical or communication wiring or associated structures or facilities, whether above or underground, is prohibited in all floodplains, flood-prone areas, drainage easements, major drainageways, or any other area where the possibility of standing water exists. Where electrical or communication service wiring must cross those areas, easements or ways, they must be elevated and installed to be reasonably free from flood or storm water runoff damage.

I. Definitions

The words and phrases used in this Section have the following meanings:

Poles, overhead wires, and associated overhead structures

Includes, but is not limited to, poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, line transformers, insulators, cut-outs, switches, communication circuits, appliances, attachments and appurtenances located above ground, upon, along, across or over the streets, alleys and easements, and used in supplying electric, communication or similar or related service.

Feeder Line

That portion of an electrical circuit which provides power from a power substation and which has a rated capacity of three thousand (3,000) KVA or greater.

Trunk Line

Those utility lines within a distribution system with an 0.75 inch diameter.

SECTION SIXTEEN: Section 18.30.270 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.270 Yards and Setbacks

Purpose: this Section establishes general rules and exceptions for building setbacks and required yards.

A. Applicability

This section applies to any yard or setback required by this Title.

B. Generally

1. Every part of a required yard shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided in subsection D below.
2. In measuring a yard to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the building applies.
3. Where lots abut a street that is designated as an arterial street on the Major Street Map, all yards abutting the street are measured from a line one-half ($\frac{1}{2}$) the proposed right-of-way width from the centerline or from the lot line, whichever provides the greater setback.
4. On other lots, all yards abutting a street are measured from a line twenty-five (25) feet from the centerline, or from the lot line, whichever provides the greater setback.
5. Required yard means that portion of any yard constituting the minimum area required in any zoning district, but excluding that portion of the yard in excess of the minimum required area.

C. Measurement Standards and Yard Types

1. **Front yard** means a yard across the full width of the lot extending from the front line of the main building to the front lot line. A corner lot has a front lot line on that street on which it has its least dimension.
2. **Rear yard** means the yard between the rear lot line and the rear line of the main building and the side lot lines.
3. **Side yard** means a yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

4. **Corner lots** are on the junction of and abutting 2 or more intersecting streets. Corner lots shall have a side yard of at least 20 feet on the street side.

D. Yard Encroachments

The features designated and as conditioned below may encroach into a required yard:

Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback
Arbors (maximum footprint of 80 sf and maximum height of 12 feet)	Any yard <u>Front/rear</u>	No restriction <u>6 feet into yard</u>	0 feet
Basketball goal	Any yard	No restriction	<u>10 feet (front yard)</u> <u>3 feet (side yard)</u>
Bird houses, dog houses, chicken coops, dog kennels, rabbit hutches, bee hives and other animal enclosures	Any yard <u>Rear yard</u>	No restriction	6 feet and a minimum of 40 feet from the nearest neighboring dwelling unit
Building projections including window sills, belt courses, cornices, chimneys, buttresses, eaves, spouts/gutters, brackets, pilasters, grill work, projecting windows trellises, bays, bows, oriel, dormers and similar ornamental architectural features	Any yard	30 inches into yard	--
Canopies, Freestanding	Front	10 <u>6</u> feet into yard	
Uncovered decks and patios <u>Residential decks patios, or porches whether unenclosed, covered or uncovered</u>	Front/rear	6 feet into yard	--
Clothes line (up to 2 poles)	Rear/Side	No restriction	<u>10</u> feet
Driveways	Any Yard	No restriction	2 feet
Equipment, ancillary (residential or mixed use districts)	Interior Side/Rear	No restriction	0 feet
Equipment, ancillary (non-residential districts)	Interior Side/Rear	No restriction	0 feet

Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback
Fire escape / enclosed outside stairway / handicap ramps required by the building code	Side	½ yard width, up to 5 feet from building	--
	Rear:	5 feet into rear yard	
Flag Pole	Any yard	No restriction	<u>10</u> feet
Garages, attached or detached and loaded from an alley	Rear	No restriction	0 feet
Gates	Any yard	No restriction	0 feet
Greenhouses	Rear/Side	No restriction	5 <u>10</u> feet
Landscaping, lawns, berms, trees, shrubs, and fences	Any yard	No restriction	0 feet
Light Poles	Any yard <u>rear</u>	No restriction	0 feet
Mailboxes	Any yard	No restriction	0 feet
Playground equipment, trampolines	Any <u>Rear</u> yard	No restriction	0 <u>5</u> feet
Unenclosed open pools and spas up to 20 feet from a dwelling unit on an abutting lot	Rear/Side	No restriction	5 feet
Pier, awnings, steps, structural overhangs or projections enclosing habitable living space, or similar architectural features and awnings	Any	No restriction	0 feet
Parking areas, subject to zoning district regulations and Chapters 18.15 and 18.30	Any	No restriction	0 feet
Porches, residential unenclosed covered	Front/rear	6 feet into yard	--
Ramps for citizens with impairments	Any	No restriction	0 feet

Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback
Retaining Walls	Any	No restriction	0 feet
Sidewalks	Any	No restriction	0 feet
Signs (subject to Chapter 18.50)	Any	See Chapter 18.50	See Chapter 18.50
Stormwater detention or retention facilities or ditches, unless the Planning Official finds that underground stormwater management facilities are not currently available	Rear (N, C-1 districts),		
Any yard (all other districts)	No restriction	0 feet	
Vending Machines, ATMs	Any	No restriction	10 feet
Wing walls, stoops, landings, balconies, patios, and decks	Any yard	30 inches into yard	--

E. Yard Exceptions or Reductions

1. Platted Setback Lines

If platted setbacks in a plat approved by the City are more restrictive than the yard requirements set forth in this title, the platted setbacks control. Building permits shall not be issued for any building or structure outside of the platted setback.

2. Residential Districts; Front Yards

In residential districts where lots comprising forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets (excluding reverse corner lots) are developed with buildings having front yards that vary up to ten (10) feet in depth, the average of those front yards is the minimum front yard depth for the entire block. However, where a recorded plat shows a setback line which otherwise complies with the requirements of this title, but which is less than the established setback for the block as provided here, that setback line controls.

3. Yards in Specific Zoning Districts

The yard requirements may be adjusted by the specific zoning district (such as the "D" Downtown district) or conditions of approval to a planned development rezoning.

F. Rear and Side Yards in Commercial and Industrial Districts

1. Where the rear lot line of a commercial or industrial district coincides with a railroad right-of-way line, the rear yard may be reduced to five (5) feet.
2. Where the rear yard and/or side yard of two (2) or more commercial or industrial storage areas or lots abut each other, the rear yard and/or side yard setbacks of each abutting storage area or lot area only may be reduced to a zero (0) foot setback. The remaining portion of each rear yard/or side yard setback not occupied by a storage area or lot shall comply with the height and area regulations and landscaping of the zoning district. However, the storage areas shall comply with the landscaping and buffer requirements of this Chapter. If the commercial or industrial storage area or lot is removed as a use from the property, the rear yard and/or side yard setback will revert back to the height and area regulations of the zoning district and landscaping requirements of this Chapter.
3. Existing commercial and industrial lots wishing to reduce rear yard and/or side yard setbacks shall follow the City's administrative review application process established by the Planning [Services Division](#). Vacant commercial and industrial lots preparing for development and wishing to reduce the rear yard and/or side yard setbacks shall follow the City's final site development plan application process.

G. **Corner Lots**

1. **Width**

Corner lots shall have a minimum width of 70 feet to provide appropriate building setback from both streets.

2. **Yards**

See subsection C above for yard requirements.

3. **Sight Distance**

Corner lots shall provide traffic sight distance triangles, measured along the edge of the pavement, in accordance with Section 18.30.220.

SECTION SEVENTEEN: Section 18.40.010 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.40.010 General Procedural Requirements & Authority

A. **Generally**

1. This Chapter establishes the procedures to process applications that are filed under this Title, including applications to amend the UDO and to permit developments.
2. Applications filed under this Chapter must include the information required by Chapter 18.94 (Submittal Requirements).
3. The Governing Body may establish fees for all applications provided for in this chapter by resolution.
4. All applications shall be made on forms prepared by the City and available in the Planning [Department Division](#).

B. Permits - Conformance of Construction

No permit shall be issued for any building, structure or use of land unless it conforms to all provisions of this Title, Title 15 of the Municipal Code, any other applicable provisions of the Municipal Code, and plans approved by the Planning Commission, Governing Body or Planning Official, as provided by this Title. No development on any tract shall begin until approval of zoning, final site development plan, final plat, vested rights permit, or applicable permit has been granted by the City, unless specifically exempted by the applicable ordinance.

C. Conditional Approvals

In approving any application, the approving authority may stipulate that the approval is subject to compliance with conditions needed to mitigate the impacts of the development or to ensure compliance with an applicable requirement of this Title. Examples of conditions include limitations on permitted uses, time of performance requirements, limitation on hours of operation, participation in transportation systems management programs, or participation in improvement districts or other programs for financing public facilities.

D. Written Findings

1. Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application.
2. At the request of an applicant or a party with standing to challenge an application, or on its own initiative, the Approving Authority may make a decision subject to the subsequent adoption of written findings. In those cases, the decision is not final until findings are adopted.
3. If an appeal of any quasi-judicial decision is filed in the district court of Johnson County pursuant to KSA 12-760 or KSA 60-2101(d) in cases where written findings are not adopted, written findings shall be adopted by the approving authority within forty-five (45) days of service of the appeal on the City. The Approving Authority shall then certify the findings to the district court as part of the administrative record. The forty-five (45) day time period for adoption and certification of findings may be extended with the permission of the district court.

E. Non-Agenda Item Reviews

At the discretion of the Planning Official, non-agenda items may be brought before the approving authority for consideration. The approving authority, in its sole discretion, may refuse to hear non-agenda items.

SECTION EIGHTEEN: Section 18.40.040 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.040 Completeness Review

A. When Applications Deemed Complete

1. No application is complete until all items required to be submitted in support of the application are submitted (see Chapter 18.94). All applications provided to the Planning Official shall be reviewed for completeness before being placed on a Planning Commission agenda. The City will not process incomplete applications.

~~2. The City will not process incomplete applications.~~

2. Applicants should review Chapter 18.94 for submittal requirements.

3. The Planning Official will review all applications to determine completeness.

B. Application and Submission Deadlines

1. The Planning Official or the approving authority may provide submission deadlines for materials required in support of any application provided for in this chapter (see current adopted Planning Commission schedule).

~~2. Compliance with these deadlines is required in order to have the application placed on an agenda to be heard by the approving authority.~~

~~3. At the discretion of the Planning Official, non-agenda items may be brought before the approving authority for consideration, the approving authority, in its sole discretion, may refuse to hear non-agenda items."~~

SECTION NINETEEN: Section 18.40.070 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.40.070 Continuances

A. Generally

1. ~~All m~~Motions to grant a continuance ~~may shall~~ state the date on which the matter is to be heard, unless otherwise requested by the Planning Official.

~~2. A majority vote of those members of the Approving Authority present at the meeting is required to grant a continuance, unless otherwise required by law or the agency's rules of procedure.~~

B. Routine Continuance Requested by Applicant

1. Any applicant has the right to one (1) continuance of a public hearing before the Planning Commission or Board of Zoning Appeals.

2. The Planning Commission or Board of Zoning Appeals may grant additional continuances.

~~2~~3. An applicant must file a written request for a continuance with the secretary of the Planning Commission or Board of Zoning Appeals at least two (2) business days prior to the date of the scheduled hearing.

~~3~~4. The applicant shall make every attempt to notify all persons previously notified of the original public hearing date of the continuance either by mail or telephone.

~~4.5. If a neighborhood meeting is not required, T~~he applicant shall ~~cause written notice to be sent~~ written notice ten (10) days prior to the date of the rescheduled public hearing to surrounding property owners in the same manner as required for notice of the original hearing.

6. In the case of rezonings and special use permits, the applicant shall repost public notification signs with the new public hearing date ten (10) days prior to the date of the rescheduled public hearing.

[7. If the applicant made major modifications to the application after the neighborhood meeting was held, the Planning Official may require a subsequent neighborhood meeting. The subsequent neighborhood meeting shall follow the criteria set for in 18.40.030.](#)

58. The applicant is responsible for all costs incurred by the City with the notification of the rescheduled meeting.

C. Requested by Approving Authority

1. The Approving Authority may continue an application on its own motion.
2. The Approving Authority may direct the secretary or the applicant to renotify property owners within two hundred (200) feet of the subject property, if that notice was required in the first instance.”

SECTION TWENTY: Section 18.40.090 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.090 Rezoning

Purpose: this section provides a way to change the Zoning Map. Zoning map changes can occur as the result of a change in the Comprehensive Plan, changes in local conditions, or other factors allowed by Kansas law. Rezoning is usually requested by property owners to provide a suitable framework for development.

A. Applicability

This section applies to any application to amend the Zoning Map.

B. Initiation

1. A rezoning application may be filed by the Governing Body, the Planning Commission, the landowner or the landowner's agent. Preapplication is required if the application is filed by a landowner.
2. If the rezoning involves a specific development proposal, a neighborhood meeting is required (see Section 18.40.030).

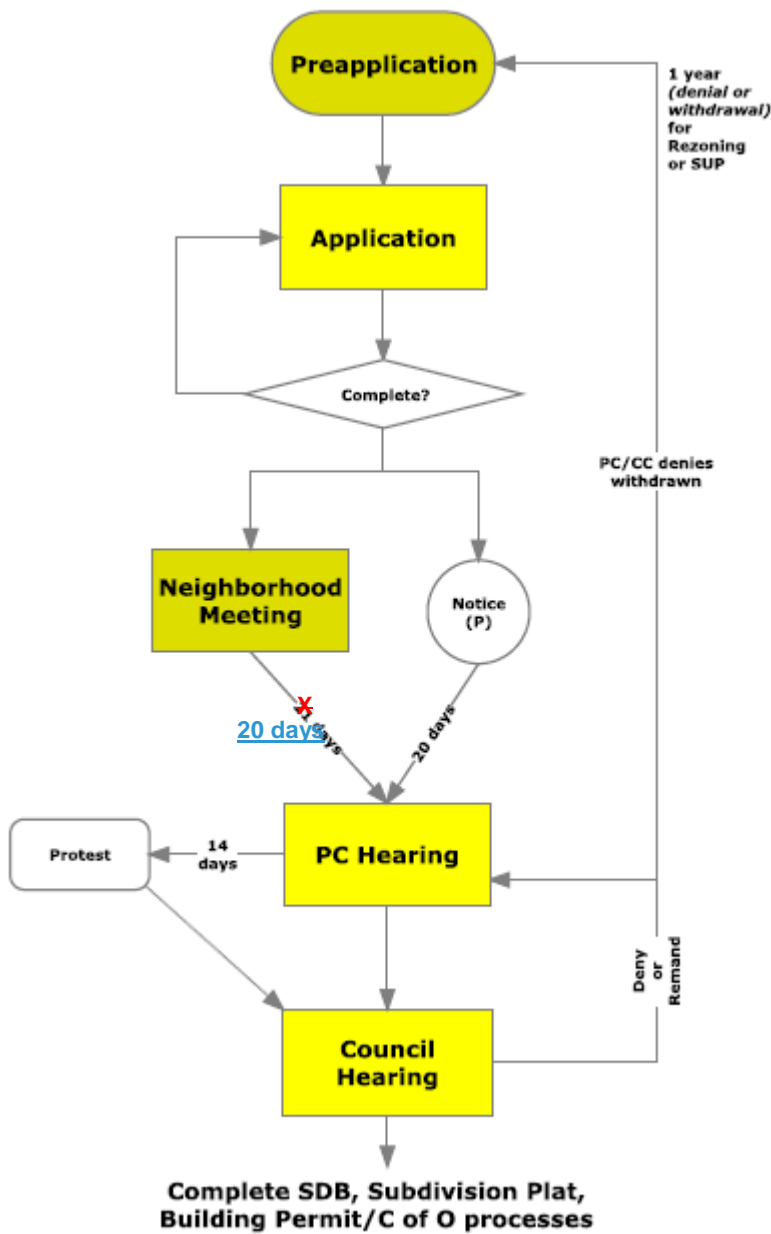
Cross-Reference: 18.40.020 (Preapplication)

C. Completeness Review

See § 18.40.040 Completeness Review.

D. Decision

1. Notice by publication and to surrounding property owners is required (see Section 18.40.050).
2. The Planning Commission submits a recommendation and the Governing Body renders a final decision, as provided in Section 18.40.060.B. The Governing Body approves a rezoning by ordinance. A preliminary site development plan is processed and approved as part of this application in accordance with Section 18.40.110 (a separate application is not required).



E. Protest Petition

1. When an applicant submits a rezoning or special use permit application, a mechanism exists, called a protest petition, whereby property owners in the vicinity of the subject property of the application, can create a requirement for a higher threshold of approval on the part of the Governing Body. The higher threshold takes the following form: if a valid protest petition is filed, an ordinance approving the rezoning or special use application shall not be passed except by the affirmative vote of at least three-quarters (3/4) of the members of the Governing Body.
2. A protest against any rezoning or a special use permit application shall be filed in the City Clerk's office no later than the end of the business day (5:00 PM) on the fourteenth (14th) day following the date of the conclusion of the Planning Commission's public hearing held pursuant to the publication notice. For the purposes of calculating the fourteen (14) day period, weekends and

holidays are counted. However, if the last day is a nonbusiness day for City offices, then the filing deadline is 5:00 PM on the next regular business day.

3. A protest petition must be timely filed and duly signed and verified by the owners of record of twenty (20) percent of the total area required to be notified by state statutes, except public streets and ways, located inside or outside the City's corporate limits, in accordance with Section 18.40.050.B.
4. The Planning Official shall verify the genuineness and correctness of the signatures on the protest petition, either individually or collectively.
5. Once a valid protest petition is filed with the City, it may not be withdrawn unless every person that signed the original petition signs a verified affidavit which states and fully explains the rights being waived by the withdrawal of the protest petition. Affidavits of withdrawal must be filed with the City Clerk on or before the last regular business day preceding the Governing Body meeting for which the protest applies.

F. Rezoning for Lesser Change

1. The Planning Commission may recommend, and the Governing Body may adopt, a change in zoning which is a lesser change than the one requested, if the more restrictive district is in the same residential, commercial or industrial grouping as the district for which the change was requested. The hierarchy of districts is designated below:
2. The adoption of a lesser district shall only be approved with the consent of the applicant.
3. A change to a residential district will not be approved if the application is for a commercial or industrial district, and a commercial district will not be approved if the application is for an industrial district. Applications for Districts AG, N, D, BP, TOD, PD, or PR may not be changed to another category unless a new application is filed.
4. A planned district shall be equally restrictive as its equivalent district. However, the Governing Body may refer any the application back to the Planning Commission for further consideration if it considers the referral advisable and in the best interest of the public and the applicant.

G. Approval Criteria

In considering any application for rezoning, the Planning Commission and the Governing Body may consider the criteria stated below, to the extent they are pertinent to the particular application:

1. Whether the proposal conforms to the Comprehensive Plan and any other recognized plans, studies or policies normally utilized by the City in making land use decisions.
2. The character of the neighborhood including but not limited to:
 - a. land use,
 - b. zoning,
 - c. density (residential),
 - d. floor area (non-residential and mixed use),

- e. architectural style,
- f. building materials,
- g. height,
- h. structural mass,
- i. siting,
- j. open space.

3. The zoning and uses of nearby properties, and the extent to which the proposed zoning district is in harmony with those zoning districts and uses.

4. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

5. The length of time the property has remained vacant as zoned.

6. The extent to which approval of the application would detrimentally affect nearby properties.

7. The extent to which development under the proposed district would substantially harm the value of nearby properties.

8. The extent to which the proposed district would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

9. The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm.

10. The economic impact of the proposed use on the community.

11. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

12. The recommendation of professional staff.

13. Any other factors which may be relevant to a particular application.

H. Subsequent Applications

1. When a rezoning application is withdrawn by the applicant or denied by the Planning Commission or the Governing Body, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.

2. An application for a different zoning classification can be submitted at any time. In addition, a new application showing major modifications and/or revisions to the withdrawn or denied application may be submitted at any time.

I. Appeals of Final Decisions

Any person, official or agency aggrieved by a final decision on a rezoning application shall file any appeal in the district court of Johnson County with thirty (30) days of the final decision.

J. **Scope of Approval**

A rezoning does not authorize development. Any development that occurs after the rezoning requires additional approval, which may include subdivision plat or site development plan approval, if applicable, and building permits and certificates of occupancy.

Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.

K. **Recordkeeping**

A rezoning is recorded as follows:

1. The City Clerk maintains a record of all ordinances that change the zoning classification of the area or property, and
2. The Planning ~~Department~~ Division revises the Zoning Map to reflect the new zoning classification for the property.

L. **Zoning Amendments**

1. A request to change or remove any stipulations approved with a rezoning ordinance shall require approval of a zoning amendment application. Upon approval, the zoning amendment maintains the same zoning district classification.
2. The zoning amendment application shall follow the same review and approval procedures for a rezoning, as outlined in this section.”

SECTION TWENTY-ONE: Section 18.40.100 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.100 Special Use Permits

Purpose: Some land uses, buildings or structures are not appropriate under all circumstances in a given zoning district, but may be appropriate if adequate precautions are taken to assure compatibility with surrounding uses, public need, and the City as a whole. This Section allows those uses by granting a special use permit, subject to the procedures that are similar to rezoning, as stated below.

Note: a rezoning and a special use permit have the same process. However, a rezoning approves a zoning district, while a special use permit approves an individual use within a zoning district.

A. **Applicability**

1. This section applies to any use, building or structure that is designated as a Special Use in Chapter 18.20 by the Use Matrix (see Chapter 18.20).

2. An applicant may combine a special use permit application and rezoning application, and the City may process both applications concurrently. However, if the special use is not allowed in the zoning district that applies to the property when the application is filed, the City will not approve the special use permit unless it also approves the zoning district.

3. Before any Special Use is constructed, reconstructed, established, or expanded, the Governing Body must approve a special use permit for the use. The Special Use must also comply with all applicable development, performance and special standards in this Title, and any applicable conditions of special use permit approval.

4. A special use permit is restricted to the zoning district and land where the permit is approved.

B. Initiation

1. A special use permit application may be filed by the landowner or the landowner's agent.

2. Preapplication is required (see Section 18.40.020).

3. A neighborhood meeting is required (see Section 18.40.030).

Cross-Reference: 18.40.020 (Preapplication)

C. Completeness Review

See § 18.40.040 Completeness Review.

D. Decision

1. Notice to surrounding property owners is required (see Section 18.40.050.B).

2. The Planning Commission shall conduct a public hearing and submit a recommendation and the Governing Body renders a final decision, as provided in Section 18.40.060.B. The Governing Body approves a special use permit by resolution.

E. Protest Petition

Protest petitions may be filed as provided in Section 18.40.090.E.

F. Approval Criteria

The criteria that apply to a rezoning also apply to a special use permit (see Section 18.40.090.G), and:

1. The Planning Commission and the Governing Body may consider other factors which may be relevant to a particular application.

2. When a special use permit is approved, the Governing Body may impose restrictions upon height or bulk of buildings or structures, or impose requirements relative to yard and lot area, parking, open space or landscaping, duration of the permit, or other requirements determined to be reasonably necessary to protect the public health, safety and welfare of the neighborhood and the community.

3. The Governing Body may require that the applicant submit a final development plan for approval by the staff, Planning Commission or Governing Body prior to the issuance of any building permit.

4. Except where a longer or shorter time is required by this Title or a condition of approval for a specific special use, the [Planning Commission may recommend and](#) Governing Body shall grant or extend a permit for any period as is warranted under the circumstances. If the Governing Body does not designate a time period, the special use permit is valid for five (5) years from the date of approval. The applicant shall submit an annual report for review by the Planning Official that documents its compliance with this Title and any conditions of special use permit approval.

G. Subsequent Applications

1. When an application for a special use permit is withdrawn by the applicant or denied by the Planning Commission or the Governing Body, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.

2. An application for a different special use permit request can be submitted at any time. In addition, a new application showing major modifications and/or revisions to the withdrawn or denied application may be submitted at any time.

H. Appeals of Final Decisions

Any person, official or agency aggrieved by a final decision on a special use permit application shall file any appeal in the district court of Johnson County with thirty (30) days of the final decision.

I. Scope of Approval

1. Subsequent Approvals and Development

A special use permit does not authorize development. Any development that occurs after the special use permit is approved requires additional approval, which may include subdivision plat or site development plan approval, if applicable, and building permits and certificates of occupancy.

