

ORDINANCE NO. 19-64

**AN ORDINANCE AMENDING SECTIONS 18.01.020, 18.20.070, 18.20.080, 18.20.090, 18.20.100, 18.20.110, 18.20.120, 18.20.130, 18.20.140, 18.20.150, 18.20.160, 18.20.180, 18.20.190, 18.20.200, 18.20.210, 18.20.230, 18.20.500, 18.30.070, 18.50.040, 18.50.220, AND 18.60.020 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 (UDO19-0002) to the *Unified Development Ordinance* were reviewed at a planning session with the Governing Body on January 8, 2019; and

**WHEREAS**, proposed amendments to the *Unified Development Ordinance* were discussed at a Planning Commission workshop on July 8, 2019; and

**WHEREAS**, on July 22, 2019 the Planning Commission held a public hearing and recommended approval of the amendments as presented; and

**WHEREAS**, on October 1, 2019 the Governing Body reviewed and discussed UDO19-0002, the proposed amendments to Chapter 18.20, 18.30, 18.50, and 18.60.

**WHEREAS**, the Governing Body reviewed the Planning Commission recommendation for proposed amendments and concurs with their recommendation.

**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, Ordinance No. 17-52, Ordinance No. 18-48, Ordinance No. 19-26, Ordinance No. 19-40, Ordinance No. 19-56 [Ordinance No. 19-63](#) and [Ordinance No. 19-64](#),” 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 18.20.070 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**"18.20.070 R-1 (Residential Single-Family)**

*Purpose: The R-1 (Residential Single-Family) district provides for development of standard low-density residential developments in areas where adequate public facilities and services exist, and residential development is appropriate given the surrounding land uses and neighborhood.*

*Property zoned R-1 should be provided with public sanitary sewers, or suitable alternatives, prior to development. This district gives applicants the option to build low to medium density single family neighborhoods, or a higher density community that has street-oriented architecture or conservation design.*

*R-1 is consistent with the Conventional Residential and Conservation/Cluster Neighborhoods future land use categories, and implements the following Comprehensive Plan policies:*

- *LUCC-3.3: allow for a variety of home types and lot sizes.*
- *HN-1.4: minimize spill-over impacts from adjacent commercial areas and incremental expansion of business activities into residential areas.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *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."*

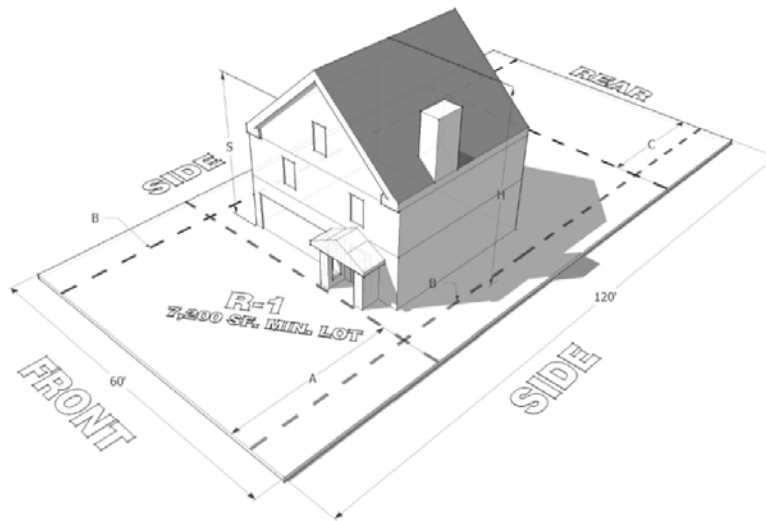


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

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



| <b>Composite Standards</b> →  | <b>Site 1</b>        | <b>Site 1</b>        | <b>Site 2</b>        | <b>Site 2</b>        |
|---|----------------------|----------------------|----------------------|----------------------|
|   | <b>Building—none</b> | <b>Building-A</b>    | <b>Building—none</b> | <b>Building-A</b>    |
| <b>Lot area (minimum)</b>   | • 7,200 sf           | • 5,000 sf           | • 3,000 sf           | • n/a                |
| <b>Density (maximum)</b>  | • n/a                | • n/a                | • n/a                | • 9.5 du/ac          |
| <b>Lot Width (minimum)</b>  | • 60 feet            | • 50 feet            | • 40 feet            | • n/a                |
| <b>Front yard (minimum)*</b>  | • 30 feet            | • 25 feet            | • 20 feet            | • 10 feet            |
| <b>Height (maximum)</b>   | • 2½ stories/35 feet | • 2½ stories/35 feet | • 2½ stories/35 feet | • 2½ stories/35 feet |
| <b>Residences</b>   | • 75 feet            | • 75 feet            | • 75 feet            | • 75 feet            |
| <b>Nonresidential</b>   |                      |                      |                      |                      |
| <b>Side yard (minimum, subject to minimum fire code building separation requirements)</b> | • 7 feet             | • 7 feet             | • 7 feet             | • 7 feet             |
| <b>Corner side yard (minimum)</b>   | • 20 feet            | • 20 feet            | • 20 feet            | • 20 feet            |
| <b>Rear yard (minimum)</b>  | • 25 feet            | • 15 feet            | • 10 feet            | • 10 feet            |

| Composite Standards →   | Site 1         | Site 1                      | Site 2         | Site 2     |
|---|----------------|-----------------------------|----------------|------------|
|   | Building--none | Building-A                  | Building--none | Building-A |
| Common open space • n/a<br>(minimum % / minimum<br>% of total that is active<br>open space) |                | • 15% total / 50%<br>active | • 45%          | • 40%      |

\* See ~~§ 18.15.025~~§18.30.270 for permitted encroachments.

~~\*\* Building materials are not regulated unless that applicant falls within a "Building A" composite standard. See § 18.15.025.~~

~~\*\*\* Larger landscape buffers may apply in addition to setbacks. (See §18.30.130)~~

### C. Development and Performance Standards for R-1 Developments

1. See Chapters [18.30](#) (Development Standards) and [18.50](#) (Supplemental Use Regulations).
2. Non-residential structures taller than 35 feet must be set back from all property lines a distance at least equal to their height.
3. Parking and paved area for nonresidential uses shall ~~shall~~ **must** be located outside the front, side and rear yards, except for driveway access. (Ord. 16-20 §4, 2016; Ord. 15-16 §3, 2015)
4. Single-Family Detached Residences on lots less than 7,200 square feet in size are subject to building design standards found in §18.15.020.G.
5. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130"

**SECTION THREE:** Section 18.20.080 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

#### **"18.20.080 R-2 (Residential Two-Family)**

*Purpose: The R-2 (Residential Two-Family) district provides for development of conventional attached dwellings commonly known as duplexes. Because it potentially reduces development costs, R-2 zoning also promotes affordable housing in a low-density environment.*

*R-2 implements the Conventional Residential Neighborhood and Conservation/Cluster Neighborhood future land use categories and the following Comprehensive Plan policies:*

- *LUCC-3.3: Residential Zoning Standards. Ensure that zoning allows for a variety of home types and lot sizes.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *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.”*