2. Transfer of Special Use Permits

The applicant is designated the permittee for purposes of this Section. The use authorized by the permit, however, relates to the land and not the permittee, and permits may therefore be transferred. Any person desiring to operate a special use on property by transfer of the special use permit shall apply to the Planning Official to be substituted as permittee. The applicant shall furnish any information that is reasonably required to satisfy the Planning Official that the applicant is the owner of the property subject to the special use permit, or is otherwise authorized by the owner of the property to conduct the use on the property and to comply with any conditions of approval, and is otherwise qualified to be designated as permittee. No person may use property for a special use without being designated as permittee. Unauthorized use of the property is grounds for revocation of the special use permit.

3. Time Limits

a. A special use shall commence (see subsection c below) within one (1) year from the date of approval. The Governing Body may extend this time limit as a condition of approval.

- b. A special use loses its nonconforming status when the time limit expires.
- c. Commencement of a special use occurs upon the initial issuance of a building permit, or land clearing permit, or upon the initiation of significant action to satisfy requirements for improvements contained in the conditions of special use approval, or other regulatory documents relating to the special use.

4. **Extension of Time Limits**

- a. Only one (1) time extension is permitted and shall not exceed six (6) months.
- b. The owner shall request the extension prior to the expiration of the special use.
- c. The request is to be made to the Planning Official.
- d. The Planning Official shall review the proposed time extension to determine if any modifications have been made to the special use site, and if changes have occurred to this Title or other development regulations that affect the original approval. If the Planning Official finds that no substantial modifications are proposed, the time extension is deemed approved subject to conditions. If the Planning Official finds that substantial modifications are proposed, the time extension is processed under Section 18.40.120. "Substantial modifications" are defined in Section 18.40.120.A.
- e. The applicant may appeal any decision of the Planning Official regarding the time extension to the [Governing Body/Planning Commission. \(Ord. 02-54 § 2, 2002\)](#)

J. **Recordkeeping**

The City Clerk maintains a record of all resolutions approving a special use permit."

SECTION TWENTY-TWO: Section 18.40.110 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.40.110 Site Development Plans

Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this Title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. **Applicability**

1. A **preliminary site development plan** is required for:
 - a. Any application to rezone property:
 - (1) to a district that allows nonresidential uses or multifamily or two-family dwellings, or
 - (2) to an "A," "R-1" or "R-2" district where the applicant is proposing a non-residential development
 - b. all nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and

c. any application for approval of a planned development district.

2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

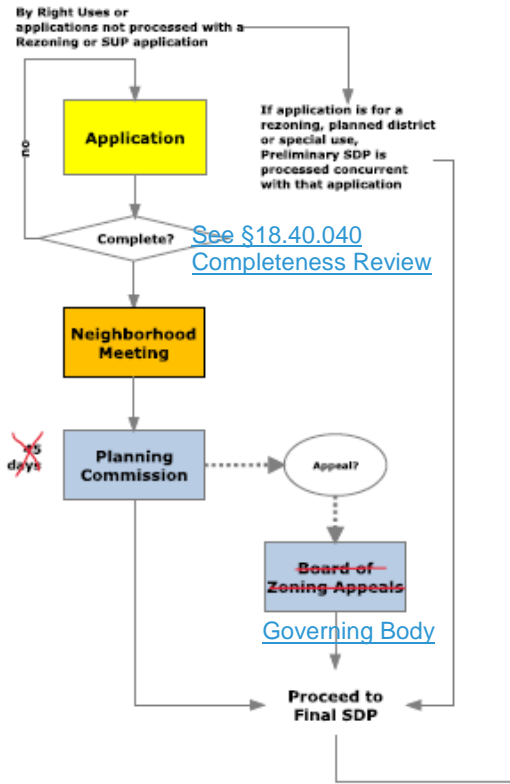
1. Preliminary and Final Site Development Plans shall be filed with the Planning Official, and shall include the information required by Chapter 18.94.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section 18.40.030).

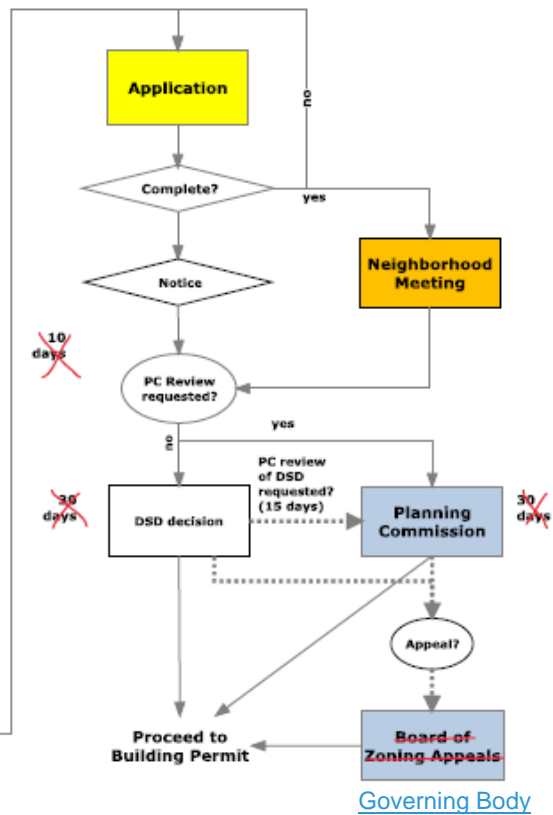
C. ~~Completeness Review Process~~

~~See § 18.40.040 Completeness Review.~~

Preliminary SDP Process



Final SDP Process



D. Decision

1. Preliminary Site Development Plan Decision

a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. Notice to surrounding property owners is required (see Section 18.40.050.B). The Planning Commission will render a decision within 30 days, unless the

applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application. The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. **Final Site Development Plan Decision**

a. **Authority**

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. **Planning Official Decisions**

If the Planning Official renders a decision on the application:

(1) The Planning Official shall render its determination within 30 days after the applicant submits a complete application (see Section 18.40.040), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

(2) If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection d, below).

(3) If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.

[\(4\) If an administrative review application is without communication from the applicant for more than six \(6\) months, the applicant will be required to submit a new application and feeds for the final site development plan review to continue.](#)

c. **Planning Commission Review**

(1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.

(2) The Planning Commission will consider the application without a public hearing.

(3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.

(4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. **Approval Criteria**

1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:

- a. The plan complies with all applicable requirements of Chapter 18.15, 18.20, and 18.30, and
- b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.

2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this Title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section 18.40.120.

F. Subsequent Applications

1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.

2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

1. Approved final site development plans are valid for two (2) years after final approval.

2. If the landowner fails to commence the planned development within the time period required in subsection 1 above, the site development plan becomes null and void unless the time period is extended.

3. The approving authority may extend the time period upon written application by the landowner. Unless otherwise required in a condition of approval, the approving authority may extend the time period without a public hearing. The approving authority shall extend the site development plan for up to 6 months. After this time period or at the time the original extension is requested, the approving authority may extend the site development plan for any length of time for cause.

4. The applicant may revise an approved final site development plan as provided in Section 18.40.120.

5. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning ~~Department~~Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

1. If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
2. If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved.”

SECTION TWENTY-THREE: Section 18.40.120 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.120 Site Development Plan Changes

Purpose: this section creates a streamlined process for applicants to change their site development plan approvals to meet changing market conditions. Planning Commission review or reapplication is required for changes that are major, with staff review of minor changes. This provides for quick decisions when needed by applicants, while also giving the City the ability to review changes that would increase a project’s impacts on its neighborhood. In addition, this section defines approvals that are minor in nature to provide clarity for staff and applicants.

A. Applicability

1. A **revised preliminary site development plan** is required when Major Changes are proposed to any preliminary or final site development plan.
2. For purposes of this section, “Major Changes” to the site development plan mean any of the following:
 - a. Increases in the density or intensity of residential uses of more than five (5) percent.
 - b. Increases in the total floor area of all nonresidential buildings covered by the plan of more than five (5) percent.
 - c. Increases of floor area for any one (1) nonresidential building covered by the plan of more than five (5) percent.
 - d. Increases of lot coverage by more than five (5) percent.
 - e. Increases in the height of any building of more than ten (10) percent.
 - f. Changes of architectural style and building materials that:
 - (1) Will make the project less compatible with surrounding uses with regard to building materials, building composition, roof forms, entryways, or similar elements, or
 - (2) For a project approved before the effective date of this UDO that are not consistent with the composite design standards (Chapter 18.15).
 - g. Changes in phasing or stages of construction that will lead to a different development concept, or an increase trip generation or impacts on other public facilities by at least five (5) percent for any development phase.

- h. Decreases of any peripheral setback of more than five (5) percent.
 - i. Decreases of areas devoted to open space of more than five (5) percent or the substantial relocation of such areas.
 - j. Changes in street design or lot layout that do not comply with the version of the fire code or Chapter 18.30 in effect at the time of application.
 - k. Removal of conditions or stipulations to the preliminary development plan approval.
 - l. Any other condition designated as such by the Approving Authority in a condition of approval.
3. The following changes are considered Minor Changes to the site development plan:
- a. An increase in floor area or number of dwelling units not exceeding five (5) percent.
 - b. Substitution of landscape materials if the new materials are the same general size and type.
 - c. Minor changes to elevation, building materials, parking lot design, screening fences or walls, building location, or similar elements of site or building design, that would improve the site or are needed because of circumstances not foreseen at the time the preliminary site development plan was approved by the Approving Authority.

B. Initiation

An application for a revised preliminary site development plan or revised final site development plan is filed with the Planning Official.

C. Completeness Review

See § 18.40.040 Completeness Review.

D. Changes to Preliminary Site Development Plans Approved Concurrent with Rezoning

1. A **Major Change** to a preliminary site development plan that is approved **as part of a planned development rezoning, condition of zoning approval or special use permit** is allowed only after approval of a **revised preliminary site development plan**.
 - a. The Planning Commission may approve, approve with conditions, or deny the revised preliminary site development plan after a public hearing, subject to 18.40.060. Notice to surrounding property owners is required (see Section 18.40.050.B).
 - b. The Planning Commission's decision is final, unless a protest petition is filed.
 - c. Affected property owners may file a protest petition within fourteen (14) days of the Planning Commission's approval of a revised preliminary site development plan. If a protest petition is filed, the Governing Body shall consider the application and render a final decision as provided in Section 18.40.060.
 - d. If a valid and timely protest is not filed against a revised preliminary site development plan, the Planning Commission's approval is final.

2. Changes to the preliminary site development plan which are **not Major Changes** are approved by the Planning Official as provided in Section 18.40.110.D.1.a. These changes are reviewable by the Planning Commission as provided in Section 18.40.110.D.[2.C.3](#).

3. The Planning Official shall determine whether a proposed revised preliminary site development plan is a "Major Change" within five (5) business days after the application is filed. This determination is reviewable by the Planning Commission (see Section 18.40.110.D.[2.C.3](#)), whose decision is final.

E. Changes to Preliminary Site Development Plans for Permitted Uses

1. A **Major Change** to a preliminary site development plan that is approved **for a permitted use** is processed by the Planning Official as an original preliminary site development plan (see Section 18.40.110), and requires a new application and fee.

2. Changes to the preliminary site development plan which are **Minor Changes** are approved by the Planning Official:

a. as a continuation of the existing application, as provided in Section 18.40.110.D.1.a. If the change is requested within 5 days after the application is filed, the Director will approve the change as part of the normal application approval process. If the change is requested after this time period, the Director will approve the change within 10 days. This will extend the normal time period for approving the preliminary site development plan as needed for the Director to review the change; or

b. Within 15 days if the application is already approved.

3. If the application is filed after the preliminary site development plan expires, a new preliminary site development plan must be approved.

4. The Planning Official shall determine whether a proposed revised preliminary site development plan is a "Major Change" within five (5) business days after the application is filed. This determination is reviewable by the Planning Commission (see Section 18.40.110.D.[2.C.3](#)), whose decision is final.

F. Changes to Final Site Development Plans

1. ~~If a change to a final site development plan is considered a **Major Change** under §18.40.120.A and no longer conforms to the preliminary site development plan. Then it will be approved by Planning Commission.~~ ~~to a final site development plan is processed as an original preliminary site development plan, and requires a new application and fee.~~

2. Changes to the final site development plan which are **Minor Changes** are approved by the Planning Official

a. as a continuation of the existing application, as provided in Section 18.40.110.D.2. If the change is requested within 5 days after the application is filed, the Director will approve the change as part of the normal application approval process. ~~If the change is requested after this time period, the Director will approve the change within 10 days. This will extend the normal time period for approving the preliminary site development plan as needed for the Director to review the change; or~~

~~b. Within 15 days if the application is already approved.~~

3. These changes are reviewable by the Planning Commission as provided in Section 18.40.110.D.3.
4. If the application is filed after the final site development plan expires, a new preliminary site development plan must be approved.
5. The Planning Official shall determine whether a proposed revised final site development plan is a "Major Change" within five (5) business days after the application is filed. This determination is reviewable by the Planning Commission (see Section 18.40.110.D.2.C.3), whose decision is final.

G. Approval Criteria

1. An application for a revised preliminary site development plan is subject to the criteria set out in Section 18.40.110.E.1.
2. An application for a revised final site development plan is subject to the criteria set out in Section 18.40.110.E.2.

H. Subsequent Applications

A new application for a revised preliminary site development plan or final site development plan may be submitted at any time.

I. Scope of Approval

1. If an application for a revised preliminary site development plan is denied, the previously approved preliminary site development plan remains in effect.
2. If a revised preliminary site development plan is approved, the applicant may proceed with submission of final development plans.

J. Recordkeeping

Applications are tracked in the same way as the original site development plan (see Section 19.40.120.H)."

SECTION TWENTY-FOUR: Section 18.40.125 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.40.125 Administrative Review Process

An administrative review procedure shall be available for certain changes to approved plans, existing developments or projects that may be deemed minor in nature, and do not alter the concept or intent of the approved plan, existing development or project.

For purposes of this section, minor changes that may be approved with an administrative review shall include the following:

- a. Increases in the density or intensity of residential uses of not more than five (5) percent.
- b. Increases in the total floor area of all nonresidential buildings covered by the plan of not more than five (5) percent.

- c. Increases of floor area for any one (1) nonresidential building covered by the plan of not more than five (5) percent.
- d. Increases of lot coverage by not more than five (5) percent.
- e. Increases in the height of any building of not more than ten (10) percent.
- f. Changes of building materials and architectural style that:

Will not make the project less compatible with surrounding uses with regard to building materials, building composition, roof forms, entryways, or similar elements, or

Buildings that do not conform to the composite building and site standards of this Ordinance may be granted exceptions to those composite standards. The purpose of this provision is to allow existing buildings to be expanded or enlarged in a manner that matches the existing building design and materials. The additions shall be compatible with surrounding properties (see Section 18.60.020.F).

- g. Changes in phasing or stages of construction that will not lead to a different development concept.
- h. Decreases of any peripheral setback of not more than five (5) percent.
- i. Decreases of areas devoted to open space of not more than five (5) percent or the substantial relocation of such areas.
- j. Any other condition deemed minor by the Planning Official.

Any change not defined above shall be considered a major change subject to Section 18.40.120.

[Any administrative review application with no communication from the applicant for more than six \(6\) months shall be considered null and void. The applicant will be required to submit a new application and fees for the final site development plan review to continue.](#)

Denial of an administrative review application by the Planning Official may be appealed to the Planning Commission. ~~(Ord. 15-16 §3, 2015).~~

SECTION TWENTY-FIVE: Section 18.40.150 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.150 Preliminary Plat

Purpose: the preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this Title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a “plat” for purposes of KSA § 12-752. Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this Title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.

B. Initiation

1. An application for Preliminary Plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter 18.94.
3. A neighborhood meeting is required (see Section 18.40.030)

Cross-Reference: 18.40.020 (Preapplication)

C. Completeness Review

See § 18.40.040 Completeness Review.

D. Approval Criteria

The approving authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter 18.30, the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.
2. Preliminary plat approval is effective for a period of ~~one~~two (~~1~~2) years. Where a final plat for the subdivision is not submitted for approval within the ~~one~~two (~~1~~2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations.
3. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant may indicate the **anticipated development or phasing pattern** for final platting. The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting.
4. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.

G. Recordkeeping

A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. ~~(Ord. 16-20 § 4, 2016).~~

SECTION TWENTY-SIX: Section 18.40.180 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.180 Lot Splits

Purpose: This section provides an expedited procedure to divide individual lots into 2 lots without replatting.

A. Applicability

1. This section applies to Lot Splits, which include any of the following:
 - a. A previously platted lot divided as a lot split by either metes and bounds description or by replatting. A metes and bounds division may only be divided one (1) time and by only one (1) new dividing lot line under the Lot Split Process. Any further division requires replatting.
 - b. Lots zoned for commercial and industrial purposes may be divided into two (2) or more tracts without replatting the lot. However, the lot so produced shall conform to all minimum standards of this ordinance and other applicable codes of the City.
2. The Planning Official may require the Lot Split to be approved as a Minor Plat if it determines that:
 - a. the lot splits would result in increases in service requirements beyond those created by a single-family dwelling for utilities, schools or traffic,

- b. interfere with maintaining existing service levels (e.g., additional curb cuts or repaving), or
- c. involve private easements for access or utilities, review may be required.

B. Initiation

Lot Split applications are submitted by the landowner to the Planning Official.

C. Completeness Review

See § 18.40.040 Completeness Review.

D. Decision

1. The Planning Official approves, approves with conditions, or denies a lot split. A lot split is not subject to the procedures for platting (sections 18.40.150 to 18.40.170).
2. The Planning Official shall act upon a Lot Split application within thirty (30) days after receipt of a complete application.
3. If the application is approved, the Planning Official shall sign and furnish a certificate of approval to be affixed to the lot split survey.
4. The applicant may appeal the denial of an application for a lot split to the Planning Commission. The Planning Commission shall act on the appeal within thirty (30) days following the filing. All decisions of the Planning Commission are final.

E. Approval Criteria

1. All lots produced by a lot split shall conform to all minimum standards of this Title and other applicable City codes.

(Cross-Reference: see exception for Duplexes and Two-Family Homes in Chapter 18.50)

2. The new lots created by a Lot Split shall include adequate street rights-of-way and easements to serve the properties.
3. No lot split shall be approved if any of the following conditions exist:
 - a. a vacation of streets, alleys, utility easements or other public reservations is required or proposed (all of which would require a property to be re-platted in accordance with Section 18.40.140 to 18.40.160 or 18.40.170);
 - b. the split will result in a lot without access to a street;
 - c. the lot split results in a lot being split into more than two (2) tracts, except as may be otherwise provided by subsection A, above.
4. The Planning Official may establish conditions of approval that are needed to carry out the intent and purpose of the requirements of this Title that exist at the time of approval and Governing Body policies where those requirements are reasonably related to the development of the properties. These include, but are not limited to, installation of public facilities, dedication of right-

of-way and easements and submission of covenants for the protection of other landowners in the original subdivision.

F. Subsequent Applications

1. When an application for a lot split is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new lot split application showing major modifications and/or revisions to the withdrawn or denied lot split application may be submitted at any time.

G. Scope of Approval

A lot split does not authorize development. After the lot split is approved, the applicant may file any required permits to develop the property, such as site plan or building permit applications.

H. Recordkeeping

A certified copy of the lot split shall be filed with the Register of Deeds office and the Planning ~~Department~~Division within two (2) years following approval. Lot splits which are not timely recorded are null and void.

SECTION TWENTY-SEVEN: Section 18.40.240 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.240 Waivers

Purpose: this section creates a flexible, streamlined process where applicants can seek exceptions from the rules in this Title where the rule would create hardships, or where the exception would result in superior design.

A. Applicability

1. This section applies to a request for a waiver from the requirements of Chapter 18.30. Examples include lot and street layout, block lengths, cul de sac lengths, parking, landscaping, lot width or lot depth.
2. This section applies to applications for subdivision plat or site development plan approval.
3. This section only applies to the building design or site development standards established in Chapters 18.15 or 18.30 and-It also applies to the zoning regulations of Chapter 18.20 regarding building height, required yard and setbacks, ~~and common open space when such exceptions are part of a final development plan.~~

B. Initiation

Waivers shall be requested at the time of filing the application for the preliminary plat or preliminary site development plan approval. The applicant shall send notice of waiver requests to surrounding property owners as required in Section 18.40.050.

C. Completeness Review

~~See § 18.40.040 Completeness Review.~~

D. Decision

~~1. Notice to surrounding property owners is required (see Section 18.40.050).~~

~~21.~~ The Planning Commission may approve, approve with conditions, or deny the waiver request as part of the plat or site development plan approval. ~~For a preliminary plat, the Planning Commission shall:~~

~~a. Notify surrounding property owners (see Section 18.40.050), and~~

~~b. If the applicant or aggrieved parties do not request a public hearing within 10 days after the notice is transmitted, render its decision without a public hearing.~~

~~c. If the applicant or an aggrieved party timely request a public hearing, conduct a public hearing as provided in Section 18.40.060.~~

~~32.~~ The Planning Commission's decision is final unless the underlying application requires further review by the Governing Body. In that case, the Governing Body will approve, approve with conditions, or deny the waiver request as part of the application, or remand the matter to the Planning Commission.

~~43.~~ If the Planning Commission denies or conditionally approves the waiver, and the underlying application does not require review by the Governing Body, the applicant may appeal the Planning Commission's decision to the City Manager within 10 days after it is rendered.

E. Approval Criteria

1. A waiver shall not be approved if it is contrary to the public interest or unnecessarily burdens the City. ~~{Ord. 02-54-§ 2, 2002}~~

2. The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

a. An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.

b. Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.

c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.

d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that:

(i) No private rights will be injured or endangered by the waiver.

(ii) The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted

F. Subsequent Applications

Subsequent applications are allowed as permitted by the underlying application for approval.

G. Scope of Approval

The waiver is a condition of the underlying application for approval, and has the same effect as any approval of that application.

H. Recordkeeping

The Planning Official will maintain a record of approved waivers. The applicant must maintain a copy of the approved waiver, including any attachments. (~~Ord. 16-20 § 4, 2016~~)

SECTION TWENTY-EIGHT: Section 18.50.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.020 Accessory Uses and Structures

Purpose: Certain uses include subordinate uses or activities as a matter of course. This Section defines uses that are normally considered subordinate to principal uses and that, when established, do not change the character of that use. This allows for the reasonable and economic establishment and maintenance of uses in zoning districts, while protecting their character and maintaining compatibility between uses.

Note: this section lists accessory uses by zoning district. Accessory uses for specific types of uses are listed in other sections of this Chapter.

A. Applicability

1. This applies to uses and structures that are accessory to the principal use of the premises.
2. A use or structure is “accessory” when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use.

[3. The lists provided in the following subsections provide examples of accessory type uses which may be permitted, upon review by the City, in the various district categories. These lists do not represent an exhaustive list of possible accessory uses.](#)

B. Agricultural (“AG”) District

The following are accessory uses and structures in the “AG” (Agricultural) district:

1. All uses and/or structures as listed in subsection C (Residential Districts).

[2. Artist studio.](#)

[23. Fish farms.](#)

[4. Home occupation.](#)

- [35. Incidental dwelling.](#)
- [46. Irrigation equipment.](#)
- [57. Storage areas for equipment and materials for any agricultural operation.](#)
- [68. Sheds, garages, barns, silos and other outbuildings.](#)
- [9. Stable, accessory to dwelling.](#)
- [710. Wells, ponds or lakes.](#)
- [11. Warehousing, storage, wholesale and distribution facilities.](#)
- [12. Utility facilities, accessory to permitted use.](#)

C. Residential Districts

The following are accessory uses and structures in residential districts:

1. Child-care centers, preschools and Mother's Day Out programs, in accordance with Section 18.50.035 and all other applicable City and state regulations.
2. Decks, patios, retaining walls and terraces, in accordance with Section 18.50.050.
3. Fences or walls, in accordance with Section 18.50.050.
4. Flag poles, under sixty (60) feet in height.
5. Garages, carports and sheds, in accordance with Section 18.50.060.
6. Up to six (6) garage sales during any one (1) calendar year on any one (1) premise. Each garage sale may occur for no more than 3 continuous days.
7. Gardens.
8. Gates or guard houses for subdivisions or multifamily projects.
9. Gazebo or trellises
10. Greenhouses
11. Hobby activities. A "hobby activity" means an activity undertaken solely for personal enjoyment, amusement or recreation. A hobby activity is allowed if:
 - a. it does not conflict with any City ordinance, and
 - b. articles produced or constructed on the premises are not sold on the premises, unless the activity complies with the requirements for a home occupation.
12. Home automotive repair shall be limited to tenant's and/or occupant's vehicles only.
13. Home occupations in the R-1 or R-2 districts, or in single-family or two-family dwellings in any other district, in accordance with Section 18.50.070.

14. Keeping of animals, not for sale, in accordance with Section 18.50.030.
15. Play equipment.
16. Recreation areas and buildings.
17. Satellite dish antennas, in accordance with Section 18.50.180.
- ~~18. Signs, in accordance with Section 18.50.190.~~
- ~~198.~~ 198. Solar collectors, in accordance with Section 18.50.200.
- ~~2019.~~ 2019. Swimming pools.
- ~~201.~~ 201. Tennis courts.
- ~~212.~~ 212. Television and radio antennas.
- ~~223.~~ 223. Accessory Dwelling Units, subject to Section 18.50.025 [Accessory Dwelling Units](#).
- ~~23.~~ [23. Utility facilities, accessory to permitted use.](#)

D. Commercial and Industrial Districts

The following are accessory uses and structures in all commercial and industrial districts:

1. Accessory structures as provided in subsection F, below.
2. Automotive repair and maintenance shops, in conjunction with gasoline service stations.
- [3. Alternative vehicle recharging station](#)
- ~~34.~~ [34.](#) Car washes in conjunction with gasoline service stations.
- [5. Cafeterias and snackbars](#)~~snack bars.~~
- [6. Charitable donation/Recycle containers.](#)
- ~~47.~~ 47. Dwelling units for security, management or maintenance personnel.
- ~~58.~~ 58. Electric vehicle charging stations.
- ~~69.~~ 69. Fences or walls, in accordance with Section 18.50.050.
- ~~710.~~ 710. Flag poles, under sixty (60) feet in height.
- ~~811.~~ 811. Food service and vending machines for tenants.
- ~~912.~~ 912. Gate houses.
- ~~1013.~~ 1013. Parking and loading areas, in accordance with Section 18.30.160.
- ~~1114.~~ 1114. Private parking garages, excluding C-1 and industrial districts.
- ~~1215.~~ 1215. Recreational areas and facilities.

[16. Retail sales, accessory](#)

~~13~~[17](#). Satellite dish antennas, in accordance with Section 18.50.180.

~~14~~[18](#). Signs, in accordance with Section 18.50.190.

~~15~~[19](#). Solar collectors, in accordance with Section 18.50.200.

~~16~~[20](#). Storage lots for vehicles awaiting repair, in accordance with Section 18.30.130. (~~Ord. 02-54 § 2, 2002~~)

~~17. Alternative vehicle recharging station~~

~~18. Charitable Donation/Recycle Containers~~

E. Office (“O”) and Business Park (BP) Districts

1. The following are accessory uses in the business park and office districts where located in buildings at the following sizes (measured in square feet of gross building area):

Accessory Use	Any Size	20,000 – 60,000 sf	> 60,000 sf
Accessory structures as provided in subsection F, below	>		
Barber shops and hair salons	>	>	>
Banks and financial institutions, excluding drive-in or drive-through establishments	>	>	>
Banks and financial institutions, including drive-in or drive-through establishments	S	>	>
Blue printing, graphics and photostatting services	>	>	>
Business equipment, marketing display and repair	S	>	>
Child day-care services	>	>	>
Health Clubs	S	>	>
Dry cleaning and laundry pickup and delivery	S	S	>
Electric vehicle charging stations	>		
Florists	S	S	>

Gift shops	S	S	>
Newsstands	>	>	>
Pharmacies/drug stores	S	S	>
Restaurants, excluding drive-through or drive-in service	S	>	>
Restaurants, including drive-through or drive-in service		S	S
Travel bureaus	S	>	>
Watchmen/caretakers	n/a	n/a	n/a
Cafeterias and snackbars	n/a	n/a	n/a
Laundry, coin operated	n/a	n/a	n/a
Restaurant, limited service or carry out	n/a	n/a	n/a
Utility facilities, accessory to permitted use	n/a	n/a	n/a

Notes:

Check mark (>) = permitted in the same manner as the principal use | S = special use permit required | Blank cell = not permitted

2. Accessory uses listed in subsection 2, located within the Business Park and/or O district, shall not have a separate building entrance to and from the accessory use unless:
 - a. The use is part of a vertical mixed-use building, with retail uses limited to the ground floor and office or residential uses on the upper floors, or
 - b. The entrance is integrated into the building façade in a way that does not change its appearance as an office building, and no separate freestanding sign or sign located above the ground floor is associated with the business.

F. Downtown Districts

The following are accessory uses and structures in all commercial and industrial districts:

1. [Cafeterias and snackbars](#)
2. [Commercial use in Multifamily development](#)
3. [Drive-in or Drive-Through Service \(for retail, restaurant\)](#)

- [4. Drive-Through Service \(for financial institution\)](#)
- [5. Heliport](#)
- [6. Home occupation](#)
- [7. Laundry, coin operated](#)
- [8. Outdoor display and storage](#)
- [9. Retail sales, accessory](#)
- [10. Parking lots, surface, accessory to principal use](#)
- [11. Parking lots, underground or structure, as principal use](#)
- [12. Utility facilities, accessory to permitted use](#)
- [13. Watchmen/caretakers](#)

[FG.](#) Accessory Structures

1. Trash, recycling containers, service and loading containers:
 - a. are subject to § 18.30.130.I (Screening), and
 - b. shall be located outside of any required parking space, in a location designated on the site plan, to the rear of the principal building.
2. Containers used to collect charitable or clothing donations, or publicly accessible recycling containers, are allowed in non-residential districts or for Education, Public Administration, Health Care, and Institutional uses in residential districts. These containers are subject to the yard and location requirements of this subsection, and shall be located outside of designated parking spaces, traffic or fire lanes. Containers are also subject to the following:
 - a. Donation boxes must be located at or behind the required building setback and be substantially screened from view from any adjacent residential properties.
 - b. Where screening is required, screening shall be accomplished by the use of a solid fence, wall, or gate.
 - c. Donation boxes must be placed on a paved or solid surface.
 - d. No more than two containers may be grouped at one location on the property.
 - e. Donation box locations shall not impede normal traffic.

[GH.](#) Accessory Uses Permitted by Interpretation

Uses other than those listed above may be determined to be accessory uses in any district based upon an interpretation by the Planning Official. ([Ord. 02-54 § 2, 2002](#))

H. Yard and Location Requirements

No accessory use or structure shall be located in any front yard, except as provided in Section 18.30.270.D (yard encroachments). (~~Ord. 16-20 § 4, 2016~~)

SECTION TWENTY-NINE: Section 18.50.035 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.035 Day-Care and Child-Care Centers

A. Applicability

This section applies to day-care. Specific categories of day-care subject to this section are defined below:

Adult day-care

A facility for adults having some or all of the characteristics of homes for the elderly, whether operated for profit or not, which through its operation provides one (1) or more personal services for four (4) or more persons not related by blood or marriage to the owner or operator, for a period less than twenty-four (24) hours. Personal services are in addition to housing and food service, and include but are not limited to: personal assistance with bathing, dressing, housekeeping, supervision, eating, supervision of self-administered medication, and assistance in securing health care from appropriate sources.

Child-care center

A facility in which day-care and educational activities are provided for thirteen (13) or more children, six (6) weeks to sixteen (16) years of age for more than three (3) hours but less than twenty-four (24) hours per day, including daytime, evening and nighttime care. A facility may operate as a child-care center with fewer than thirteen (13) children.

Family day-care home

A place maintained to provide children with day-care away from their homes, for less than twenty-four (24) hours a day. No more than seven (7) children cared for are under kindergarten age and no more than three (3) of the children cared for are less than eighteen (18) months of age, or a maximum of ten (10) children under sixteen (16) years of age.

Group day-care home

A home in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age, with a limited number of children under kindergarten age in accordance with KAR 28-4-114 (f)(1).

Mother's Day Out program

A day-care program operating more than two (2) consecutive hours or more than one (1) day per week and in which any one (1) child is enrolled for not more than one (1) session per week.

Preschool

A day-care facility:

1. Which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in KSA 72-1107(c) who are thirty (30) months of age or older;

2. Which conducts sessions not exceeding three (3) hours per session;
3. Which does not enroll any child in more than one (1) session per day; and
4. Which does not serve a meal.

The term “preschool” includes all educational preschools, nursery schools, church-sponsored preschools, and cooperatives. A preschool may have fewer than thirteen (13) children.

B. Child, family and group day-care homes

1. The owner or operator shall occupy the structure as his or her private residence.
2. ~~All employees~~ The owner or operator of a family day-care homes must reside on the premises. ~~No other~~ Up to one (1) outside workers may be employed by the owner or operator.
3. Not more than ten (10) children for family day-care homes and not more than twelve (12) children for group day-care homes, including the operator's own children, shall receive care during a calendar day.
4. Child group day-care homes shall be operated in accordance with state and local regulations on child group day-care homes. Adult day-care, child-care centers, Mother's Day Out programs and preschools

Day-care centers shall be operated in accordance with state and local regulations.”

SECTION THIRTY: Section 18.50.060 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.060 Garages, Carports and Sheds (Accessory Buildings)

A. Applicability

This section applies to detached garages, carports and sheds, defined as follows:

Carport

Space that houses or stores motor vehicles and enclosed on no more than two (2) sides by walls.

Detached Garage

A garage (as defined in Chapter 18.90) that is detached from the main building.

Shed

A structure that is subordinate to the main building, and designed or used to store lawn, garden, pool care or other household equipment. A shed may be built onsite, or purchased pre-built or as a kit in pre-fabricated sections. A shed is not served by heat or plumbing and may or may not have a permanent foundation.

B. General Requirements

Detached garages, carports and sheds:

1. May be constructed on any lot, subject to this Section.

2. Shall be located a minimum of ten (10) feet from the principal building, unless otherwise allowed by the building code.
3. Shall not encroach on a drainage or utility easement.
4. Shall have a maximum height of twenty-five (25) feet as measured from the ridgeline.
5. Shall not exceed thirty (30) percent coverage within a required rear yard either as single or cumulative structures.

C. Detached Garages and Carports

1. Any single-family dwelling is permitted one (1) detached garage or covered carport.
2. Detached garage or carport areas shall not exceed 250 square feet for each 3,000 square feet of lot area, up to a total of 1,200 square feet.
3. A detached garage or carport is subject to the same required setback as the main structure.
4. In all residential districts, the design and construction of any garage or carport shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

D. Sheds

1. Maximum size of a shed is based on lot area, as follows:
 - a. **For lots under 7,000 square feet:**
210 square feet,
 - b. **For lots between 7,000 – 13,000 square feet:**
3% of lot area,
 - c. **For lots exceeding 13,000 square feet:**
400 square feet.
2. Sheds shall may not be located within ~~threefive~~ (35) feet of a rear or side property lines or fifteen (15) feet of a corner lot property line.

SECTION THIRTY-ONE: Section 18.50.190 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.190 Signs

Purpose and Findings: This section regulates and controls all exterior signs placed for observation in order to preserve, protect and promote the public health, safety, and general welfare of the residents of the City of Olathe. This section:

- encourages the reasonable, orderly and effective display of signs;
- enhances the physical appearance of the City;

- reduces visual clutter;
- prevents blighting influences;
- protects property values;
- provides minimum standards to safeguard life, health, and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and
- authorizes the use of signs that are compatible with their surroundings.

A. Applicability and Definitions

This section applies to Signs. Signs, sign types, and other terms and phrases used in this section are defined as follows:

"A" Frame Sign

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. Non-durable materials, glass, paper, laminated paper, vinyl, plastic, PVC pipe frames, or illumination are prohibited materials for the construction of an "A" Frame sign.

Abandoned Sign

A sign which no longer advertises or identifies a business, lessor, owner, product, activity, message or location.

Attention-Attracting Device

Any device intended to attract the attention of the public to an establishment, location, product or service, except signs as permitted by this Section.

Awning Sign

(Non-illuminated.) A sign which is mounted, painted or printed on, or attached to an awning, or canopy. Awnings shall be made of canvas, glass, or metal and open-ended; barrel-type awnings and standard residential type aluminum awnings are not permitted.

Billboard

A freestanding outdoor advertising structure, on or off-site which advertises a product or service, or relays a message to the public, with a per face area greater than two hundred (200) square feet.

Building canopy

A roof-like structure attached to a building covering the entrance, exit, walkway or loading dock, not including the building roof line extension. For the purposes of this ordinance, when the pitch of a building canopy is 1:4 or less (twenty-five [25] degrees or less from vertical), the face of the canopy is considered part of the wall.

Canopy

See “Building Canopy” and “Freestanding Canopy.”

Changeable Copy Sign

A permanent sign with a manually changeable face or message. This includes letters that can manually be replaced to change the message of the sign. It does not include electronic message boards or directly illuminated signs of any kind.

Community Information sign

A sign, located within a Master Planned Community, that serves to direct people to a residential subdivision, public building, or community facility such as, but not limited to, a recreational area, nature trail, golf course, lake marina, information area, etc.

Complex

A group of freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into two (2) or more separate offices, businesses or apartments provided that the building is not part of a large complex. A complex is limited to apartment, office or business complexes, shopping centers and/or industrial parks.

Copy Area

(See Sign Face.)

Directly Illuminated Sign

A sign where the source of illumination is located on the sign face. The source of illumination may include, but not be limited to neon tubes, incandescent bulbs, and fluorescent tubes.

Electronic Message Board

A sign which displays information through a digital display. Typically, electronic message boards use a bank of lights that can be individually lit to form copy such as words, letters, logos, figures, symbols, illustrations, or patterns to form a message that may change or move without altering the sign face. This includes video screens, LED (light emitting diode boards), or similar technology.

Erected

This term means attached, altered, built, constructed, reconstructed, and shall include the painting of wall signs, but does not include copy changes on any legal conforming sign.

Freestanding canopy

A self-supported, detached roof-like structure normally covering gas islands.

Governmental Sign

A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of any public official in the performance of his/her public duty.

Indirectly Illuminated Sign

A sign which is illuminated by a shielded light source.

Internally Illuminated Sign

A sign illuminated by an internal light source diffused through a translucent material.

Projecting Sign

A sign extending from the face of the building to which it is attached, not including wall signs. Also known as blade signs.

Public Notices and Signs

Official notices or signs for a public purpose as required by any law, statute or ordinance or as permitted by the Governing Body, and includes signs of public service companies indicating danger and aids to service or safety.

Marquee

A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building frequently used to display signage.

Master Planned Community

A mixed-use development consisting of six hundred forty (640) or more contiguous acres under one (1) ownership, for which a comprehensive master plan has been approved by the City Planning Commission.

Menu Board, Freestanding

A permanent, non-portable sign that faces and is adjacent to a drive-through lane. Preview boards are freestanding.

Menu Board, Wall

A sign that is located in a permanently mounted display box on the surface of the building. This type of sign customarily incorporates a menu containing a list of products and prices offered by a restaurant. Menu Boards do not include preview boards.

Monument Sign

A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. The sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or other materials consistent with the building the sign is representing.

Off-Site Sign

A sign that pertains or directs attention to a business, product, service, activity, person, organization, institution, event, place, object, or location not located, manufactured, conducted, sold, or offered on the premises on which the sign is located.

Parapet or parapet wall

That portion of a building wall that rises above the roofline.

Permanent Sign

Any wall, monument, or other sign that is fixed, lasting, stable, enduring, not subject to change, and intended to remain for an indefinite period of time.

Person

An individual, corporation, association, firm or partnership.

Portable Sign

A sign which is not permanently affixed to the ground, building or other structure, which may be mounted on wheels, worn or carried by an individual, and can easily be transported from place to place, but does not include permitted temporary signs.

Preview Board

A permanent, non-portable sign used in conjunction with a menu board that faces and is adjacent to a drive-through lane. Preview boards are freestanding, and are not attached to menu boards. Electronic preview boards with programmable messages are not permitted.

Real Estate Sign

An on-site or off-site sign which advertises the sale, rental or lease of property, or special program signs, such as, open house, energy conservation, warranty, builder, etc.

Roof

The primary cover of a building used to shed weather, including all supporting materials.

Roof Sign

A sign erected, constructed or maintained partially or wholly upon or over the roof of a building.

Sign

Any identification, description, illustration, message, symbol, logo or device which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanent or temporary display of merchandise, emblems, corporate flags, pennants or placards, designed to advertise, identify, or convey information, including all supporting structures.

Sign Area

See "Sign Face."

Sign Base

That portion of a sign attached to the ground and supports the sign face or sign copy area, but excluding the sign footing.

Sign Face

That area used to measure the sign area (see subsection C.6). See subsection D for sign face rules for monument signs and wall signs.

Sign Alteration

The replacement, enlargement, rewording, reduction, reshaping, or repainting using different colors, of a sign to serve an establishment or business.

Sign Maintenance

See Subsection E.1.

Sign Structure

The base, supports, uprights, braces, framework and face of a sign.

Snipe Sign

A sign constructed of any kind of material that is attached to a utility pole, tree, fence or similar object located or situated on public or private property.

Subdivision Entry Marker

A monument sign located at the entry of a platted subdivision.

Temporary Sign

A sign constructed of cloth, canvas, cardboard, plywood or other similar material, which is readily moveable and not permanently attached to the ground or any structure thereof, that does not constitute a structure, and which is intended to be displayed for a short period of time. Examples include garage sale signs, grand opening signs, and election signs.

Traffic Control Sign

A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, erected by or on the order of any public officer in the performance of his/her public duty, as well as signs erected on private property designed to facilitate traffic safety or traffic circulation on the site.

Under Canopy Sign

A sign that is placed under the canopy at right angles to the wall of the building. Its sole purpose is for communicating to pedestrian traffic the name of the tenant.

V-Shaped Sign

The two (2) permitted faces of a standard double-faced yard or monument sign placed in a v-shaped configuration where the two (2) faces or their supporting structures are connected at the point of the "V". The angle between the two (2) faces shall not exceed sixty (60) degrees.

Vehicular Sign

Any name, insignia, logo, or sign displayed, mounted, painted or otherwise placed on a trailer, truck, automobile, or other vehicle that is parked, placed, or stored so that the vehicular sign is visible from a

public street or right-of way, or that is parked, placed, or stored for the purpose of displaying advertising signage.

Wall

A vertical structure which is solid and encloses a building, and supports the roof.

Wall Sign

A sign that is parallel to, and attached to, the surface of a wall, including illuminated awning signs. If a sign is placed on a canopy that has a roof slope of 1:4 or less (twenty-five [25] degrees or less from vertical), the face of the sign may be perpendicular to the ground.

Window Sign

A sign that is placed on or behind a windowpane and intended to be viewed from outside the building. Window signs shall be painted, posted, or etched on an interior translucent or transparent surface, including windows or doors. This sign may contain text, graphic logos, or images combined with color.

Yard Sign

A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

B. Administration

1. Sign Permit

a. Applicability

It is unlawful for any person to erect, or alter any sign as defined in this ordinance without first obtaining a sign permit. This does not require a permit for sign maintenance, altering permitted changeable copy, or signs exempted from a permit as described elsewhere in this Section.

b. Initiation

Sign permits applications shall be accompanied by one (1) set of plans drawn to scale indicating the sign size, location, method of illumination, colors, materials of the sign and structure, method of attachment, and any permit fees. In addition, the applicant shall submit other information relating to the placement, construction, design, as needed to demonstrate compliance with this Section.

c. Decision

The [Planning Building](#) Official shall approve or deny the sign permit application no later than thirty (30) days following the date of its submission. If the [Planning Building](#) Official fails to timely act on the application, the sign permit is deemed approved unless the applicant submits a request for continuance.

d. Issuance

The [Planning-Building](#) Official shall issue a permit for the erection, alteration, or relocation of a sign within the City when an application has been properly made and the sign complies with all appropriate laws and ordinances.

e. Revocation and Denial

The [Planning-Building](#) Official may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud. When a sign permit is denied by the [Planning-Building](#) Official, a written notice of the denial shall be given to the applicant, together with a brief written statement of the reasons for the denial.

f. Sign Permit Appeal

An appeal of denial may be made to the Board of Zoning Appeals upon denial of a sign permit. The appeal shall be filed within thirty (30) days of the denial of the sign permit. The Board of Zoning Appeals shall make a final decision not later than forty-five (45) days after the appeal has been filed unless a request for continuance is submitted by City staff or applicant.

g. Scope of Approval

A sign permit does not authorize the maintenance of an unlawful sign, and does not constitute a defense in an action to abate an unlawful sign.

2. Removal of Sign

a. If the Planning Official determines that any sign or other advertising structure regulated by this Section, located on private property, is unsafe, or has been constructed, erected or is being maintained in violation of the provisions of this ordinance, the Planning Official shall notify the sign owner in writing. The owner shall immediately remove or repair the sign to bring it into compliance and/or make it safe. If the owner fails to remove or repair the sign so as to comply within five (5) days after the notice, the Planning Official may cause the sign to be removed or repaired to make it safe, at the expense of the permittee or owner.

b. The City Clerk shall mail a statement of the costs for removal or repair of the unsafe or unlawful sign to either the last known address of the owner of record of the property, the person in charge of such property, or the sign permittee. If the costs are not paid within ten (10) days from the time of mailing of the notice, the Governing Body may proceed to pass an ordinance levying a special assessment for the cost against the subject lot or parcel of land. The City Clerk shall certify the assessment to the County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

If the Planning Official determines that any sign, advertising structure, or attention-attracting device has been located on public property, including right-of-way, the Planning Official may remove the sign, structure, or device without notice to its owner or erector. These items shall be disposed of immediately by the City of Olathe.

3. Access and Right of Entry

a. The Planning Official may inspect any sign to determine whether it complies with this Section. Inspections shall be done at a reasonable time.

b. If the building, premises or establishment to be inspected is occupied, the Planning Official, shall first present proper credentials and demand entry. If the building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry is refused, the Planning Official shall have recourse as provided by law to secure entry.

c. If, after demand, entry or access is refused, the Planning Official may acquire such access by application to a court of competent jurisdiction, provided, however, that the agency complies with the provisions of Section 15 of the Kansas Bill of Rights and the fourth amendment to the United States Constitution relating to unreasonable searches and seizures.

C. General Standards

1. Routine Maintenance:

All signs shall be of sound structural quality, be maintained in good repair, and have a clean and neat appearance. The land adjacent shall be kept free from weeds and trash. If signs are not being maintained as described, said sign may be ordered to be removed.

2. Minimum Setback

All signs shall maintain a minimum setback of ten (10) feet from all property lines and set outside of the site distance triangle except as provided in this Section.

3. Placement on Easement or Right-of-way

No private sign shall be placed on a public easement, unless, in the opinion of the City Engineer, the placement will not interfere with the intended use of the easement. No private sign shall be placed on a public right-of-way.

4. Illuminated Signs

Illuminated signs shall be internally or indirectly illuminated. Neon tubes, incandescent bulbs, fluorescent tubes, and other sources of direct illumination that are exposed to the human eye are not permitted. Indirect illumination shall be directed away from pedestrian walkways, and shall not shine into adjacent property or cause glare for motorists and pedestrians.

5. Compliance with Building Code

All signs shall comply with the Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards set forth in this Section.

6. Measurements of Signs

a. In determining the area of a sign, the entire sign face is included.

(1) The sign face includes the advertising surface and any framing, trim, molding, cabinet, panel or any visually or architecturally distinct area enclosing the copy, logo and any other graphic component of the sign.

(2) Where individual letters or graphics are used, and no distinct enclosed area is present, the sign face is the rectangle, box, circle or other regular geometric shape, or combinations thereof, enclosing the letters, logo or other graphic elements.

(3) For a V-Shaped sign, the sign face is the area within a line including all outer extremities, framework, or background of the cabinet or structure on which the letters, text, or symbols are mounted, but not including the sign base. For the determination of sign area square footage, the two (2) faces of the "V" configuration shall be considered together for an overall square footage.

b. If the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, the structure or supports are included in the determination of copy area.

c. If a sign is composed of letters only, with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the largest letter to the bottom of the lowest letter. If one (1) letter is unequally large or small in comparison to the other letters composing the sign, the unequal letter shall be squared off, the remaining letters shall be measured from the outside edges, and the two (2) added for a total copy area determination.

d. Unless determined by the zoning district regulations, the allowable copy area of a sign shall be based on one (1) side of the sign. Double-faced copy area is allowed if both sides of the sign are parallel to one another and comply with the applicable area requirements of this Section, or the sign is a V-shaped sign.

D. Standards by Sign Type

1. Monument Signs

a. For a monument sign, the sign face is the area within a line including all outer extremities, framework, or background of the cabinet or structure on which the letters, text, or symbols are mounted, but not including the sign base.

b. Monument signs must be built on a solid base.

c. Monument signs may be single or double-faced.

d. Monument signs may be non-illuminated, indirectly illuminated or internally illuminated.

e. The sign face and base shall not exceed six **(6) feet** in overall **height** above the natural or average grade.

f. The actual **sign face** shall not exceed **twenty-five (25) square feet** in area per face if set back the minimum of ten (10) feet from a property line. For each additional five (5) feet of setback, the overall sign height may be increased two (2) feet and the sign face may be increased ten (10) square feet to a maximum of fifteen (15) feet in overall sign height and sixty-five (65) square feet per sign face.

g. When a single **business or complex** is located on a site **more than five (5) acres**, one (1) of the two (2) monument signs permitted in the commercial and industrial districts may be increased to a maximum height of ~~twenty-one~~ twenty-one ~~fifteen~~ fifteen (~~2115~~) feet and a maximum face area size

of ~~ninety-five-sixty-five~~ (9565) square feet, and shall be set back at least ~~ten fifteen~~ (1015) feet from all property lines and outside of sight distance triangles and easements.

h. The sign base area shall not exceed the actual sign face area by more than ten (10) percent. The sign face shall not exceed the width of the base by more than twenty-five (25) percent.

i. Landscaping, such as flower beds, shrubs and bushes, shall be provided in an area of at least 2½ feet around the base of the sign. The applicant shall designate the area and type of plantings in the sign permit application.

2. Wall Signs

a. For a Wall Sign, the sign face is the area within a line including the outer extremities of all individual mounted letters, text, or symbols attached to a wall or retaining wall. For any sign located on a wall or retaining wall that has a cabinet or background attached to the wall, then the sign face includes all outer extremities, framework or background of the cabinet or structure.

b. Wall signs may be non-illuminated, internally illuminated or indirectly illuminated.

c. When a wall sign is placed on a canopy and is perpendicular to the ground, all supports, braces and brackets shall not be visible.

d. The top of the sign when placed on a parapet or a canopy shall not extend more than five (5) feet above the actual roofline.

e. Wall signs shall not extend more than twelve (12) inches above the top of the wall, parapet or canopy.

f. Tenant spaces that are part of a multitenant building and face an internal parking lot with no direct wall area to a street frontage from the tenant space, are allowed a wall sign to face the street frontage.

E. Signs Permitted in All Districts

The following signs are permitted in all districts and do not require a sign permit, unless otherwise noted. The signs must conform to all other regulations and ordinances of the City.

1. Sign Maintenance

The normal care and minor repair that is necessary to retain a safe, attractive sign and supporting structures. Repainting with the same colors, or repairing copy or logo shall be considered maintenance if the name, product, service, place, activity, person, or similar elements depicted remains the same.

2. Governmental Signs

Traffic Control Signs and Public Notices, including changeable copy signs for government offices and facilities.

3. Signs During Construction Activities

In addition to any other permitted sign, a temporary freestanding, non-illuminated sign is allowed.

- a. The sign must be located on the site of the development. If the development involves a subdivision plat for a single-family or duplex subdivision, signs during construction activities may also be located within 1,000 feet of the subdivision if the total number of on- and off-site signs does not exceed the amount prescribed in subsection e, below.
- b. The sign shall not exceed eight (8) feet in height or thirty-two (32) square feet in area per face.
- c. The sign may have two (2) faces.
- d. The minimum setback from any property line is thirty (30) feet. For each additional setback of ten (10) feet the face area may be increased ten (10) square feet and the height may be increased one (1) foot. The maximum face area shall not exceed one hundred (100) square feet, and the maximum height shall not exceed fifteen (15) feet, except as provided below.
- e. One (1) sign during construction activities is permitted for every one thousand (1,000) feet of street frontage. If a development has more than one (1) street frontage, then a separate on-site development sign is permitted on each frontage. A maximum of three (3) on-site development signs is permitted for a development.
- f. When a tract of property held under one (1) ownership is being developed as one (1) project and is more than one hundred (100) acres in size, one (1) of the permitted signs during construction activities may be increased in size to two hundred (200) square feet per face in area. When the development is larger than two hundred (200) acres, the sign face area of the sign during construction activities may be increased one (1) additional square foot for every five (5) acres over two hundred (200) acres. This sign shall maintain a one hundred (100) foot setback from all property lines.
- g. For purposes of applying the rules for removing temporary signs (see subsection P, below), the events to which the sign is related are considered complete when a certificate of occupancy is issued for the last building or phase.
- h. A sign permit is required.

4. Real Estate Sign

a. R-1 and R-2 Districts

real estate signs shall not exceed six (6) square feet per face, with two (2) faces per sign permitted. The maximum height of the sign shall not exceed six (6) feet. A maximum of three (3) signs per lot are permitted.

b. R-3, R-4, Commercial and Industrial Districts

real estate signs shall not exceed ~~thirty-twosixteen~~ (3216) square feet in area per face with two (2) faces permitted. The sign shall not exceed ~~eightfive~~ (85) feet in height ~~with a maximum 12 inch gap above grade~~. A maximum of two (2) signs is permitted for each parcel. In addition, one (1) real estate sign, not exceeding six (6) square feet per face, with a maximum of two (2) faces permitted, and a maximum height of six (6) feet is permitted. For signs attached to the wall of a building, the sign shall not exceed ten (10) percent of the wall area on which it is attached.

c. Undeveloped Land for Sale Signs

In lieu of the signs permitted in paragraphs a and b above, undeveloped and unplatted land over ten (10) acres in size are permitted two (2) "For Sale" signs not to exceed thirty-two (32) square feet in area per face, with two (2) faces permitted. The signs shall not exceed eight (8) feet in height.

5. Community Information Signs

- a. Such signs shall be part of an overall signage plan for a Master Planned Community that includes directional signs, traffic control signs, governmental signs, identification signs, subdivision entry markers, monument signs, etc. The Community Information Signs shall be harmonious in color, sizing and location. The purpose of such signs will be to facilitate the movement of vehicular and pedestrian traffic within a Master Planned Community. The number of signs shall be kept to the minimum necessary to accomplish this purpose.
- b. Each sign shall not exceed twenty (20) square feet per face with two (2) faces permitted. The sign shall not exceed six (6) feet in height. The minimum setback from any property line shall be one (1) foot. The design of the sign may incorporate a base of materials consistent with the overall signage plan. The sign base area shall not exceed the actual face area by more than ten (10) percent.
- c. No advertising or promotional information is permitted on a Community Information Sign; however, a logo used elsewhere in the Master Planned Community may be permitted. Such sign may be non-illuminated, indirectly illuminated, or internally illuminated.
- d. Such sign shall be maintained by the sign owner according to the provisions of this ordinance.
- e. A sign permit is required.

6. Traffic Control Signs on private property

Such signs shall be in conformance with the requirements of the Manual on Uniform Traffic Control Devices.

7. Signs mounted on interior building surfaces, such as signs mounted on the inside of windows and doors except as provided in Section 18.64.105.

8. Directional Signs, such signs shall not exceed 4 square feet per face with 2 faces permitted. The sign shall not exceed 4 feet in height if freestanding.

F. Residential Districts (AG, R-1, R-2, R-3, R-4)

The following signs are permitted [with a sign permit](#):

1. Wall Signs:

a. Residential Structures

In the R-1 and R-2 districts, one (1) non-illuminated wall sign is allowed per building, not more than one (1) square foot in area. No permit is required for these signs.

b. Public or Semi-Public Buildings

One (1) non-illuminated wall sign per building. Wall signs shall not exceed ten (10) percent of the wall upon which it is placed or one hundred (100) square feet, whichever is less.

c. Legal Nonconforming Business

One (1) non-illuminated wall sign per building. Wall signs shall not exceed ten (10) percent of the wall upon which it is placed.

2. Subdivision Entry Markers

Each subdivision is permitted a monument sign at the subdivision entry, and located within the platted subdivision on a platted tract. Unless otherwise stated on the final plat or final site development plan, the owner of the property on which the sign is located shall maintain the monument sign.

3. Monument Signs:

- a. Every building constructed for a permitted nonresidential use is permitted one (1) monument sign.
- b. One (1) monument sign per multifamily complex. If the complex fronts on two (2) streets, one monument sign shall be allowed on each street frontage.

4. Changeable Copy Signs:

- a. In lieu of permitted standard monument sign, one (1) changeable copy sign is allowed for the following permitted nonresidential uses:
 - (1) Colleges, universities, professional schools and junior colleges (public or private).
 - (2) Elementary and secondary schools, public and private.
 - (3) Libraries.
 - (4) Public buildings.
 - (5) Government offices and facilities.
 - (6) Similar uses as allowed by interpretation of the Planning Official.
- b. Permits are not required for replacing or altering changeable copy on these signs.
- c. Changeable copy signs shall comply with the standards for monument (see subsection D.1).
- d. Electronic message boards are prohibited.

G. Mixed Use (N, TOD) and Planned (PD, PR) Districts

- 1. Due to the nature of the **planned development** district, sign standards and regulations may be established or modified as part of rezoning application and development plans.
- 2. The following signs are permitted in a **Mixed Residential** Area of an **N** district [with a sign permit](#):
 - a. A sign may be a wall sign, an awning sign, projecting sign, or under canopy sign.

- b. A single-family or two-family dwelling may have one (1) non-illuminated wall sign per building, not more than one (1) square foot in area, indicating a permitted home occupation.
- c. A townhouse, condominium or multifamily building may have not more than two (2) signs with a total sign area of not more than eight (8) square feet.
- d. A commercial building may have not more than two (2) signs with a total sign area of not more than twelve (12) square feet.

e. **Neighborhood Entry Markers**

Each neighborhood is allowed a monument sign at the entry.

- f. Internal illumination of signs is prohibited.

3. The following signs are permitted in a **Center Area, Civic Uses or Civic Spaces** of an N district [with a sign permit](#):

- a. A sign may be a wall sign, an awning sign, projecting sign, under canopy sign, or monument sign.
- b. A **building** may have up to 5 signs with a total sign area of up to 5% or 30 square feet per (whichever is less) per street facing elevation.
- c. No **internally illuminated** sign may be located on any wall of a nonresidential building facing a residential building.
- d. A **projecting sign** are permitted a maximum of two (2) sign faces. The sign shall not extend more than three (3) feet from the face of the building and shall maintain not less than eight (8) feet clearance between the bottom of the sign and the finished grade.

e. **Under Canopy Signs**

In buildings with three (3) or more tenants, 1 under canopy sign per business is permitted in addition to the signs described in this section. Under canopy signs shall not exceed two (2) square feet in area.

f. **Wall and Under Canopy Signs**

In buildings with three (3) or more tenants, wall and under canopy signs shall be similar in color, materials and lighting. These signs shall be incorporated into the design of the area.

4. **Supportive Uses** in an N district are subject to subsection 3 above. In addition, if the lot or parcel has a freestanding canopy, the following additional signs are allowed:

- a. Up to two (2) double-faced signs, which may be mounted on a freestanding canopy or may be projecting signs, under canopy signs, or monument signs.
- b. The sign(s) may be non-illuminated, internally illuminated or indirectly illuminated.
- c. The sign(s) shall not exceed eighteen (18) square feet per face, with two (2) faces permitted.

d. The maximum height of the signs, if not located on canopy supports, shall not exceed ten (10) feet.

e. The sign(s) shall not be placed closer to the public right-of-way than the closest freestanding canopy.

H. Commercial/Office Districts (O, C-1, and BP)

The following signs are permitted in the O, C-1 and BP districts with a sign permit:

1. Wall Signs:

a. Each freestanding building is permitted not more than two (2) wall signs, limited to one (1) per wall. The area of the wall sign shall not exceed ten (10) percent of the area of the wall upon which it is mounted.

b. If a business is part of a multitenant complex, each tenant shall be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed. Signs facing the rear of the building are prohibited except as defined in subsection P.78, below.

2. Monument Signs:

a. One (1) monument sign is permitted for each freestanding building housing one (1) tenant or each complex.

b. In complexes, or single business sites, on property more than five (5) acres in size and with more than one (1) street frontage, a second monument sign is permitted on the additional street frontage.

c. If a single business or complex is located on a site more than **five (5) acres** in size, one (1) of the two (2) monument signs may be increased to a maximum height of ~~twenty-one~~twenty-one~~fifteen~~ (21) feet and a maximum face area size of ~~ninety-five~~sixty-five (95) square feet. For each additional five (5) feet of setback (from the minimum required), the overall sign height may be increased two (2) feet in height and the sign area may be increased ten (10) square feet to a maximum of twenty-one (21) feet in overall sign height and a maximum face area size of ninety-five (95) square feet.

d. On a site of more than **twenty (20) acres**, signage may be allowed up to twenty-five (25) feet in height and a maximum sign face of one hundred (100) square feet. Both of the two (2) monument signs permitted may be increased up to a maximum height of thirty (30) feet and a maximum face area size of one hundred fifty (150) square feet with Governing Body approval. The increased monument signs shall be set back at least ~~ten~~fifteen (15) feet from all property lines and outside of sight distance triangles and easements (refer to Section 18.30.220).

3. Projecting Signs

In lieu of one (1) of the above permitted wall signs, one (1) projecting sign is permitted. The projecting sign shall not exceed twelve (12) square feet in area with a maximum of two (2) faces. The sign shall not extend more than three (3) feet from the face of the building.

4. Under Canopy Signs

In complexes with three (3) or more tenants, under canopy signs are permitted in addition to the signage described above. One (1) under canopy sign is permitted for each business. Under canopy signs shall not exceed two (2) square feet in area.

5. Wall and Under Canopy Signs

In complexes with three (3) or more tenants, wall and under canopy signs shall be similar in color, materials and lighting. These signs shall be incorporated into the design of the complex.

6. Additional Sign

This subsection is designed to accommodate additional messages normally used by businesses in lower intensity commercial and office districts, such as time and temperature displays and the name of the complex or business that owns the sign. In addition to permitted monument signs, one additional monument, wall, or projecting sign is may be permitted for a complex or a business in a freestanding building subject to approval by the Planning Commission and Governing Body. Size, height and setback requirements are the same as for monument signs.

7. Restaurants

This subsection is designed to accommodate additional messages normally used by sit-down restaurants, such as menus. In addition to the signs permitted above, restaurants with table service are allowed a menu board. These signs are not included in the calculation of maximum sign area for the building or tenant space.

- a. The menu board shall be located adjacent to the entry. Attaching a sign to the exterior of a box is prohibited.
- b. These signs shall not exceed four (4) square feet, including all framework.
- c. These signs are prohibited for drive-in and drive-thru restaurants.

I. Commercial Districts C-2, C-3, C-4

The following signs are permitted in the C-2, C-3 and C-4 districts with a sign permit:

1. Wall Signs:

- a. Each freestanding building is permitted up to three (3) wall signs. These signs are limited to one (1) per wall and shall not exceed ten (10) percent of the total area of the wall upon which it is placed. Each exterior wall shall be common to the interior business space.
- b. If a business is part of a multitenant building or complex, each tenant is allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed and shall be common to the interior business space. Corner tenant spaces are allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed. Signs facing the rear of the building are prohibited except as defined in subsection P.7.

2. Monument Signs

Same as subsection H, above.

3. **Projecting Signs**

Same as subsection H, above.

4. **Awning Signs**

In addition to a wall sign or a projecting sign, an awning sign is permitted.

a. Awning graphic shall comprise no more than thirty (30) percent of the total exterior surface of an awning or canopy. If side panels are provided, they shall not carry signs greater than twenty (20) percent of the area of the awning panel.

b. Text on awnings is not allowed

c. Awnings must be permanently mounted on the wood or metal framing within a door or window opening, not on the wall surrounding the opening. The minimum height for awnings shall be eight (8) feet from the lowest point to the sidewalk. Awnings shall not extend more than four (4) feet from the building face.

d. Awning signs are not allowed above the ground floor. Awnings without signs may be allowed above the ground floor if they complement the architecture.

e. Awnings shall not be a continuous feature extending over masonry piers or arches but designed to project over individual window and door openings.

f. Internally lit or back-lit graphics awnings are not permitted.

g. Standard residential aluminum awnings are not allowed. Awnings shall be composed of non-combustible acrylic fabric.

5. **Under Canopy Signs**

Same as subsection H, above.

6. **Wall and Under Canopy Signs**

Same as subsection H, above.

7. **Additional Sign**

Same as subsection H, above.

8. **Restaurant Menu signs:**

Same as permitted in subsection H, above.

9. **Drive-Through Restaurants**

to accommodate additional messages normally used by drive-through restaurants, such as menus, the following apply to eating places:

a. Each drive-through or drive-in restaurant is permitted signs in addition to those described above.

- (1) The additional sign is limited to one (1) freestanding or wall menu board per lane.
- (2) The sign shall not exceed six (6) feet in height or thirty-two (32) square feet in total surface area. Total surface area means all of the area included in the face of the sign, the trim, the base and other appurtenances.
- (3) These signs may be non-illuminated, or illuminated.
- (4) The preview board must be built on a solid base that is at least seventy-five (75) percent of the width of the sign face.
- (5) The signs shall be located along the sides or rear of the building.
- (6) If the sign is visible from a public street, additional landscaping and/or fencing is required to screen the menu board from view from the public street.

b. In lieu of one (1) freestanding or wall menu board, a restaurant may have a menu board located at each order station. The menu boards at each order station shall not exceed four (4) square feet in surface area per face.

c. In addition to the allowed menu board, one (1) preview board is permitted per drive-through lane and shall be located in the lane. The preview board shall not exceed six (6) feet in height or fifteen (15) square feet in total surface area. It shall be constructed to match the structure of the associated menu board and may be non-illuminated or illuminated. The preview board must be built on a solid base that is at least seventy-five (75) percent of the width of the sign face. The preview board shall be located along the sides or rear of the building, and set away from the menu-board by at least fifteen (15) feet. Whenever a preview board is visible from a public street, additional landscaping and/or fencing shall be used in order to screen the preview board from view of the public street.

10. Automatic Car Wash

This section accommodates customary information provided by car washes about services offered. Each automatic car wash (conveyor type, longer than fifty [50] feet) is permitted signs in addition to those described in subsection 1 through 6 above. The additional signs are limited to one (1) freestanding or wall sign. The sign shall not exceed five (5) feet in height, nor shall it exceed twenty (20) square feet of surface area per face. The board may have two (2) faces. The signs shall be non-illuminated, or indirectly illuminated. The signs shall be located along the front, side or rear of the building. However, if the board is located in front of the building, sufficient fencing and/or landscaping shall be provided to screen the board from view from public streets, alleys or other public property.

11. Freestanding Canopy Signs

Signs may be placed on freestanding canopies if they meet the requirements for wall signs for buildings. Only the fascia of the canopy upon which the sign is placed shall be used for determining the size of the sign.

12. Convenience Stores with Gasoline Sales, or Gas Stations

This subsection accommodates information customarily provided by these establishments about the price of gasoline sold and/or the nature of services offered on the premises. These uses are

permitted up to two (2) double-faced signs. The sign(s) may be non-illuminated, internally illuminated or indirectly illuminated. The sign(s) shall not exceed eighteen (18) square feet per face, with two (2) faces permitted. The maximum height of the signs, if not located on canopy supports, shall not exceed ten (10) feet. [These signs are instead of standard monument signs.](#)

13. Theater Signs:

A movie theater may have an attraction panel based on the following criteria:

a. Modules

A movie theater, drive-in theater, or performing arts theater may have one (1) module per screen or stage, plus one additional module. The module shall not exceed eighteen (18) square feet. A module is that portion of the sign, including trim, customarily used to display the title of a movie.

b. Area and Number

The total surface area of a sign face shall not exceed one hundred sixty-two (162) square feet per face. A maximum of two (2) faces is permitted.

c. Setback

A minimum of thirty (30) feet from a street right-of-way is required.

d. Height

The maximum height of the sign shall not exceed fifteen (15) feet from average grade level.

e. Changeable Copy

Movie theater signs may have changeable copy. Permits are not required for replacing or altering changeable copy on existing movie theater signs.

J. Districts M-1, M-2 and MP-3

The following signs are permitted [with a sign permit](#):

1. Wall Signs:

a. Each freestanding industrial establishment or building is permitted not more than three (3) wall signs. The signs shall be limited to one (1) per wall and shall not exceed ten (10) percent of the total area of the wall upon which it is placed or two hundred (200) square feet, whichever is less.

b. If a business is part of a multitenant complex, each tenant shall be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed. Signs facing the rear of the building are prohibited except as defined in subsection P.78.

2. Monument Signs

Same as subsection H.

3. **Convenience Stores with Gasoline Sales, or Gas Stations**

Same as subsection I.

4. **Freestanding Canopy Signs**

Same as subsection I.

5. **Awning Signs**

Same as subsection I.

K. **Downtown District (D)**

The following signs are permitted in the Downtown (D) district [with a sign permit](#):

1. **Wall Signs**

Same as permitted in subsection G, in addition to the following standards:

- a. If a business is part of a multitenant complex, each tenant is allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed.
- b. Wall signs shall be integrated with the architecture of the building and mounted in locations that respect the design of the building, including the arrangement of bays and openings. Signs shall not obscure windows, cornices, grille work, piers, pilasters, and ornamental features.
- c. Lighted wall signs shall not be located at the top of the building's façade if the façade is higher than two (2) stories and shall not directly face a residential neighborhood.
- d. Wall signs are limited to the ground floor of the structure. Wall signs located on the side wall of a building that faces a side property line, alley, or parking area (including a side property line along a street), shall not be lighted above the ground floor.
- e. One (1) wall sign located on the rear of the building is allowed provided it is adjacent to public right-of-way. Signs shall be non-illuminated and are limited to ten (10) percent of the wall area or tenant space upon which it is placed.

2. **Projecting Signs**

In lieu of a wall sign or an awning sign, one (1) projecting sign per tenant in a multitenant building is permitted.

- a. Projecting signs shall not be closer than fifty (50) feet apart, and no more than three (3) for every three hundred (300) feet of street frontage.
- b. Projecting signs shall be oriented to pedestrians passing on the sidewalk in front of the buildings rather than to automobiles or pedestrians on the far side of the street, and shall not be located above the ground floor.

- c. Projecting signs shall not exceed twelve (12) square feet, and must provide a vertical clearance of eight (8) feet along pedestrian areas.
- d. Projecting signs shall be mounted in locations that are compatible with the building design, including the arrangement of bays and openings. Signs shall not obscure window, grille work, piers, pilasters, and ornamental features.
- e. Projecting signs shall be internally or indirectly illuminated. Signs that use blinking or flashing lights are prohibited.

3. **Awning Signs**

In addition to a wall sign or a projecting sign, an awning sign is permitted.

- a. Sign copy shall comprise no more than thirty (30) percent of the total exterior surface of an awning or canopy. If side panels are provided, they shall not carry signs greater than twenty (20) percent of the area of the awning panel.
- b. Text on awning valences shall not exceed eight (8) inches high. A valence drop length shall not exceed twelve (12) inches.
- c. Awnings must be permanently mounted on the wood or metal framing within a door or window opening, not on the wall surrounding the opening. The minimum height for awnings shall be eight (8) feet from the lowest point to the sidewalk. Awnings shall not extend more than four (4) feet from the building face.
- d. Awning signs are not allowed above the ground floor. Awnings without signs may be allowed above the ground floor if they complement the architecture.
- e. Awnings shall not be a continuous feature extending over masonry piers or arches but designed to project over individual window and door openings.
- f. Internally lit or back-lit graphics awnings are not permitted.
- g. Standard residential aluminum awnings are not allowed. Awnings shall be composed of non-combustible acrylic fabric.

4. **Window Signs**

In addition to a wall sign or projecting sign, but not an awning sign, one (1) window sign is permitted.

- a. No more than one (1) permanent window sign is allowed per window.
- b. Window signs shall not exceed ten (10) percent of the window area so that visibility into and out of the window is not obscured, except that window signs may be as large as twenty (20) percent of each window area if no wall sign is provided.
- c. Sign copy shall not exceed eight (8) inches in height, and shall be applied directly to the interior face of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.

- d. Window signs on glazing shall be either silk screened, back-painted, metal leafed, or sand-blasted onto the glass. Vinyl lettering is not allowed.
- e. Neon and scrolling marquee signs displayed on the interior surface of a window constitute a permanent window sign within the Downtown Core and Downtown Santa Fe Corridor areas only. One (1) neon sign is permitted per business façade, and shall not exceed twenty-five (25) percent of the total glass area of the window. Scrolling marquee signs are not permitted.

5. "A" Frame Signs:

In addition to wall signs, projecting signs, or awning signs "A" Frame signs are permitted. "A" Frame signs are permitted in the Downtown Core only.

- a. The maximum sign area for an "A" Frame sign is eight (8) square feet.
- b. The maximum overall height is four (4) feet tall.
- c. "A" Frame signs shall not be permanently affixed to any object, structure, or the ground.
- d. Each tenant in a multitenant complex or building is limited to one (1) "A" Frame sign, located on private property or within the public right-of-way adjacent to the tenant space, provided the sign does not interfere with vehicle access, pedestrian movement or wheelchair access to, through, and around the site. A minimum access width of five (5) feet should be maintained along all sidewalks and building entrances accessible to the public.
- e. "A" Frame signs shall be used only during regular business hours and shall be removed during non-business hours.

6. Menu Boards

In addition to the signs permitted above, a restaurant with table service is allowed a menu board. Restaurant menu signs are not included in the calculation of maximum sign area for the building or tenant space.

- a. Menu boards shall be located in a permanently mounted display box on the surface of the building adjacent to the entry. Taping a sign to a box is prohibited.
- b. Menu boards shall not exceed an area of six (6) square feet, including all framework.

L. Billboard Regulations

Purpose: this section allows nonconforming billboards to continue until they are removed under the terms of this ordinance. No new billboards may be constructed, in any zoning district.

1. Billboards are declared by this zoning ordinance to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. All existing billboards, in any zoning district, are declared nonconforming.
2. This section supersedes and controls over any conflicting provision in this Chapter.
3. Billboards now in existence in any zone are declared legal nonconforming uses and may remain, subject to the following restrictions:

a. Sign Permit Required

All existing legal nonconforming billboards are required to renew the sign permit every three (3) years. The Planning Official shall inspect all legal nonconforming billboards upon receipt of a renewal application to determine full compliance with the provisions of the Unified Development Ordinance. The Planning Official shall approve or deny the sign renewal application no later than thirty (30) days following the date of its submission. When a renewal is denied by the Planning Official written notice of the denial shall be given to the applicant, together with a brief written statement of the reasons for the denial. Permits are not required for replacing or altering content on existing billboards.

b. Alterations of Nonconforming Billboards

A legal nonconforming billboard may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces, the addition of digital faces, adding additional illumination or the addition of rotating faces with movable panels designed to create additional advertising. Structural alterations mean alterations to, including replacement of, either the billboard face or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the billboard is not considered a structural alteration.

c. Replacement, Restoration or Reconstruction

Any legal nonconforming billboard which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage shall not be replaced, restored or reconstructed.

d. Repairs and Maintenance

All legal nonconforming billboards shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Routine repairs and maintenance of nonconforming billboards necessary to maintain health and safety may be permitted. Said repairs and maintenance shall include such activities as painting and the replacement of a damaged or deteriorated sign face. A billboard owner shall be prohibited from repairing or replacing a legal nonconforming billboard which is in disrepair in excess of fifty (50) percent of its replacement cost. An exception is made for those billboards which were destroyed by vandalism or other criminal or tortuous acts. Any legal nonconforming billboard which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage shall not be replaced, restored or reconstructed.

e. Failure to comply

Failure to comply with any applicable restrictions or performance standards of this ordinance may result in the revocation of the sign permit and removal of both the billboard sign face and its structure.

4. Any one (1) faced billboard that has remained vacant for a period of three (3) months or more shall be deemed to have been abandoned and shall result in the revocation of the sign permit and

removal of the billboard. Any two (2)-faced billboard that has both sides vacant for a period of three (3) months or more shall be deemed to have been abandoned and shall result in the revocation of the sign permit and removal of the billboard. This regulation does not apply if only one face of a two (2) faced billboard is vacant.

M. Highway Signs

In addition to other signs permitted by this ordinance, highway signs are permitted for freestanding businesses (not part of a complex) having a minimum of fifty (50) percent of its site within eight hundred (800) feet of the centerline, or five hundred (500) feet of the right-of-way (whichever is less) of I-35 or K-10 Highways. Highway signs shall comply with monument sign criteria with the following exceptions:

1. The width of the base of the sign shall not be less than twenty (20) percent of the width of the sign face nor more than sixty (60) percent of the width of the sign face.
2. The height of the sign shall not exceed thirty (30) feet in overall height above the natural or average grade.
3. The area per face of a highway sign shall not exceed two hundred (200) square feet. A maximum of two (2) faces is permitted.
4. Landscaping, such as flowering trees, shrubs and bushes, shall be provided around the base of the sign as approved.
5. Highway signs shall not be closer than thirty (30) feet to all property lines or located within any easement.
6. Reader boards shall not be permitted.

N. Special Permit Uses

Sign regulations for special permit uses are as follows:

1. For those special permit uses that are located in agricultural and residential districts, signs are permitted under the provisions of subsections E and F, or as set forth for that use in this Chapter.
2. For those special permit uses that are located in commercial districts, signs are permitted under the provisions of subsections E, H and I, or as set forth for that use in this Chapter.
3. For those special permit uses that are located in industrial districts, signs are permitted under the provisions of subsections E or J, or as set forth for that use in this Chapter.
4. Signs permitted in conjunction with special use permits:
 - a. In the case of special use permit uses, all wall and detached signs shall be approved by the Planning Commission, except where private sign criteria have been previously approved for the development.
 - b. In reviewing and approving those signs, the Planning Commission shall consider: (1) the use of the facility, (2) the height of the building, (3) the surrounding land uses and zoning districts, (4) the relationship of the site to interstate highways, where applicable, and (5) the topography

of the site. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district may be followed.

5. Private sign criteria

All hotels, motor hotels, shopping centers, business parks, office parks or industrial parks shall prepare a set of sign criteria which shall be approved as part of a planned district zoning by the Planning Commission and/or Governing Body for all exterior signs in the development. The criteria are binding upon all subsequent purchasers or lessees within the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in such criteria. In all respects, the criteria shall be within the regulations set out in this code and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the Planning Commission has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this section, the terms "shopping centers, business parks, office parks or industrial parks" mean a project of one (1) or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project, or portions thereof, from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed.

O. Temporary Signs

Findings: The Governing Body finds that temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. In the case of certain noncommercial messages, temporary signs may provide the only effective and economically viable avenue of communication. However, if left completely unregulated, the proliferation of temporary signs constructed of non-durable materials could become a threat to public safety as a traffic hazard and a detriment to property values and the City's overall public welfare as an aesthetic nuisance. In order to accommodate legitimate needs of residents and landowners for temporary signs without compromising the City's interest in traffic safety, aesthetics and preservation of property values, temporary signs may be posted on property in the City, subject to the following requirements and those applicable provisions stated elsewhere in this chapter.

1. General requirements applicable to all temporary signs

- a. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard. In all cases such signs shall be placed outside the sight distance triangle.
- b. Temporary signs shall be designed, constructed or mounted so as to be reasonably stable under all weather conditions, including high winds.
- c. No temporary sign shall be illuminated or painted with light-reflecting paint.
- d. Temporary signs shall only be posted with the consent of the property owner or occupant.

e. Except where more stringent time limitations are imposed elsewhere in this section, a temporary sign may be posted for a period of up to sixty (60) days, within the calendar year at which time the sign shall be removed or replaced.

f. Temporary signs shall be removed no later than five (5) days after the events to which the sign is related. Examples of the end of an event include the sale or occupancy of a property, the conclusion of the sale or event, or an election.

g. No temporary sign shall advertise or promote any commercial enterprise or event not conducted on the same building lot.

2. Temporary signs in District AG and Residential Districts

a. AG, R-1, and R-2 Districts

In addition to other signs permitted by this chapter, in District AG and R-1 and R-2 districts, a maximum of two (2) temporary signs may be displayed at any time.

(1) These signs shall be yard signs and the total surface area of each sign face shall not exceed six (6) square feet per face and six (6) feet in height. A maximum of two (2) sign faces are permitted for each yard sign.

(2) **Garage sale signs** may only be placed at the site of the sale. Garage sale signs include sample and yard sale signs. Such signs shall not exceed four (4) square feet per sign, with two (2) faces per sign permitted. No permit is required for these signs.

b. R-3 and R-4 Districts

In addition to other signs permitted by this chapter, in multifamily districts a maximum of three (3) temporary signs may be displayed at any time.

(1) Yard Signs:

(a) The total surface area of each yard sign shall not exceed ~~thirty-two~~sixteen (3216) square feet per face and shall not exceed ~~eight~~five (85) feet in height with a maximum 12 inch gap above grade. A maximum of two (2) sign faces are permitted for each sign and a maximum of two (2) signs are permitted.

(b) In addition to signs permitted in paragraph (a), one (1) sign not exceeding six (6) square feet per face with a maximum of two (2) faces and a maximum height of six (6) feet is permitted.

(2) Wall Signs

Temporary wall signs are permitted and shall not exceed ten (10) percent of the total area of the wall upon which the sign is mounted. No more than one (1) temporary wall sign is permitted on any one (1) building or structure. All wall signs shall be mounted on a solid wall and shall not extend over decks, railings, outdoor patios, doorways, or windows.

(3) Special Real Estate Signs

Special real estate events shall be allowed the use of pennants or flags under the following conditions:

(a) In conjunction with area-wide tour events.

(b) The opening of a new subdivision or the new phase of an existing subdivision. In this instance, pennants and business flags are permitted for one (1), fifteen (15)-day period every six (6) months.

(c) One (1) other special event similar to (a) above and limited to one (1), fifteen (15)-day period per year such as open house or model house, up to sixty (60) days in a calendar year.

(d) No fee is required for these signs.

3. Temporary signs in Commercial Districts and Industrial Districts:

a. One (1) sign per street frontage or building.

b. For a wall-mounted temporary banner, the maximum size shall be no larger than that permitted for permanent wall signs.

c. Temporary signs are permitted to be displayed a maximum of four (4), thirty (30) day periods per calendar year. In no case shall a thirty (30) day period be carried over from month-to-month ~~consequently~~.

d. Temporary freestanding signs shall be set back a minimum of ten (10) feet from any property line and shall not exceed ~~fourteen~~ (410) feet in height, measured at grade, with a sign face no greater than thirty-two (32) square feet. No temporary freestanding sign shall be placed in a sight distance triangle as defined by Section 18.30.220. [A permit is required for these signs.](#)

e. Inflatable devices up to thirty (30) feet in height are permitted, except on roofs, for two (2), thirty (30) day periods per calendar year. In no case shall a thirty (30) day period be carried over from month-to-month consecutively.

f. Searchlights are permitted from dusk to midnight.

g. Balloons attached to stakes shall be permitted with a temporary sign permit.

4. Non-residential uses in residential areas may follow the temporary sign regulations as set forth in subsection O.3 above, but inflatable devices and searchlights are prohibited.

5. Temporary special events, such as, civic club events, school activities, etc., or temporary sales and events approved per Section 18.50.225 are permitted to have temporary signs, banners, flags or pennants, after a sign permit is obtained. No fee is required for these signs.

6. Real Estate Sign:

a. Single-Family and Two-Family Districts

Real estate signs shall not exceed six (6) square feet per face, with two (2) faces per sign permitted. The maximum height of the sign shall not exceed six (6) feet. A maximum of three (3) signs per lot are permitted.

b. Multifamily, Commercial and Industrial Districts

A maximum of two (2) signs are permitted for each parcel.

(1) Freestanding Signs

Real estate signs shall not exceed ~~thirty-two~~^{sixteen} (32~~16~~) square feet in area per face with two (2) faces permitted. The sign shall not exceed ~~eight~~^{five} (8~~5~~) feet in height with a maximum 12 inch gap above grade. In addition, one (1) real estate sign, not exceeding four (4) square feet per face, with a maximum of two (2) faces permitted, and a maximum height of six (6) feet is permitted.

(2) Signs attached to the wall of the building shall not exceed ten (10) percent of the wall area upon which it is placed. A maximum of two (2) wall signs are permitted.

~~(3) V-shaped signs: Such signs shall not exceed thirty-two (32) square feet in total area and shall not exceed eight (8) feet in height measured at grade. A maximum of one (1) sign for each parcel is permitted.~~

c. Undeveloped Land for Sale Signs

In lieu of the signs permitted in paragraphs a and b above, undeveloped and unplatted land over ten (10) acres in size are permitted two (2) "For Sale" signs not to exceed thirty-two (32) square feet in area per face, with two (2) faces permitted. The signs shall not exceed eight (8) feet in height.

(1) V-shaped signs: Such signs shall not exceed thirty-two (32) square feet in total area and shall not exceed eight (8) feet in height measured at grade. A maximum of one (1) sign for each parcel is permitted.

7. Removal or Replacement:

a. The person who has posted or directed the posting of a temporary sign is responsible for the removal or replacement of that sign in accordance with this section.

b. If that person does not remove or replace the temporary sign in accordance with this section, then the property owner or occupant of the building lot where the sign is posted is responsible for the sign's removal or replacement.

c. The Planning Official is authorized to remove any temporary signs posted in violation of this chapter that are not removed or replaced in accordance with the provision above. Temporary signs posted on private property in violation of this Section are deemed a public nuisance, and the Planning Official may abate that nuisance in accordance with subsection S below.

d. The Planning Official may immediately remove temporary signs posted on public property or rights-of-way in violation of this chapter.

P. Prohibited Signs and Devices

It is a violation of these zoning regulations to erect, install, place or maintain the following signs:

1. Any signs or advertising structures which are not specifically permitted under the sign subsection in the schedule of district regulations or otherwise specifically permitted under these zoning regulations.

2. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. Electronic/video screen signs shall not be permitted. Exterior neon lighting, illuminated banding or other types of lighting that creates a glow is prohibited unless it is approved by the Planning Commission as part of an overall theme for the development area.
3. Erect or alter any sign as defined in the Unified Development Ordinance, or make use of a living sign displaying a commercial message, without first obtaining a sign permit in accordance with the requirements of, and procedures set forth in, the Unified Development Ordinance.
4. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient, within the meaning of K.S.A. 21-4301, as amended.
5. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically permitted by these regulations.
6. Any sign or advertising structure erected on City of Olathe property or other governmental property other than signs erected by said governmental entity for public purposes.
7. Any sign or advertising structure which is erected, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
8. Signs are prohibited on the rear of a building, except for the following:
 - a. A sign located on a rear exit door. The sign shall not exceed six (6) inch non-illuminated letters painted, printed, stenciled or attached to the face of the rear door and covering no greater than twenty (20) percent of that door.
 - b. Where the rear of a commercial building is oriented toward street right-of-way or an internal shopping center access drive, a wall sign in accordance with subsections H and I are permitted on the rear wall of the building only if that building façade is architecturally designed to resemble the principal or front façade of the building by including similar architectural features such as windows, doors, awnings, building materials, and similar elements. The rear of a building is that side of a building opposite from the principal or main entrance to a building.
 - c. In the D (Downtown) District, subject to the standards established in subsection K.
9. "A" Frame Sign (except in the D (Downtown) District).
10. Attention-attracting devices.
11. Abandoned signs.
12. Off-site signs (except billboards or where specifically allowed by this Chapter).
13. Portable sign, excluding real estate signs.

14. Roof signs.
15. Snipe signs, except warning signs posted by public utility companies.
16. Temporary signs, except as permitted by subsection O.
17. Vehicular signs, except that sign copy painted on a motor vehicle or semi-trailer normally in motion during use shall not be considered a vehicular sign when moved at least one (1) time during a seventy-two (72) hour period.
18. Yard signs, except as permitted temporary signs.
19. Painted wall signs which are painted directly on the wall of a building or surface, except that signs painted on a window in a commercial zoning district (as part of the permitted wall sign) are permitted.
20. Directly illuminated signs, except to the extent specifically authorized in this chapter.
21. Any sign not specifically, or by reasonable implication, permitted in this Section.

Q. Sign Maintenance

1. Any sign or advertising structure erected or installed under the provisions of this section shall be maintained in a safe, functional and sound structural condition at all times. General maintenance of said sign shall include the replacement of nonfunctional, broken, or defective parts, painting, cleaning and upkeep of the premises immediately surrounding the sign or advertising structure, and any other action required for the maintenance of said sign or advertising structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay or deterioration.
2. If any sign, which is placed in a public easement, is damaged due to maintenance of utilities in that easement by the City or others, the cost for repairs or replacement of said sign shall be borne by the sign owner.

R. Abandoned Signs

1. Except as may be otherwise provided for in this ordinance, any sign which is located on a building, structure, or real property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. When a wall sign is removed, the wall of the building or structure shall be restored to its normal appearance. Removal of a monument or highway sign shall include the face and base. Any sign structure that is in conformance with this chapter may remain as long as it is maintained and does not become unsafe or unsightly.
2. If after the three (3) month time period has elapsed and the sign has not been removed, the Planning Official shall notify, in writing, the property owner of record that the sign shall be removed within thirty (30) days after the date of the notice. If the sign has not been removed within thirty (30) days after the date of the notice, the Planning Official may have the sign removed and the associated costs assessed to the property.

3. The City Clerk shall mail a statement of such cost for the removal of said sign to the last known address of the owner of record of the property, or person in charge of such property. If such costs are not paid within ten (10) days from the mailing of such notice, the Governing Body of the City shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land. The City Clerk shall certify such assessment to the County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

S. Nonconforming Signs

Nonconforming signs are declared by this zoning ordinance to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of this ordinance, but not to encourage their survival.

1. "Nonconforming Sign." A sign that, on the effective date of this ordinance, does not conform to one (1) or more of the regulations set forth in Chapter 18.64.

2. Alterations of Nonconforming Signs

No nonconforming sign or advertising structure shall be expanded, relocated or restored unless said sign or advertising structure is brought into conformance with the provisions of this section or any other applicable City code requirement.

3. Replacement, Restoration or Reconstruction

If any existing nonconforming sign, as provided for in this section, is damaged by any means, including, but not limited to, fire, flood, wind, explosion, act of God, or act of a public enemy, to an extent of fifty (50) percent or more of the replacement, restoration or reconstruction value of the sign, or fifty (50) percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of the Unified Development Ordinance. Any nonconforming sign which remains damaged or disrepaired, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

4. Repairs and Maintenance

Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. These repairs and maintenance include activities such as painting and the replacement of a damaged or deteriorated sign face. The cost of the repairs and maintenance shall not exceed fifty (50) percent of the value of the sign which is to be repaired or maintained. The value shall be that which is current at the time of the repair or maintenance. Prior to the repair and maintenance taking place, the Code Enforcement Department shall be consulted to determine if a sign permit is necessary. If the determination is made, then all applicable work performed shall be accomplished through the issuance of a valid sign permit as required by this ordinance.

5. Termination of Nonconforming Signs

Upon the discontinuance of a use to which any nonconforming sign or advertising structure is accessory to, the tenant or property owner shall remove all nonconforming signs, supports and structures upon the building or property upon which the use was located.

T. Nonconforming Signs

1. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Title may be continued.
2. No nonconforming sign may be altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may be altered to bring the sign into complete conformity with this Section.
4. Subject to the other provisions of this section, nonconforming signs may be maintained.
5. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed within thirty (30) days after abandonment by the sign owner, owner of the property where the sign is located, or other person having control over the sign.
6. If a nonconforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after abandonment, be altered to comply with this article or be removed by the sign owner or owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
 - a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
 - b. The advertising message it displays becomes illegible in whole or substantial part; or
 - c. The advertising copy paid for by a person other than the sign owner or promoting an interest other than the rental of the sign has been removed.

U. Declaration of Nuisance

The Governing Body hereby determines that the public peace, safety, health and welfare requires that all signs and sign structures hereafter constructed or erected shall conform and comply with such requirements forthwith. All signs which shall hereafter be constructed or erected in violation of the provisions of this ordinance shall be declared public nuisance, and shall be removed and abated in the manner provided by law.

V. Noncommercial Messages

Any commercial sign permitted under this chapter is allowed to contain noncommercial speech in lieu of any commercial speech, subject to all applicable restrictions and performance standards.

W. Exceptions

Exceptions to sign regulations for standard zoning districts may only be granted by the Board of Zoning Appeals through a variance, subject to the provisions of Chapter 18.40 of the Unified Development Ordinance. Deviations to sign regulations for planned zoning districts may be approved by the Planning Commission and Governing Body at the time of rezoning as part of the preliminary development plan. Any deviation or exception to the requirements of this chapter may only be granted upon a finding by the Governing Body that all of the following conditions are met:

1. That the deviation requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.
2. That granting the deviation will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner represented in the application.
4. That the deviation desired will not adversely affect the public health, safety, morals order, convenience, prosperity, or general welfare.
5. That granting the deviation will not be opposed to the general spirit and intent of this ordinance.”

SECTION THIRTY-TWO: Section 18.50.225 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.225 Temporary Uses

A. Applicability

This section establishes standards and procedures for certain temporary uses or activities, as described below.

B. Temporary Sales and Events Permit

1. The Planning Official may, upon application, issue a temporary sales and events permit to use a specified parcel of privately owned land for the following temporary short term uses, in accordance with the City Municipal Code, Chapter 5.05 - Special Event Permit, Sections 5.05.040 - Application For, 5.05.070 - Site Plan and 5.05.110 - Cleanup:
 - a. Christmas tree sales.
 - b. Seasonal sale of farm produce.
 - c. Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities).
 - d. Carnivals, circuses, fairs.
 - e. Commercial tent sales or sidewalk sales ~~(by tenants only)~~.
 - f. Exhibits for high technology products (by tenants only).

[g. Sales and services by transient merchants with a business license from the City Clerk, unless otherwise exempted under the Olathe Municipal Code \(§5.30.030\) and as defined in this Ordinance §18.90.020.](#)

2. The temporary sales and events permit may be issued without publication or posted notice and without referral to the Planning Commission if the following conditions are met:

a. The applicant shall submit an application containing:

- (1) A description of the land proposed to be used.
- (2) A site plan showing setbacks, property lines and adjoining structures and the proposed location of the temporary sales and event.
- (3) A description of the proposed use.
- (4) Hours of operation.
- (5) Estimates of accumulated automobiles and persons per hour.
- (6) Proposed sanitary facilities.
- (7) Proposed parking facilities.

b. The proposed use shall be only located on property zoned AG, O, C-1, N, C-2, C-3, D, BP, M-1, M-2, or M-3.

c. Temporary structures erected must be set back from the street right-of-way at least thirty (30) feet and not violate the sight distance requirements (Section 18.30.220).

d. The proposed use not be operated after 12:00 midnight and before 8:00 a.m.

e. The proposed use not be located closer than two-hundred fifty (250) feet from property zoned for residential use.

f. The location of any proposed driveway entrance not create a traffic hazard.

g. The proposed site shall contain adequate parking. Adequate parking shall be determined on the basis of one parking space per four estimated people attending per hour.

h. The proposed site contains adequate sanitation facilities. Adequate sanitation facilities require one (1) temporary restroom facility per one hundred (100) estimated people in attendance per hour. However, no sanitation facilities shall be required for Christmas tree sales lots or seasonal sale of farm produce.

3. The term of the permit shall be as follows:

a. Carnivals, circuses and fairs; tent meetings; commercial tent sales or sidewalk sales; exhibits for high technology products - not to exceed seven (7) days.

b. Christmas tree sales -- not to exceed sixty (60) days.

c. Seasonal sale of farm produce -- not to exceed five (5) months.

d. Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities) – not to exceed four (4) months.

e. Temporary communication tower – not to exceed thirty (30) days. For good cause, the Planning Official may extend the permit an additional sixty (60) days.

[f. All other temporary events not otherwise listed – not to exceed thirty \(30\) days.](#)

~~g.~~ All temporary events – no more than four (4) events per calendar year.

C. Temporary Commercial Sales

Sale of merchandise [and services](#) from a vehicle or temporary structure is prohibited, except as provided [for by temporary sales and events permit above](#).

D. Temporary Offices at Construction Sites

1. Temporary offices for construction may be used on the site of a construction project, if they are removed upon completion of the project. [A building permit is required.](#)

2. In residential districts, any temporary offices may only be located in a model home and must cease upon the issuance of a certificate of occupancy for the last residential dwelling unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last dwelling unit for that phase.

3. Temporary construction trailers may be used for temporary construction offices, but only until a model home is completed. These trailers shall only be used by the contractor and subcontractors, and shall not be used as a real estate sales trailer. All trailers shall be removed once the model home is completed and ready for use.

E. Temporary Modular Structures

1. This section applies to temporary modular structures, except as provided in subsections B through C above. A “temporary modular structure” means any structure that:

- a. is assembled at a factory and transported over the road to its destination, or
- b. is equipped with wheels and normally towed over the road behind an automobile or truck, or
- c. is otherwise composed of materials or construction that are customarily associated with temporary activities.

2. Temporary modular structures are not permitted for use for commercial or service uses (see the Use Matrix, Section 18.20.500, for a list of Commercial and Service uses).

F. Temporary Buildings Prohibited for Residential Purposes

No temporary or incomplete building, and no automotive equipment, trailer, recreational vehicle, garage or other use or building accessory to a family dwelling shall be erected, maintained or used for residential purposes.

G. Portable Storage Containers

Portable storage containers for temporary on-site storage shall comply with the following:

1. Up to two (2) portable storage containers may be located in all residential zoning districts, if the container is placed on the drive or personal parking area and does not obstruct any City right-of-way or interfere with any vehicular or pedestrian circulation.
2. Portable storage containers shall not be used as permanent accessory structures in any residential district.
3. Portable storage containers are permitted for up to 60 days in a calendar year and on no more than two (2) separate occurrences. The Planning Official may grant additional time if needed to avoid hardship, and if the applicant has no other alternative for storage.

SECTION THIRTY-THREE: Section 18.50.230 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.230 Utility Buildings and Cabinets

A. Applicability

This section applies to utility cabinets and to public utilities, defined as:

Public Utility

Any facility that includes equipment, plant or generating machinery, to provide telephone, gas, electricity, water, sewer, transportation, stormwater management, cable television, or fiber optic.

Utility Cabinet

An above ground cabinet, pedestal, transformer, communications terminal or box, feature or appurtenance. Utility cabinets include electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.

B. Above-Ground Utility Cabinets

1. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards.
2. The Planning Official may approve the placement of utility cabinets in the front or corner side yards adjacent to street right-of-way if the developer can demonstrate that specific factors (i.e. size, topography, location or configuration of land) would interfere with required placement. If alternate placement is granted, utility cabinets shall be screened with landscaping and/or other screening materials. A screening plan shall be submitted when a request is made for permission to relocate utility cabinets.

C. Public Utility Buildings

1. Outside storage of materials and equipment is an accessory use of buildings used by public utilities.
2. All storage must be screened as viewed from off the premises, in accordance with Section 18.30.130. [GI](#) (Screening).

SECTION THIRTY-FOUR: Section 18.60.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.60.020 Generally

A. General Definitions

The definitions below apply to this entire Chapter as well as this Section -

Cost

The total cost of alteration or repair is the fair market value of the materials, services and labor necessary to accomplish the renovation, repair or restoration. No person may seek to avoid the intent of this chapter by doing the work incrementally.

Effective Date of This Ordinance

Whenever this chapter refers to the effective date of this ordinance, the reference includes the effective date of any amendments to this ordinance if the amendment, rather than this ordinance (as originally adopted), creates a nonconforming situation.

Nonconforming Situation

A situation that occurs when, on the effective date of this ordinance, an existing lot, structure or improvement, i.e. parking and landscaping, or the use of an existing lot, structure or improvement no longer conforms to one (1) or more of the regulations applicable to the zoning district in which the lot, structure or improvement is located.

Structural Value

The present-day cost of replacing the structure or improvement.

B. Continuation of Nonconforming Situations and Completion of Nonconforming Projects

1. Unless otherwise specifically provided in this chapter and subject to the restrictions and qualifications set forth in Sections 18.60.020 through 18.60.070, nonconforming situations that were otherwise lawful on the effective date of this ordinance may be continued.
2. Nonconforming projects may be completed only in accordance with Section 18.60.070.
3. The burden is on the landowner or developer to establish entitlement to continuation of nonconforming situations or completion of nonconforming projects.

C. Extension or Enlargement of Nonconforming Situations

1. No person may cause an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if the activity results in:
 - a. An increase in the total amount of space or building area devoted to a nonconforming use;
 - or

b. Greater nonconformity with respect to dimensional restrictions such as building setback requirements, height limitations or density requirements, or other requirements such as parking requirements.

2. The volume, intensity or frequency of use of property where a nonconforming situation exists may be one-time increased up to ten (10) percent and the equipment or processes used at a location where a nonconforming situation exists may be changed if:

a. these or similar changes amount only to changes in the degree of activity rather than changes in kind, and

b. no violations of other paragraphs of this section occur.

D. Repair, Maintenance and Alterations

Repairs, alterations and maintenance of structures and property where nonconforming situations exist are allowed if they conform to the applicable zoning district regulations.

Refer to 18.60.050 for repair, maintenance and alteration of nonconforming structures

E. Abandonment and Discontinuance of Nonconforming Situations

1. For a **nonconforming use**, refer to Section 18.60.030.D.

2. If the principal activity on property where a nonconforming situation **other than a nonconforming use** exists is discontinued for a consecutive period of one hundred eighty (180) days, or discontinued for any period of time without a present intention of resuming that activity, then:

a. The property shall conform to all of the regulations applicable to the preexisting use unless subsection b applies.

b. The Planning Official may approve a nonconforming situation permit to allow the property to be used without correcting the nonconforming situations if it finds that:

(1) eliminating the nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained, or without moving a substantial structure that is on a permanent foundation), and

(2) the permit specifies which nonconformities need not be corrected.

3. All of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building for one hundred eighty (180) days does not result in a loss of the right to rent the apartment or space if the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period terminates the right to maintain it.

4. When a structure or operation made nonconforming by this ordinance is vacant or discontinued on the effective date of this ordinance, the one hundred eighty (180) day period for purposes of this section begins to run on the effective date of this ordinance.

F. Applicability of Composite Design Standards

1. Buildings that do not conform to the composite building and site standards of this Ordinance may be granted exceptions to those composite standards upon approval of an administrative review application. The purpose of this section is to allow existing buildings to be expanded or enlarged in a manner that matches the existing building design and materials. The additions shall be compatible with surrounding properties [and are subject to major and minor change requirements in Section 18.40.120.A](#). The denial of an administrative review application may be appealed to the Planning Commission.

SECTION THIRTY-FIVE: Section 18.80.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.80.020 Planning Commission

A. Authority for Continuation

Authority: The Planning Commission is created in accordance with the authority of KSA 12-744 as amended.

B. Membership, Terms and Vacancies:

1. The Planning Commission shall have at least seven (7) and up to nine (9) members.
2. The members of the Planning Commission shall be appointed by the Mayor with the consent of the Governing Body, and shall serve until their successors are appointed and qualified in the manner provided in this section.
3. Members shall be appointed for terms of three (3) years and shall serve without compensation for their service.
4. Vacancies on the Planning Commission shall be filled by appointment of the Mayor with the consent of the Governing Body for the remainder of the unexpired term of the Planning Commissioner whose position has been vacated.

C. Officers

The Planning Commission shall elect one (1) of its members as chairperson and one (1) as vice-chairperson, who shall serve one (1) year and until their successors have been selected. The Planning Official shall serve as the secretary of the Planning Commission.

D. Meetings

1. The members of the Planning Commission shall meet at least once a month at a time and place set by resolution.
2. Special meetings may be called at any time by the chairperson, or in his or her absence, by the vice-chairperson.
3. A majority of the commission is a quorum for the transaction of business.
4. The commission shall cause a proper record to be kept of its meeting. The secretary shall keep minutes of the Planning Commission's proceedings and official actions, and keep records of its examinations and findings, and shall file the records in the Planning ~~Division~~Department.

E. Powers and Duties

1. The powers and duties of the Planning Commission are those authorized by Article 7 of Chapter 12 of the Kansas Statutes Annotated (KSA 12-741 et seq.), as amended.
2. The Planning Commission is designated as the administrative body to administer this ordinance in reviewing site plans and subdivision plats, as provided in Chapter 18.40.”

SECTION THIRTY-SIX: Section 18.80.030 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.80.030 Board of Zoning Appeals

A. Authority for Continuation

The board of zoning appeals is continued in accordance with the provisions of KSA 12-759 et seq. and amendments thereof.

B. Membership, Terms and Vacancies

1. The board shall consist of no less than five (5) and no more than seven (7) residents of Olathe appointed by the Mayor and approved by the Governing Body.
2. None of the members shall hold any other public office for the City except as a member of the Planning Commission.
3. Members shall be appointed for terms of (3) years each.
4. Vacancies shall be filled for the unexpired term only and members shall serve without compensation. Members may be removed for cause by the Mayor and Governing Body upon written charges and after public hearing.

C. Officers

The board of zoning appeals shall elect one (1) of its members as chairperson and one (1) as vice-chairperson who shall serve one (1) year from the date of his or her election. In addition, the board shall appoint or elect a secretary, who may be an officer or an employee of the City, who shall serve until his or her successor is appointed.

D. Meetings

1. Meetings of the board shall be held at the call of the Chairperson, provided that whenever a quorum of the members of the board request the chairperson to summon a meeting of the board, the Chairperson shall call a meeting.
2. The presence of three (3) members of the board is a quorum for transacting business and taking official action if the board consists of five (5) members, and the presence of four (4) members of the board is a quorum for transacting business and taking official action if the board consists of six (6) or seven (7) members.
3. A concurring vote of a quorum of the board is required to affect a ruling of the board.

4. The secretary shall keep minutes of the board's proceedings and official actions, and keep records of its examinations and finding, and shall file these in the Planning ~~Department~~Division.

E. Powers and Duties

The board has those powers and duties authorized by this ordinance and by KSA 12-741 as amended.”

SECTION THIRTY-SEVEN: Section 18.90.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.90.020 Definitions

A. Generally

1. Where a word or term is not defined in this chapter, but is defined elsewhere in this ordinance or in the Municipal Code, that definition applies unless the context indicates that a standard dictionary definition is more appropriate.
2. Where a word or term is defined in this chapter and also defined elsewhere in this ordinance, the definition contained in this chapter generally applies except in the chapter or section to which the other definition applies.
3. Where a word or term is neither defined in this chapter nor defined elsewhere in this ordinance or in the Municipal Code, the definition found in the most current edition of A Glossary of Zoning, Development, and Planning Terms dated December 1999, by the Planning Advisory Service applies unless the context indicates that a standard dictionary definition is more appropriate.

B. Words and Phrases Defined

Abutting or adjoining

Joined contiguous to, having common district boundaries or lot lines or being immediately adjacent.

Access

A means of vehicle, bicycle, or pedestrian approach, entry to, or exit from property.

Access/Private Drive

A paved surface which provide access to a public street for a maximum of four (4) dwelling units.

Accessory building

A subordinate building having a use customarily incident to and located on the lot occupied by the main building. A building housing an accessory use is considered to be an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building. Portable storage containers are not considered as an accessory building.

Accessory use

A use of a building or land which serves an incidental function to and is customarily associated with, and located on the same lot or premises as, the main use of the premises.

Adaptive Reuse

The occupancy and use of an existing, abandoned building that was formerly used as a commercial, service, or other non-residential use.

Adjacent

Lying near or close to; sometimes, contiguous; or neighboring.

Administrative Approval

A written approval that the Planning Official is authorized to grant after Administrative Review.

Administrative Review

The procedures established in Chapter 18.40.

Adult Business Establishment

See definition in Chapter 5.50.

Advertising Trailer

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

Aggrieved Party

Any person, property owner or entity with standing to challenge a decision taken under Chapter 18.40 under Kansas or federal law.

Agricultural purposes

Land, including necessary buildings and structures, is considered used for agriculture if the zoning lot contains at least forty (40) acres of land area, and if the principal use is the raising or keeping of livestock and/or the growing of crops in the open.

Agricultural use

The use of land where that is devoted to the production of plants, animals or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use does not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though the properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Airport-heliport

An area of land or water that is used or designed for the landing and take-off of aircraft, of any type, and includes its buildings and facilities, for the shelter, servicing or repair of aircraft.

Alley

A minor way, dedicated for public use, which is used primarily for secondary means of access to the sides or rear of lots.

Alteration

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

Aluminum Siding

Long pieces of aluminum that are used to cover the outside walls of a building

Amendment

Any addition, deletion, or revision of the text of the Unified Development Ordinance (UDO), or any addition, deletion, or revision of the Official Zoning Map or the Municipal Code adopted by the Governing Body after public hearings.

Amenity

The characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may include such things as recreational facilities (e.g. a swimming pool, sports courts, play equipment for children, ball fields, walking trails, etc.), clubhouses, picnic tables, and natural landscape preserves.

Amusement device

Any machine, game, table or device which is designed, intended or used as entertainment, and may be operated by the public upon the insertion of a coin or token. Amusement device include, but are not limited to, devices commonly known as pinball machines, pool tables, video games, electronic games, kiddie rides, mini-theaters-projection devices and video screens, and all games or operations similar thereto, whether or not registering a score. Not included within the definition of amusement devise are such devices as food, televisions, phonographs, soft drink and cigarette vending machines.

Apartment building

A building arranged, intended or designed for residence by more than two (2) families.

Applicant

The subdivider, developer or owner of any area subject to an application for a rezoning, site plan, subdivision plat, special use permit, building permit, certificate of occupancy, or any other approval required by this Title (see Chapter 18.40).

Application

Any application for a text amendment, rezoning, site development plan, special use permit, variance, building permit, certificate of occupancy, variance, appeal, or any other approval required by this Title.

Approving Authority

The official or agency with authority to approve, approve with conditions, or deny any Application.

Architectural block

A glass architectural material commonly used in wall and floor applications, consisting of one or more blocks or bricks, typically at least two (2) inches thick, which may be solid glass or hollow in the center. Architectural blocks are commonly textured clear glass formed into a square shape, but are available in a variety of other shapes, colors, and textures. For purposes of this document, transparent glass architectural block may be subject to different regulations than opaque glass architectural block or mirror glass architectural block.

Architectural features

Physical additions to a structure that allow the creation of different styles including, but not limited to, porches, balconies, dormers, bay windows, shutters, belvederes, chimneys, colonades, towers, cupolas, cornices, eaves, soldier courses, lintels, and decorative ornaments.

Architectural metal

Metals used as structural features such as trusses, or decorative features such as cladding, balustrades, handrails or detailed/customized panels. Architectural metal may be finished or weathered.

Architectural panels

A transparent sheet or panel of glass used as wall cladding, typically as part of a curtain wall system. Architectural panels may be transparent from one or both directions, may come in a variety of colors and levels of translucence, and may be smooth, etched, or otherwise textured. For purposes of this document, transparent glass architectural panels may be subject to different regulations than opaque glass architectural panels or mirror glass architectural panels.

Attached

Having a wall, roof or other structural member with building materials and architectural design in common with or in contact with another building.

Awning

A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

[Bars, Taverns and Drinking Establishments](#)

[See “drinking establishment.”](#)

Berm

A man-made mound of earth used to shield, buffer, or screen properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

Block

A tract or parcel of land entirely surrounded by public highways or streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainageways, municipal boundary lines, township lines or county lines.

Block face

The properties abutting on one side of a street situated between intersecting public highways or streets, or by a combination of such street and public parks, cemeteries, railroad rights-of-way, public park, exterior boundary of a subdivision or any other physical barrier to the continuity of development.

Boat

A vehicle for traveling in or on water, including all types of personal watercraft. The definition of boat includes the trailer, if the vehicle(s) is mounted on a single trailer.

Brick

Ceramic products manufactured primarily from clay, shale, or similar naturally occurring earthy substances and subjected to a heat treatment at elevated temperatures (firing), and that are shaped during manufacture by molding, pressing, or extrusion. Brick may include additives or recycled materials.

Brick, modular

Solid brick or brick panel/veneer whose dimensions are based on a standard 8-inch length.

Brick, panel/veneer

Brick that is installed on the exterior of a steel or wood frame, and that is not used to provide structural support for the building.

Brick imprint or overlay system

A concrete veneer product that is patterned and colored to resemble traditional brick.

Brick, solid

A wall composed of either two layers of brick, or a layer of concrete block with a brick exterior. The wall provides structural support for the building in compliance with the building code.

Buffer

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

Building

Any structure with a permanent roof, separated on all sides from adjacent open space by walls, built for the shelter or enclosure of persons, animals, chattels or property of any kind, not including portable storage containers.

Building coverage

That portion of the net site area which is covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.

Building elevation

A flat, scale drawing of the front, rear, or side of a building.

Building front

The side of a building with the main entrance door.

Building official

The duly appointed building official of the City, or his or her designee.

Building, Principal

See “main building.”

Camper

A separate vehicle designed for temporary recreational human habitation and which can be attached to or detached from a pickup truck.

Campground

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

Capital Improvement Program (CIP)

A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

Cement fiber board or GRFC

A cementitious matrix composed of cement, sand, water, and admixtures, in which short length glass fibers are dispersed. GRFC is concrete that uses glass fibers for reinforcement instead of steel. It is typically used for nonstructural façade panels.

Certificate of occupancy

A document issued by the proper authority allowing for the occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances of the City of Olathe.

Child-care

Regulations for licensing various day-care homes and group day-care homes for children in accordance with requirements of K.S.A. 65-501 through 65-516, K.A.R. 28-4-123 through 28-4-132 and amendments thereto.

City

The City of Olathe, Kansas.

Civic Space

A type of open space designed and designated for public or semi-public active use, located in an area visible and easily accessible to the public, and including a combination of pedestrian amenities and aesthetic elements such as plazas, benches, fountains, landscaping, art, clocks, towers, or recreational amenities. Civic spaces typically have a high percentage of impervious or semi-pervious surface area when compared to other types of open space, which generally have a low percentage of impervious surface area.

Civic Use

Includes governmental administrative and business offices, colleges and universities (public or private), child care, elementary and secondary schools (public or private), postal facilities, religious assembly, safety services, and transportation terminals.

Club or lodge

~~A Class A or Class B Club. Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B club means premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. (Ord. 02-54 § 2, 2002)~~

Commercial districts

Districts O, C-1, C-2, C-3, C-4, D, and BP.

Commercial vehicle

A vehicle with or without its own motive power; with a chassis rated at one (1) ton or more; dimensions exceeding twenty (20) feet in total length, eight (8) feet in width, or seven (7) feet in height; and used primarily for the carrying of equipment, livestock, minerals, liquids or other commodities, or the carrying of persons in the performance of a transportation service. Commercial vehicles include hauling and advertising trailers if the total length of the bed or box exceeds eight (8) feet.

Community Parking Facility

An off-site parking lot or garage that provides required parking for some or all of the uses within the "D" District or a Center Area (CA) of an "N" District.

Compatible

Any properties, uses, designs or services capable of existing together without conflict or adverse effects while considering the Comprehensive Plan, corridor studies, design manuals, design guidelines, and other applicable studies, plans, and policies as approved by the Planning Commission and the Governing Body.

Complex

A group of freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into three (3) or more separate offices, businesses or apartments provided that the building is not part of a large complex. A complex is limited to apartment complexes, office or business complexes, shopping centers and industrial parks.

Comprehensive Plan

The Comprehensive Plan for the City adopted pursuant to KSA 12-747 et seq.

Concrete Masonry Unit or “CMU”

Large, rectangular blocks from cast concrete. Depending on the specific concrete materials or application, CMU may also be called concrete block, cement block, cinder block or foundation block.

Concrete Masonry Unit, burnished

A type of CMU that is polished after manufacture to highlight cement that includes naturally-colored aggregates.

Concrete Masonry Unit, flush/plain

CMU that has a plain, flush surface that has not been burnished to highlight naturally-colored aggregates.

Concrete Masonry Unit, split faced

A type of CMU that has a factory-produced stone-like texture produced by molding two units together and splitting them apart to create a fractured appearance. Split-faced CMU is also sometimes called split-rib CMU.

Concrete, detailed

Precast (using custom molds) or cast-on-site concrete that includes special finishes or design details such as geometric shapes or artistic designs.

Concrete, plain finish

Precast or cast-on-site concrete that does not include special finishes or design details on visible surfaces.

Concrete, precast

Concrete cast in a reusable off-site mold or form and cured in a controlled environment before being transported to the construction site.

Corner Lot

A lot on the junction of and abutting two (2) or more intersecting streets

Corrugated metal

Sheet metal which has been drawn or rolled into parallel ridges and furrows to provide additional mechanical strength

Crosswalk

A designated pedestrian crossing on a drive or parking lot with some means are employed to assist pedestrians wishing to cross from public connections to the development's amenities and to such primary structures, as identified by the applicant and staff, as indicated on the final site development plan.

Cul-de-sac

A street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

Curb level

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

Customary passenger vehicle

A vehicle with its own motive power; not exceeding twenty (20) feet in overall length, eight (8) feet in width or seven (7) feet in overall height; and primarily designed to carry persons. Small pickup trucks, conversion vans, and sport utility vehicles shall be considered as customary passenger vehicles.

Day-care

The provision of supervision, training, food, lodging or medical services to persons for less than twenty-four (24) hours a day. The Supplemental Use Regulations define specific types of day-care facilities (See Section 18.50.035).

Dedication

The conveyance by a property owner or developer of private land for public use.

Deed

A written instrument whereby property or property rights is conveyed.

Deed restriction

A private restriction on the use of land, attached in the deed to a property.

Density

The number of dwelling units permitted per net acre of land.

Detached

A building that does not have a wall, roof or other structural member in common with or in contact with another building.

Detention basin

A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate.

Developer

A person, firm or corporation undertaking the subdividing of land or the development of land, and shall include the person, firm or corporation who is responsible for installing the public improvements on the land.

Development

A man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Display area or lot

An off-street paved area designated for the advertisement or display of customary passenger cars, motor vehicles, recreational vehicles, boats, tractors and other motorized machinery except large construction equipment.

~~**Drinking establishment**~~~~Premises which may be open to the general public, where alcoholic liquor by the individual drink is served. (Ord. 02-54 § 2, 2002)~~**Drive-in service**

See Section 18.50.40.

Drive-through service

See Section 18.50.40.

Dwelling

A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels or motels.

Dwelling unit

An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

~~**Dwelling, apartment building**~~~~A building arranged, intended or designed for residence by three (3) or more families living independently of each other. (Ord. 02-54 § 2, 2002)~~~~**Dwelling, condominium**~~~~A multi-unit dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities. (Ord. 02-54 § 2, 2002)~~

Dwelling, fourplex

A building arranged, intended or designed for four (4) dwelling units. (Ord. 02-54 § 2, 2002)

Dwelling, multifamily

A building, or portion thereof, arranged, intended or designed for three (3) or more dwelling units, and commonly referred to as a triplex, fourplex, townhouse, condominium or apartment building. (Ord. 02-54 § 2, 2002)

Dwelling, residential design manufactured home

See Section 18.50.100.

Dwelling, row house

See dwelling, townhouse. (Ord. 02-54 § 2, 2002)

Dwelling, single family

A building arranged, intended or designed for one (1) dwelling unit. (Ord. 02-54 § 2, 2002)

Dwelling, townhouse

A building arranged in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. (Ord. 08-104 § 8, 2008)

Dwelling, triplex

A building arranged, intended or designed for three (3) dwelling units. (Ord. 02-54 § 2, 2002)

Dwelling, two family

A building arranged, intended or designed for two (2) dwelling units, commonly referred to as a duplex. (Ord. 02-54 § 2, 2002)

Easement

A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

Elevation

The horizontal alignment of a surface, as it exists or as it is made by cut and/or fill.

Emergency vehicle

A vehicle used for the purpose of recovering and/or towing of disabled vehicles; that is used by a business, with an office and tow lot within the Olathe City limits, in the business of towing and recovery or wrecker service; that is registered with the Police Department of the City, Johnson County Sheriff or the Kansas Highway Patrol as being available for on call vehicles recovery 24 hours

a day; that displays on the driver and passenger doors of the vehicle the towing business name, location and phone number.

Façade or face

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Façade, primary

Any façade that:

- faces or is visible from a public street, or a private drive or parking area that serves customers, residents or employees of the building's occupants, or
- has the primary customer entrance.

Façade, secondary

Any façade other than a primary façade.

Family

One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than four (4) adult persons (excluding servants), living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis; or a group of eight (8) or fewer unrelated disabled persons including two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the disabled persons in residence.

Fence

See Section 18.50.50.

Floodplain, floodway and floodway fringe

See Chapter 18.50 - Floodplain Zoning.

Floor area

To determine the floor area and size of an establishment, "floor area" means the sum of the gross horizontal area of the several floors of the building measured from the exterior face of the exterior walls, or from the center line of walls separating two (2) buildings. The floor area of a building includes basement floor area but not cellar floor with a headroom of seven (7) feet or less, penthouses for mechanical equipment, or attic space having headroom of seven (7) feet or less, interior balconies, mezzanines, and enclosed porches. However, any space devoted to off-street parking or loading is not included in floor area. The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

Food Truck

See Mobile Food Vending, Section 18.50.115.

Frontage

Means the length of all property fronting on a public street right-of-way.

Frontage Buildout

The length of a front building façade compared to the length of the front lot line, expressed as a percentage.

Future Land Use Plan

Means the map portion of the Comprehensive Plan which is the graphic representation of the City's land use goals, objectives and policies.

Garage

An accessory building or portion of a main building primarily used for storage of motor vehicles.

Gas Extraction

See Section 18.50.065.

Glass, clear or transparent

Glass that is primarily transparent, without reflective coatings, that is used to visually link indoor and outdoor spaces. Transparent glass does not include faux windows that are not related to indoor spaces.

Glass, spandrel

Durable glass that is used to cover construction materials. It is often tinted or colored, and used to cover the space between building floors or other areas where the use of transparent glass is not possible. Spandrel glass may include faux windows.

Governing Body

The Mayor and City Council of the City.

Grade

A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point(s) within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point located six (6) feet from the building.

Green

An open space available for unstructured recreation consisting of grassy areas and trees.

Greenway

A series of connected natural areas for recreation and conservation that follow natural features such as ravines, creeks, streams, and other watercourses. Greenways may also consist of man-made linkages to provide connections between natural areas.

Gross land area

All land contained within the boundaries of a particular lot or tract of legally-described property, including all existing and proposed public and private streets and one-half of any abutting street rights-of-way, excluding state and federal highway rights-of-way.

Ground cover

Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

Group boarding home for adults

~~A residential dwelling unit for six (6) or more unrelated persons, eighteen (18) years of age or over, except where it is a group home as defined by KSA 12-736. (Ord. 02-54 § 2, 2002)~~

Group boarding home for minors

~~A residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists under license of the Kansas Secretary of Health and Environment, except where it is a group home as defined by KSA 12-736. (Ord. 02-54 § 2, 2002)~~

Group Home

~~A dwelling occupied by not more than 10 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 of Kansas. (Source: KSA 12-736)~~

Hauling Trailer

A trailer designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation. Hauling trailers are those trailers having a bed or box that does not exceed eight (8) feet.

Height of a building or structure

See § 18.30.110.

Highway

A thoroughfare controlled and/or maintained by the Kansas Department of Transportation (KDOT).

Hobby Activity

See Section 18.50.020.C.

Home occupation

See Section 18.50.070.

Hotel

~~A building in which lodging or boarding and lodging are provided for primarily transient persons and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms. (Ord. 02-54 § 2, 2002)~~

Improvements

Any structure, grading, street surfacing, curbs and gutters, sidewalks, bikeways, crosswalks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees and other additions or deletions from the natural state of land which increase its utility or habitability.

Indoor

Within a building which has a roof composed of weatherproof material, and which is enclosed on its perimeter with exterior walls composed of weatherproof materials.

Indoor Athletic Facility

~~An indoor space that is used for fitness, tennis, racquetball, soccer, gyms, health spas, reducing salons, swimming pools/auditorium, racquet clubs or other athletic or fitness activities.~~

Industrial districts

Districts M-1, M-2, and M-3.

Inoperable equipment or parts

Any equipment or machine which is not in condition to be operated in a normal or customary manner. This is to include all manner of equipment or machines, or any major parts thereof such as body, chassis, engine, frame, wheels, tires or trailer portion of a tractor-trailer rig.

Junk

Includes, but is not limited to: older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or parts thereof; iron; steel; or other old or scrap materials.

Junkyard

An establishment or part thereof, which is maintained, operated, or used for storing, keeping, repairing, buying or selling junk, including any parts of vehicles, equipment, or machines or discarded or similar materials, or for the maintenance or operation of a salvage yard.

Kennel

~~A commercial operation that: 1) provides food, shelter and care for more than four (4) animals of six (6) months of age or older for purposes not primarily related to medical care (a kennel may or~~

~~may not be run by or associated with a veterinarian); or 2) regularly engages in the breeding of animals for sale. (Ord. 02-54 § 2, 2002)~~

Landowner

The legal or beneficial owner or owners of a lot or tract, or the holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract. For purposes of Chapter 18.40, "landowner" includes any agent of the landowner.

Landscape material

Living materials such as trees, shrubs, ground cover, vines, turf grasses, and non-living materials such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

Landscaped open space

That part of the net land area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, the space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

Landscaping

Bringing the soil surface to a smooth finished grade and installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

Loading area

An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Loading Dock

A platform, pier, or fixed hydraulic lift from which loading and unloading of commercial vehicles takes place.

Lot

A parcel of land occupied, or to be occupied, by one (1) main building or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public or private street. A lot as used in this ordinance may consist of one (1) or more platted lots or tracts, or parts thereof.

A. Platted lot means a portion of a subdivision intended as a unit for transfer of ownership or for development.

B. Corner lot means a lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise

specified by the City Planner, except that a lot made up of more than one (1) platted lot shall be deemed to front on the street upon which the platted lots front.

C. Double-frontage lot means a lot abutting upon two (2) or more streets, at least two (2) of which do not intersect.

D. Interior lot means a lot whose side lot lines do not abut upon any street.

E. Through lot means an interior, double-frontage lot.

Lot coverage

That portion of the net site area which is covered by the ground floor of any structure, parking lots, and private streets and drives. Pools, tennis courts, sidewalks and plazas are not counted toward lot coverage.

Lot depth

The mean horizontal distance from the front lot line to the rear lot line.

Lot line

The boundary line of a lot.

A. Front lot line means that lot line abutting a street or private drive

In the case of a corner lot where there are two (2) lot lines abutting intersecting streets, the front lot line shall normally be the one with the shortest length.

B. Side lot line means any lot line which intersects the front lot line.

C. Rear lot line means any lot line which is not a front lot line or a side lot line.

Lot width

The horizontal distance between the side lot lines, measured at the front setback line or the front platted building line, whichever is greater.

Lot-split

The division of a platted lot into two (2) or more lots or portions thereof.

Main building or main structure

The primary building or structure on a lot or a building or structure that houses a principal use.)

Major Street Map

The current official map adopted by the Governing Body [in O.M.C. 10.08.010](#) pursuant to ~~KSA 12-705c as amended by~~ KSA 12-765.

Manufactured home

See 18.50.100.

Manufactured home park

A tract of land meeting the requirements of this ordinance containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes or manufactured homes on a permanent or a semi-permanent basis.

Manufactured home space

That area of land within a manufactured home park set aside for use as a site for one (1) manufactured home, including the open spaces around said home.

Masonry

Stone, brick, stucco, concrete (painted aggregate, exposed aggregate, split face concrete units or decorative pattern), cement fiber board, or equivalent, permanent architecturally finished materials.

Mirror glass

Glass with a reflective metallic coating, as used for mirrors.

Mixed use

A tract of land, building or structure developed for two (2) or more different uses including but not limited to, residential, office, manufacturing, retail, or public.

Mobile home

A vehicle used, or so constructed as to permit being used, as a conveyance upon the public streets and highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle.

Motel or motor hotel

A building or group of buildings containing one (1) undivided tract or parcel of land with a group of individual private units, each provided with separate sleeping room or rooms, having bath, lavatory and toilet facilities, designed and to be used primarily for transient guests traveling by automobile.

Motor vehicle

A motorized vehicle for use on streets or highways, including customary passenger vehicles and motor homes. Does not include trailers.

Motor vehicle, dismantled

That a number of useful parts, including but not limited to tires, batteries, doors, hoods, or windows have been removed from the motor vehicle as to render the motor vehicle unsafe to operate.

Motor vehicle, inoperable

A motor vehicle which cannot be driven away in a safe condition, other than wrecked, scrapped, ruined or dismantled vehicles.

Motor vehicle, ruined

A motor vehicle which is substantially damaged to the extent that it is valueless or useless as an operable motor vehicle.

Motor vehicle, scrapped

Has no value as an operable motor vehicle or parts thereof and most of the motor vehicle and parts thereof to be useful only as materials for reprocessing, remelting, remanufacturing, or disposal for salvage or scrap material.

Motor vehicle, wrecked

Those motor vehicles which have more than twenty-five (25) percent of the vehicle in damaged condition externally as to render it unsafe to operate.

Native Vegetation

Plant types historically located in the Olathe geographic area as part of the tall grass prairie ecosystem.

Natural features

The physical characteristics of properties that are not man-made (e.g. soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife).

Neighborhood

A subarea of the City in which the residents share a common identity focused around public facilities and social institutions or other common features, and generally within walking distance of their homes.

Net acre

An acre within the perimeter of a development tract after excluding all dedicated arterial street rights-of-way.

Net site area

The land area of a lot, tract or property, excluding all areas dedicated to the City, such as open space, park and greenways, and public street and alley rights-of-way, as are required by this ordinance. Easements which remain under private ownership are calculated as part of the net site area.

Nonconforming use

A nonconforming situation that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or development and performance standards applicable to the

zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

Nursing facility

~~A building, or a group of buildings, where for compensation, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital. (Ord. 08-104 § 13, 2008)~~

Official Zoning Map

The zoning map adopted by the City pursuant to KSA 12-753.

Opaque glass

Not transparent or translucent

Open space

Any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include common, active and landscaped areas, as well as, areas of natural preservation. Includes squares, plazas, greens, preserves, parks, and greenways.

Open Space Improvements:

Includes swimming pools, tennis courts, basketball courts, sports fields, recreation centers, and community meeting halls.

Open space, active

That part of the net site area of a development that may be improved or set aside, dedicated, designated or reserved for recreational use such as swimming pools, play equipment for children, ball fields, picnic tables, sports courts, etc.

Open space, common

That part of the net site area of a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of a development.

Open space, landscaped

That part of the net site area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

Ordinance

The Unified Development Ordinance.

Other motorized machinery and equipment

A vehicle or equipment not generally used on streets or highways and designed for use during construction, landscaping, farming and similar activities. Examples include tractors, combines, backhoes, graders, cranes, etc.

Overhead Door

A door that allows passenger vehicles or trucks to enter or exit a building.

Overlay district

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

Park

An open space, available for recreation, consisting of paved paths and trails, some open lawn, trees, open shelters, or recreational facilities.

Parking area or lot

Any portion of a parcel of land used for parking or storage of operable motor vehicles on a temporary (less than twenty-four [24] hour) basis which is connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

[Parking area or lot, pervious surface](#)

[A parking lot where the spaces are not in a covered building and where the surface is composed of porous pavement or similar surface that complies with Chapter 18.30.](#)

Parking space

An enclosed or unenclosed paved area permanently reserved for the temporary (less than twenty-four [24] hour) storage of motor vehicles and connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

Permit, building

A permit issued by the building official which authorizes the construction, reconstruction, alteration, enlargement, conversion, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

Permit, special use

A specific approval for a use that has been determined to be more intense or to have a potentially greater impact than a permitted or conditional use within the same zoning district.

Planned zoning district

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

Planning Official

The City Official with responsibility to administer this Title as provided in Chapter 18.80. This includes the Planning Official or designee.

Plastic (columns, details, etc.)

A durable, synthetic fiberglass or vinyl material used for architectural elements such as columns or details.

Plat

A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, units or other portions thereof.

A. Plat, final means a drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

B. Plat, preliminary means a drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

Plaza

An open space at the intersection of important streets, set aside for civic purposes and commercial activity, including parking; consisting of durable pavement and formal tree plantings.

Portable Storage Container

Any container designed for the storage of personal property, including but not limited to metal or steel boxes, shipping containers, intermodal containers, converted semi-truck trailers and box truck beds, used to store or transport household goods, building materials, wares, or merchandise that is typically delivered and removed by a vehicle. This does not include accessory buildings, sheds, or trailers utilized on construction sites.

Preserve

Open space that preserves or protects a critical environmental feature or other natural feature.

Recreational vehicle

See Sections ~~18.50.170~~[10.01.001](#) and [6.06.030](#).

Recycling collection point

An accessory use or structure that serves as a drop-off point for recyclable materials. The temporary storage of such items would be permitted, but no processing would be allowed.

Redevelopment

The redesign or rehabilitation of existing properties.

Regulatory flood elevation

The elevation indicated in the Flood Insurance Study as the elevation of the one hundred (100) year flood.

Residence

See “dwelling unit.”

Residential districts

Refers to zoning districts A, R-1, R-2, R-3, and R-4.

Restaurant

~~A building where food is prepared and served in ready to eat form to the public for human consumption. Restaurant includes cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house. (Ord. 02-54 § 2, 2002)~~

Resubdivision

A change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption date of this ordinance.

Retail sales, accessory

An establishment engaged in sales of goods, such as: furniture and home furnishings, electronics and appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationery, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. This classification includes the retail sales or rental of merchandise not specifically listed under another use or classification.

Retention basin

A reservoir designed to retain storm water runoff on a relatively permanent basis with the primary release of water being through evaporation or infiltration into the ground.

Rezoning

An application for amendment of the zoning district classification applicable to one (1) or more specific lots or tracts.

Right-of-way or rights-of-way

The total width of any land reserved or dedicated as a street, alley, sidewalk, or for other public or private use.

Rule exception

The allowing of a subdivision to deviate from one (1) or more specific standards and requirements of these rules and regulations.

Runoff

The surface water discharge and rate of discharge of a given watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

Salvage yard

Any establishment or part thereof, which is maintained, used or operated for storing, keeping, buying, repairing, or selling any wrecked, scrapped, ruined, and/or dismantled motor vehicles or parts thereof.

Satellite Dish Antenna

See Section 18.50.180.

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by the use of berms, densely planted vegetation, fencing, or walls.

Sedimentation

The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.

Setback line

A line, parallel to the respective lot line and internal to the lot, which defines the required building setback as specified in the district regulations.

- A. Front setback line shall be parallel to the front lot line and shall extend from side lot line to side lot line.
- B. Rear setback line shall be parallel to all rear lot lines and shall extend from side lot line to side lot line.
- C. Side setback lines are parallel to any side lot line and extend from the front setback line to the rear setback line.

[D. See §18.30.220.I for Private Street setback requirements.](#)

Setback or building setback or yard setback

That area between a lot line and the respective setback line which shall remain unobstructed by buildings or structures from the ground to the sky, except as may be specifically permitted by other provisions of the Unified Development Ordinance (UDO).

Shopping center

A group of commercial establishments planned, developed, owned or managed as a unit, related in size (gross floor area) and type of shops to the trade area that the unit serves, and with off-street parking provided on the property.

[Side Path](#)

[Is a shared path located immediately adjacent and parallel to a roadway.](#)

Sight distance

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection.

Sign

Any framed, bracketed, free-formed, or engraved surface which is fabricated to create words, numerals, figures, devices, designs, trademarks or logos, which is mounted on or affixed to a building or the ground, and which is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them. Sign includes sign supports.

Site

The existing lot of record proposed for land development, including subdivision.

Site development plan

A. **Site development plan, preliminary** means a plan showing design of streets, driveways, entrances, limits if no access lines, major/minor drainage area, utility layouts, proposed uses (residential, commercial, industrial, or comparable uses) open areas, parks, tree preservation, and other significant features of the tract.

B. **Site development plan, final** means a detailed drawing (to scale) showing the proposed development of a specified parcel of land, including the location and design of building, easements, utility layouts, parking arrangements, public access, street patterns, drainage controls, existing vegetation and natural features, landscaping, lighting and other similar features.

Square

An open space consisting of paved walks, lawns, trees, and civic buildings that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes.

Stable

A structure or premises for the keeping of horses, ponies or mules.

Standard metal lap siding

Metal building siding consisting of beveled boards wider and longer than clapboards.

Stone, modular

A panelized system of individual natural stone components assembled in panels for use as a cladding material.

Stone, synthetic

An architectural concrete building unit manufactured to simulate natural cut stone.

Stone, veneer

A decorative building material composed of thin natural stone components, which may be laid individually or assembled in panels.

Storage area or lot

Any off-street area designated and used for the placement, keeping, holding and storage of inoperable vehicles, vehicles awaiting repair, and parts thereof; building materials, supplies and equipment; trailers; heavy construction equipment and other motorized vehicles and equipment, but not for junkyard or salvage yard purposes.

Storage or stored

The keeping of items, equipment, vehicles, trailers or materials for a period of time longer than would be involved in the normal day-to-day use or consumption of the same.

Story

That part of a building included between the surface of one (1) floor and the surface of the floor above or, if there is no floor above, that part of the building which is between the surface of the floor and the ceiling next above. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between fifty (50) and seventy-five (75) percent of the area of its exterior walls are exposed to outside light and air entirely above grade in which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than fifty (50) percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of multifamily dwellings may not be occupied as a residence by other than a caretaker or manager.

Street

A right-of-way or easement affording vehicular access to abutting properties designated as a street, avenue, highway, road, boulevard, lane or throughway. The following are street types: A. Collector street means a street which provides traffic circulation within residential areas. Land access is a secondary function of the collector. The collector distributes trips from the arterials to the local street network. B. Local street means a street which provides direct traffic access to abutting land in residential areas. C. Major arterial means a street or highway that provides for rapid and efficient movement of large volumes of through traffic between sections of the City and across the urbanized area. It is not primarily intended to provide land access service. D. Minor arterial means a street which provides for the through traffic movement between areas and across the City. A minor arterial accommodates trips of moderate length at a somewhat lower level of service and lower operating speeds than the major arterial. E. Private street means an easement which affords principal access to property abutting thereon, which easement is owned, controlled and maintained by persons other than the public. F. Public street means a right-of-way which affords the principal means of vehicular access to property abutting thereon which right-of-way has been dedicated to the public for such use. G. Service street means a street which provides traffic circulation within commercial and industrial developments and complexes from the arterial street system.

Street line

The dividing line between the street right-of-way and the abutting property commonly known as the property line.

Streetscape

The area within street right-of-way that contains sidewalks, street furniture, landscaping, or trees.

Structural alteration

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure

Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, not including portable storage containers.

Stucco, genuine, detailed

A mortar mixture (usually composed of cement, sand and hydrated lime) used for siding, which is scored to appear as panels or to create design effects to provide visual interest and a sense of scale.

Stucco, synthetic /EIFS

A siding composed of foam insulation board or cement panels secured to walls and finished to appear similar to genuine stucco.

Stucco, synthetic /EIFS (detail only)

An architectural detail such as an accent, trim, cornice, sill, band, molding, column, pilaster or ornament that has a synthetic stucco exterior.

Stucco, synthetic (panels)

A flat, plane surface with a synthetic stucco exterior, and surrounded by moldings, channels, or other surfaces in different planes.

Subdivider

A person, firm or corporation undertaking the subdividing of land.

Subdivision

Except for lot-split as defined below, means the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites or other division of less than twenty (20) acres, including a resubdivision of land and vacation of streets, lots or alleys. The creation of a street, alley or other public way by dedication shall be deemed a subdivision.

Technical Specifications and Design Criteria (TSDC)

Public improvement specifications and criteria as established in the City's Technical Specifications and Design Criteria, February 1990, and as amended.

Temporary structure

A structure that is to be removed within a designated time period, or after an activity, or use for which the temporary structure was erected has ended.

Tract

A single unit of real property under one (1) ownership, which may be platted or unplatted.

Trailer

A vehicle equipped with wheels and normally towed over the road behind a motor vehicle. A Trailer including any Advertising Trailer or Hauling Trailer.

Transient Merchant

Any person, principal or agent who engages in a merchandise business or services from a temporary location or structure in the city, and for the purpose of carrying on such a business or service hires, leases or occupies any land, structure or trailer or truck for the exhibition and sale of such goods, wares or merchandise and including the sale of any article, food, beverage, fruit, vegetable or farm product.

Unified Development Ordinance (UDO)

Ordinance No. 14-39, as amended, that adopted and amended this document by reference.

Up to

Has the same meaning as “not exceeding.” For example, a height of “up to” 75 feet has the same meaning as a height “not exceeding” 75 feet.

Use

The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Use, permitted

A use permitted by right without the need for special administrative review and approval.

Use, principal

The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permitted or a special use.

Use, special

A use either public or private, which, because of its characteristics, cannot be classified as a permitted use in a particular district or districts. (

Use, temporary

Any use designed, built, erected or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for business, storage, industrial, institutional, assembly, educational or recreational purposes.

Utility Facility, accessory to permitted use

[A facility for the distribution of gas, electricity, water, steam, hot water, chilled water and landline communication to a principal building or structure on the same lot or property.](#)

Variance

A variation from a specific requirement in this ordinance applicable to a specific piece of property.

Vinyl siding

Plastic exterior siding for a house, used for decoration and weatherproofing, imitating wood clapboard.

Waiver

A process for alleviating a specific requirement in this ordinance.

Watercourse

A channel in which a flow of water occurs, either continuously or intermittently, and in the latter, with some degree of regularity. Such flow must be in a definite direction and cover a prescribed area. Watercourses may be either natural or artificial, and both may occur either on the surface or underground.

Watershed

A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

Yard

An open space at grade between a building and the adjoining lot lines. See Section 18.30.270.

Zero-Lot Line Dwelling

A dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.

Zoning

The division of the City by legislative regulations into areas, or zones, which specify allowable uses for real property and size and density restrictions for buildings within these areas.

Zoning Amendment

An application to change or remove stipulations approved with a rezoning ordinance.

Zoning certificate

A certificate issued by the City Planner, certifying that any proposed use, building, or structure to be located on a lot is in accordance with all of the regulations of this ordinance.

Zoning district

Section or sections of the City for which the regulations governing the use of buildings and lands are uniform for each class or use permitted therein.

SECTION THIRTY-EIGHT: Section 18.90.040 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.90.040 Technical References

This Title refers to various technical resources and external documents or regulations. These references are noted specifically below, are incorporated into this Title by reference, and refer to the most recent version of the document or reference unless specifically noted otherwise.

Document / Regulation	Reference
AASHTO Green Book	American Association of State Highway and Transportation Officials (AASHTO), A Policy on the Geometric Design of Highways and Streets (6th Edition 2011)
AASHTO Guide for the Development of Bicycle Facilities	AASHTO, <i>Guide for the Development of Bicycle Facilities</i> (4th ed. 2012)
ADA Standards for Accessible Design	2010 ADA Standards for Accessible Design (United States Department of Justice, September 15, 2010), as amended.
American Standard for Nursery Stock	American Nursery and Landscape Association, <i>American Standard for Nursery Stock</i> (ANSI Z60.1-2004, Approved May 12, 2004)
Building Code	Municipal Code, Chapter 15.02
Fire Code	Municipal Code, Chapter 16.05
KAR	Kansas Administrative Regulations. Any reference to a state administrative regulation refers to any amendment to that regulation, unless otherwise provided.
KSA	Kansas Statutes Annotated. Any reference to a Kansas Statute refers to any amendment to that statute, unless otherwise provided.
MUTCD	Federal Highway Administration, Manual of Uniform Traffic Control Devices (2009 & Revised 2012)

Technical Specifications	<p>Olathe Technical Specifications and Standard Details, revised September 2011 <u>latest edition</u>, published online by the Olathe Public Works Department at http://www.olatheks.org/PublicWorks/Specs. This includes the: http://www.olatheks.org/government/public-works/development-resources/technical-specifications-and-standard-design-details:</p> <ul style="list-style-type: none"> • Design Criteria For Public Improvement Projects • Technical Specifications For Public Improvement Projects • Technical Specifications Master Grading Limits Revisions (September 2011) • Technical Specifications Asphaltic Concrete Pavement Revisions (April 2011) • Technical Specifications Bolt Revisions (May 2010)
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SECTION THIRTY-NINE: Section 18.94.030 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.94.030 Digital Applications

A. Applicability

1. When an application is filed with the Planning ~~Department~~ Division for final plat approval, the applicant shall submit a digital file of the plat in addition to the paper copies of the plat which are currently required.

B. Digital files

1. The digital file shall be submitted no earlier than the time of application and no later than the submission of signed copies of the plat for recording. Failure to Submit Digital Files

2. If an applicant chooses not to submit a digital plat file, or if the digital file does not meet City standards, then the plat information shall be entered and/or modified by the Planning ~~Department~~ Division.

3. A fee shall be charged to the applicant for this work in accordance with a fee schedule as adopted by the Planning Commission. All such fees shall be paid to the City of Olathe prior to the plat being recorded with the county Register of Deeds.

C. Formatting Standards

1. The Planning ~~Department~~ Division shall prescribe the formatting standards, including media types, layering, system and text styles for Digital Applications.

2. The digital file shall conform to the media provided by the Planning ~~Department's~~ Division formatting standards.

3. Where a digital file contains errors, or does not fully comply with City standards, the applicant shall make corrections and resubmit the file prior to the plat being recorded.”

SECTION FORTY: Section 18.94.040 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.94.040 Submittal Requirements

A. Proof of Ownership and/or Authorization of Agent

1. Where an application has been filed by a landowner, an affidavit of ownership shall be submitted to the City.
2. Where an application has been filed by an agent of a landowner, an affidavit of the landowner establishing the agent’s authorization to act on behalf of the landowner shall be submitted to the City.
3. The affidavits required by this section shall be on forms prescribed by the City or in such form as is acceptable to the Planning Official or designee, and shall be submitted at the time of filing the application.

B. Submittal Checklists

Applications for land use or building permits shall be filed upon forms prescribed by the City. The following information is required for each application listed below:

	Material / Information							
	<ul style="list-style-type: none"> • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
1	Legal description of the property.	•	•				•	•
2	Names and addresses of owner, applicant and agent.	•	•					
3	Names and addresses of landowners and engineer or land surveyor preparing the plan.							
4	A statement of the reasons why the application is being	•	•					

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	requested.							
5	An affidavit certifying the date and contents of any required notice to surrounding property owners or neighborhood associations.	•	•		•	•		
6	The minutes of the meeting(s) between the applicant and the property owners and homes associations within the notification area, if determined to be required during the pre-application meeting.	•	•		•	•		
7	In the case of an application for special use permit rezoning, a preliminary site development plan with technical studies as determined by the Planning Official (see category listed below).	•	•					
8*	North arrow and scale (standard engineer for site development plan and standard architectural for				•	•	•	•

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
9	Legend and controlling physical features such as watercourses, highways and railroads.							•
10	A small key map indicating the location of the property within the City.				•	•		
11	Vicinity map, drawn to a scale of one (1) inch equals two thousand (2,000) feet, showing the location of the proposed subdivision in relation to the section of land in which it is situated.						•	•
12	Signature blocks for certification of Planning Commission approval of the plat and Governing Body acceptance of dedication. The typewritten or printed names of all such City officials shall appear below the signature of that person when executed.							•

	Boundaries							
13	The boundary lines of the tract with approximate dimensions.						•	
14	The boundary lines of the area included in the application, including bearings, dimensions and reference to a section corner, quarter corner or point on a recorded plat.				•	•		
15	Location, elevation and description of the benchmark controlling the vertical survey.						•	
16	Name and address of the architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.				•	•		
17	Date of preparation.	•	•	•	•	•	•	•
18	A statement clearly identifying the type of application (e.g., a preliminary plat).						•	
19	Name and address of landowner, architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plat.						•	
20	The proposed name of the subdivision, which shall not duplicate or						•	•

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	closely resemble the name of any subdivision within Johnson County.							
21	<p>Traverse data for the plat, including the coordinate of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distance having a length of ten thousand (10,000) feet or more shall not be more than one (1) in twenty thousand (20,000). For perimeter distances less than ten thousand (10,000) feet in length, the error of closure shall be not more than one (1) in ten thousand (10,000).</p>							<ul style="list-style-type: none">
22	<p>The computation of all distances, angles and courses that are shown on the final plat unless measured in the field.</p>							<ul style="list-style-type: none">
23	<p>All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.</p>							<ul style="list-style-type: none">

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
24	<p>Reference ties to government corners or previous surveys or plats as follows: (1) Distance and direction to the monuments used to locate the land described in the certificate of survey. (2) The location of all other monuments required to be installed by the provisions of these regulations. (3) A reference to the quarter section in which the plat is located.</p>							•
25	<p>Tract boundary, block boundary, street and other right-of-way lines with distances and angles and/or bearings. Where these lines follow a curve, the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.</p>							•
26	<p>Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless</p>							

	Material / Information • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.							
27	Easements showing width and purpose.				•		•	
28	Easement and right-of-way information including drainage easements required for off-site drainageways.				•	•	•	•
29	All easements denoted by fine dashed lines, clearly identified, and if already on record, their recorded reference by book and page number shall be indicated. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement, with sufficient ties to locate it definitely with respect to the subdivision, must be shown. If the easement is being dedicated							•

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.							
	Ownership							
30	A title report by an abstracting or title insurance company, or an attorney's opinion of title, showing the name(s) of the landowner(s) and all other persons who have an interest in or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.							•
	Approvals							
31	Evidence showing that all taxes and special assessments due and payable have been paid in full. In the case of taxes which have been protested as provided by law, monies or other sufficient escrows guaranteeing the							•

	Material / Information • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	payment of such taxes in the event the protest is not upheld shall be placed on deposit with such officials or governing bodies to meet this requirement.							
	Legal							
32	Deeds of dedication for all rights-of-way or easements required as a result of preliminary site-development plan approval.					•		
33	A copy of any applicable covenants or deed restrictions applicable to the property. The restrictions may appear on the face of the plat or site plan, or may be submitted separately.						•	•
34	Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency required					•		

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	pursuant to approval of the preliminary site development plan, if required by the terms of the approved preliminary site development plan.							
35	Evidence of satisfaction of any stipulations of the preliminary site-development plan approval which were conditions precedent to consideration of the final development plan.					•		
	Existing Conditions (site and within two hundred (200) feet for a site plan, four hundred (400) feet for a preliminary plat)							
36	Existing uses				•	•	•	
37	Existing zoning and land use of site and surrounding properties.				•	•		
38	The names of all adjacent subdivisions or, in the case of unplatted land, the names of the landowners of adjacent						•	

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	property.							
39	Existing and proposed finished grades or contours at two (2) foot intervals.				•	•		
40	Contour lines or spot elevations based on U.S. Geological Survey (USGS) data having the following intervals: two (2) foot contour intervals for ground slopes less than ten (10) percent; five (5) foot contour intervals for ground slopes exceeding ten (10) percent; and spot elevations where the ground is too flat for contours. The date and source of the topographic survey shall be indicated.				•	•	•	
41	Contours of existing grades at intervals not more than five (5) feet. Intervals less than five (5) feet may be required dependent on the character of the topography.							

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
42	Final grading contours drawn at sufficient intervals of not more than two (2) feet to depict major drainage patterns. (Ord. 09-23 § 1, 2009)				•	•		
43	The location, width and names of all existing public or private streets and sidewalks within or adjacent to the tract, together with easements, railroad rights-of-way, and other important features such as section lines and corners, municipal boundary lines and monuments.				•	•	•	
44	All platted or existing streets and property lines.				•	•	•	
45	Description of any existing streets or roads which abut, touch upon or extend through the subdivision. The description shall include types and widths of existing surfaces, rights-of-way widths, and dimensions of any				•	•	•	

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	bridges or culverts.							
46	Zoning classifications for the tract and adjacent tracts.				•		•	
47	Location of the one hundred (100) year floodplain and all watercourses.				•	•	•	
48	One hundred (100) year floodplain line with elevations.				•	•	•	
49	Land areas within the one hundred (100) year floodplain.				•	•	•	
50	Existing streams, drainage channels and other bodies of water.				•	•	•	
51	Natural features such as rock outcroppings, marshes, lakes, wooded areas and isolated preservable trees.						•	
52	Existing and proposed slopes in excess of ten (10) percent.				•	•		
53	The location, size, cross-section and calculation of any				•	•		

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.							
54	Location, massing and pattern of existing vegetation. Indicate proposed on-site preservation.				•	•	•	
55	Location and size of all trees with a caliper of eight (8) inches or greater (measured at four and one-half (4½) feet above the ground).				•	•	•	
	Site Development							
56	Land use allocation map, including a general designation of all mixed-use, residential, commercial, industrial, or other areas by general land use description.	•		•	•	•		
57	The proposed use of land, whether for single-family, multifamily, commercial, industrial, parks, schools or other						•	

	Material / Information • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	uses.							
58	Intended use of land or buildings.							
59	A general description of any building or structure proposed to be constructed, erected or structurally altered thereon.							
60	Approximate height, bulk and shape, gross and net square footage of buildings and structures.							
61	Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.						•	
62	Proposed location of buildings and other structures, parking areas, driveways, walks, noise generation sources (refrigeration units, mechanical equipment, loading docks, etc.), screening, drainage control, landscaping and proposed utility				•	•		

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	connection layouts for water and sewer.							
63	Location of buildings or structures upon the lot, tract or parcel.							
64	Sufficient dimensions to indicate setbacks, relationship between buildings, property lines, intersections, easements, parking areas and other elements of the plan.				•	•		
65	If applicable, indicate focal points, site amenities, views within and vistas from the site which are to be emphasized.				•	•		
66	A schedule indicating total floor area, dwelling units, land area, parking spaces, land use intensity and all other quantities relative to the submitted plan that are required to determine compliance with this title.				•	•		
67	Proposed neighborhood				•	•	•	

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	amenities, if required, and construction phasing.							
68	General extent and character of all proposed landscaping noting common and botanical names and planting size.				•	•		
69	Proposed utility connection layouts.				•	•	•	
70	Landscaping plan (see subsection L, below)		•	•	•	•		
71	Location of all required building and parking setbacks.					•		
72	Building setback lines.						•	•
73	Location, dimensions, number of stories, and gross floor area in square feet of all proposed buildings.					•		
74	Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.					•		

	Material / Information • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
75	Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.					•		
76	Location, size, type of material and message of all proposed monument or detached signs.					•		
77	For residential subdivisions in Districts R-1 through R-4 inclusive and N, a master fence/screening plan if required by Chapter 18.30.							
78	Documentation assuring permanent responsibility for the maintenance and liability of the fence/screening tracts or easements; or private greenways, parks, or common open space areas.							•
79	Block numbers or letters continuing consecutively without omission or duplication throughout the							•

	Material / Information • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as to not obliterate any figure.							
80	Lot numbers beginning with the number one (1), and numbered consecutively in each block.							•
81	Land parcels to be dedicated for any purpose, public or private, as distinguished from lots or tracts intended for sale.							•
82	“Limits of no access” shall be designated as a solid line in the right-of-way of arterial streets or highways. “Limits of no access” or “LNA” shall appear above this line. Access points shall be designated as a break in this line and a label of “access” or “ACC.” Access points shall conform with the design standards of this ordinance.					•	•	•

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
83	The name of each street shown on the subdivision plat. Street names shall conform to the existing street naming system.							•
84	Location and elevation of permanent benchmark, if required.							•
85	Elevation and location of the nearest benchmark.							
86	Location and elevations of the one hundred (100) year floodplain for all lots thereby affected shall be shown and shall include calculations.					•	•	•
87	Tracts designating location of fencing and screening for R-1 through R-5 inclusive and residential portions of planned mixed-use district subdivisions adjacent to thoroughfares consistent with the approved fence/screening plan.							•

	Material / Information • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
88	Methods of controlling erosion and sedimentation.							
	Building Design							
89	Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. One (1) and two (2) family residential buildings may be shown in approximate location and general size and shape.				•	•		
90	Status of structures on the site (i.e., vacant, to be removed; good condition, interior remodel only; new, as is; etc.).				•	•		
91	Style, type and construction materials of buildings on adjoining properties (i.e., two (2) story, brown brick ranch residence; twenty (20) foot tall tinted concrete panel industrial building; etc.).				•	•		

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
92	Principal materials of construction.							
93	Color Building elevations (may be conceptual at rezoning stage).				•	•		
94	Where several building types are proposed, such as, one (1) and two (2) unit dwellings, apartments and commercial buildings, a separate sketch for each type.				•	•		
95	If an architectural theme is planned, describe the intent and extent of the scheme and provide details, focal points, etc. (i.e., material rustification, period lighting, pavement patterns).				•	•		
96	Certificates of execution, dedication, etc. (see subsection H.6, below). Color renderings/building perspectives				•	•		•
	Infrastructure							

	Material / Information							
	<ul style="list-style-type: none"> required <p>approving agency may require the information on a case by case basis</p>	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
97	Assurances of adequate public facilities as required by Section 18.30.040.	•	•			•	•	•
98	All public streets and easements which are of record. Sufficient dimensions and information to indicate existing and proposed rights-of-way, pavement width and type, number of lanes, medians and median breaks, sidewalks, existing and proposed driveways (<i>to the degree that they appear on plans on file with the City</i>).				•	•	•	
99	Calculation sheets containing the length and radii of all curved street and lot lines, bearings, length of all straight streets and lot lines, and the area in square feet of each lot.							•
100	All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition and				•	•	•	

	Material / Information <ul style="list-style-type: none"> • required approving agency may require the information on a case by case basis	Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
	width.							
101	Location, size and radii of all existing and proposed median breaks and turning lanes.				•	•	•	
102	All existing and proposed drive locations, widths, curb cuts and radii.				•	•	•	
103	Approximate gradients of proposed streets within the plat.						•	
104	Location and type of utilities to be installed.				•	•	•	
105	Proposed utility layouts for water and sewer. Under certain circumstances the proposed utility layout for multifamily residential, commercial or industrial subdivisions, may be deferred until site or preliminary development plan submittal.				•	•	•	

de. Depict the location, size and materials to be used in all screening of rooftop mechanical equipment.

2. The Planning Official may also require color rendering.

D. Rezoning and Special Use Permit Applications

See subsection B of this section.

E. Preliminary Site Development Plans

All site development plans are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Planning Official. Nine (9) copies of the site development plan shall be submitted in support of the application. In addition, one (1) copy of the proposed site plan and one (1) copy of the proposed color building elevations, reduced onto eight and one-half (8½) inch by eleven (11) inch paper and one (1) digital file shall be submitted with the application.

F. Final Site Development Plans

All final site development plans are to be drawn at the same scale as the preliminary site development plan. Nine (9) copies of the final site development plan shall be submitted in support of the application. In addition, one (1) copy of the development plan and one (1) copy of all color building elevations, reduced onto eight and one-half (8½) inch by eleven (11) inch paper, and one (1) digital file shall be submitted with the application.

G. Preliminary Plats

Preliminary plats shall be drawn to a scale of one (1) inch to one hundred (100) feet; however, plats of areas in excess of one hundred (100) acres may be drawn to a scale of one (1) inch to two hundred (200) feet. Nine (9) copies, one (1) digital file (Section 18.94.030**) and one (1) copy reduced onto eight and one-half (8½) by eleven (11) inch paper, and one (1) digital file of the preliminary plat shall be submitted in support of the application.

H. Final Plats

1. After a preliminary plat is approved by the Planning Commission, the applicant may submit a final plat for ~~record to~~ the Planning Commission's consideration.
2. The final plat may contain all or part the area contained in the preliminary plat. For properties developed in phases:
 - a. The final plat shall include all open space areas adjacent to the lots being platted, including the open space between those lots and arterial or collector streets, existing platted lots, or the perimeter property lines of the development.
 - b. Plat numbers shall be tied to the phase of development designated in the preliminary plat.
 - c. No unplatted remnants shall remain by the final phase. The Governing Body may waive these requirements.
3. Page sizes for final plats shall be as required by the Register of Deeds office. When more than one (1) sheet is used for any plat, each sheet shall be numbered consecutively and each sheet shall

contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets).

4. Final plats shall be prepared with the accuracy required for traverse data.
5. Final plats shall be drawn to a scale of one (1) inch to one hundred (100) feet, or at another scale acceptable to the Planning Official or designee. Nine (9) copies, one (1) digital file (Section 18.94.030***), and one (1) copy reduced onto eight and one-half (8½) inch by eleven (11) inch paper of the final plat shall be submitted in support of the application.
6. A final plat must include the following certificates, which may be combined where appropriate:
 - a. A certificate of execution signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of the plat.
 - b. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors or tenants.
 - c. A certificate granting utility easements as follows:

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E," is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.
 - d. A certificate that all prior existing easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use.
 - e. A certificate signed by the licensed professional engineer or surveyor responsible for the survey and final plat. The engineer or surveyor shall not sign the plat until all monuments, irons or benchmarks have been set as required by this ordinance. Said signature shall be accompanied by the engineer's or surveyor's seal and shall state the month and year such survey was made.
 - f. The typewritten or printed names of all persons required by this subsection shall appear below the signature of that person.
7. A final plat for a condominium development shall include the information required by the Apartment Ownership Act (KSA Chapter 58, Article 31) and Township Ownership Act (KSA Chapter 58, Article 37).
8. After the final plat is filed of record with the Register of Deeds office, a final and/or revised digital plat in conformance with Section 18.94.030 shall be submitted.

[9. Final plats including Stormwater Treatment Facilities shall provide the following statement:](#)
["Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code \(Section 17.16.080\). Restrictions on the use or alteration of the said facilities may](#)

apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City of Olathe, Kansas”

10. Final plats including Stream Corridors shall include the following statement: “Notice: This subdivision’s home owners (business) association is responsible for perpetual maintenance of a protected Stream Corridor, as defined and regulated in the Olathe Municipal Code (Section 17.06.090). This property is also subject to the obligations and requirements of a Stream Corridor Maintenance Agreement approved by the City of Olathe, Kansas and recorded with the Johnson County Office of Register of Deeds. Restrictions on the use or alteration of the Stream Corridor apply.”

I. Lot Splits

1. The lot split application shall be accompanied by two (2) copies of a drawing to scale depicting the lots, structures and existing utility easements located on any part of the lot being split, together with the precise nature, location, dimensions and legal descriptions of the new lots to be created.
2. Prior to being submitted to the Planning Official or designee, lot split applications shall be signed by the various public or private utilities, the City Engineer and Municipal Services Department, to establish the existence of adequate public easements and facilities to serve the resulting lots.
3. A lot split application for a two (2) family residence (duplex) or a townhouse shall include:
 - a. A signed and notarized Fire Wall Affidavit; and
 - b. If the property is serviced by one (1) sewer service lateral line, a shared responsibility affidavit; and
 - c. Verification of the location of electrical service meters to each unit.

J. Minor Plats

Minor plats shall contain the same information as identified for final plats in subsections B and H of this section.

K. Required Engineering Plans

1. Whenever the construction of new improvements is required by this ordinance, a “Registered Professional Engineer” in the State of Kansas shall prepare all plans and specifications.
2. Engineering plans shall include, but not be limited to:
 - a. Detailed site grading plans;
 - b. Road construction and parking lot plans;
 - c. Plans for storm drainage facilities and street lights;
 - d. Water and sanitary; and
 - e. Traffic signal.
3. Such plans shall be drawn in accordance with the Technical Specifications.

L. Landscaping Plans

All landscaping plans shall include the following information:

1. North arrow and scale.
2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
3. The location, size and type of all above-ground and underground utility easements and structures with proper easement notation, where appropriate, as to any safety hazards to avoid during installation of landscaping.
4. The location and size and surface of materials of all existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, recreational facilities, and other freestanding structural features as determined necessary by the City.
5. The location, size, spread (at the time of planting), type and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to The American Standard for Nursery Stock, as published by the American Association of Nurserymen.
6. Mature sizes of plant materials shall be drawn to scale and identified on the plan by its common and botanical name.
7. Location and identification of hose connections and other watering sources.
8. Location of the boundaries of any required tree preservation area, traffic sight-distance triangle, buffer, and/or landscape easement and/or area.
9. The location of all existing trees, eight (8) inch caliper or larger, measured at four and one-half (4½) feet above ground level, that are proposed for removal and/or to be preserved.
10. All screening required by this chapter.
11. The plan shall identify how the City's Crime Prevention through Environmental Design (CPTED) techniques have been incorporated into the layout and design of the landscape plan. Such techniques are optional, but encouraged, and are site specific.

M. Telecommunications

An application for a telecommunications facility, as defined in Section 18.50.220, shall include the following information in addition to the information normally required for the application:

1. Name/signatures of applicants, owners of land and/or facilities if different, and agents if any.
2. Written statement acknowledging and agreeing to the responsibilities under the zoning code (e.g., allowing modification/rebuilding of support structures; removal upon abandonment, etc.).
3. A one (1) inch equals two hundred (200) feet vicinity plan, dimensioned and identifying existing buildings, trees, and other features within two hundred (200) feet of the telecommunications facility.

4. A one (1) inch equals two hundred (200) feet site plan, dimensioned.
5. Typical elevations of all facility elements, dimensioned.
6. Specification of all exterior materials and colors, with drawings, photos or samples as appropriate.
7. Landscape/screening plan, with all materials and sizes specified.
8. Appearance shown by at least two (2) photo-simulations for proposed facilities that do not adhere to the location/design guidelines or facilities located in designated visually/environmentally sensitive**** locations.

N. Vacation

1. Where an application for the vacation of any street, alley, utility easement or other public reservation by ordinance is not made by the owners of lands adjoining on both sides of the street, alley or public reservation to be vacated, the application shall be accompanied by affidavits of all such owners not joining in the application indicating their consent to the vacation.
2. Copies of the application shall be filed with the Planning Official.
3. The application shall be accompanied by a legal description and survey or other drawing acceptable to the Planning Official depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding the street, alley or public reservation.
4. The applicant shall obtain letters from representatives of any affected utility companies stating that the street, alley, utility easement or other public reservation will not be needed by the service provider. These letters shall be submitted to the Planning ~~Department~~Division prior to scheduling a public hearing regarding the proposed vacation.

O. Wind Energy Conversion Systems (Micro-WECS)

The following items shall be submitted in support of an application for a Micro-WECS:

1. Name of the project applicant(s), facility owner(s) and operator(s).
2. Legal description and address of the project.
3. A plot plan utilizing a standard engineering scale not to exceed one to one hundred (1:100), indicating the placement of the wind turbine(s) and distances from the proposed turbine location to existing buildings including purpose (e.g., residence, garages, barns, etc.), any above-ground utilities, the nearest tree(s), and all property lines.
4. Turbine Information

Specific information on the type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.

5. A noise compliance summary statement to demonstrate that the wind turbine will not exceed noise standards of these regulations, except for during short-term events such as utility outages and severe windstorms.
6. Drawings of the electrical components in sufficient detail to allow for a determination that the manner of electrical wiring is in compliance with the manufacturer's specifications.
7. Any other data that the City may require of the applicant for the proposed wind turbine structure, including the tower, base, and footings in sufficient detail to allow for a determination that the proposed Micro-WECS complies with these standards. The City may require an engineering analysis of the tower showing compliance with the manufacturer's specifications.

* **Editor's Note:** Gap in numbering in Ordinance 17-01. Error corrected June 28, 2017.

** **Editor's Note:** Incorrect section number was used in Ordinance 17-01. Error corrected June 28, 2017.

*** **Editor's Note:** Incorrect section number was used in Ordinance 17-01. Error corrected June 28, 2017.

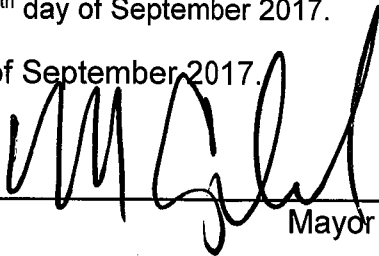
**** **Editor's Note:** Incorrect word was used in Ordinance 17-01. Error corrected June 28, 2017.

SECTION FORTY-ONE: Existing sections 18.01.020, 18.20.020, 18.20.130, 18.20.150, 18.20.210, 18.20.270, 18.20.500, 18.30.050, 18.30.110, 18.30.130, 18.30.160, 18.30.180, 18.30.220, 18.30.230, 18.30.250, 18.30.270, 18.40.010, 18.40.040, 18.40.070, 18.40.090, 18.40.100, 18.40.110, 18.40.120, 18.40.125, 18.40.150, 18.40.180, 18.40.240, 18.50.020, 18.50.035, 18.50.060, 18.50.190, 18.50.225, 18.50.230, 18.60.020, 18.80.020, 18.80.030, 18.90.020, 18.90.040, 18.94.030, and 18.94.040 are hereby specifically repealed.

SECTION FORTY-TWO: This Ordinance shall take effect from and after its publication as provided by law.

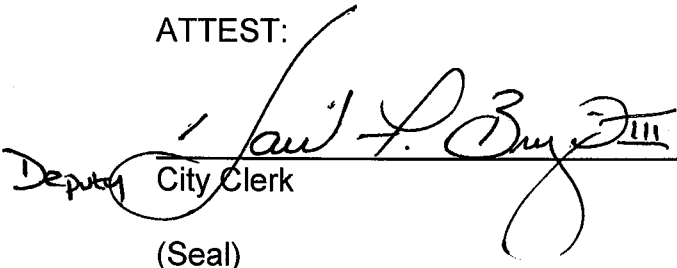
PASSED by the Governing Body this 19th day of September 2017.

SIGNED by the Mayor this 19th day of September 2017.



 Mayor

ATTEST:



 Deputy City Clerk
 (Seal)



APPROVED AS TO FORM:



 City Attorney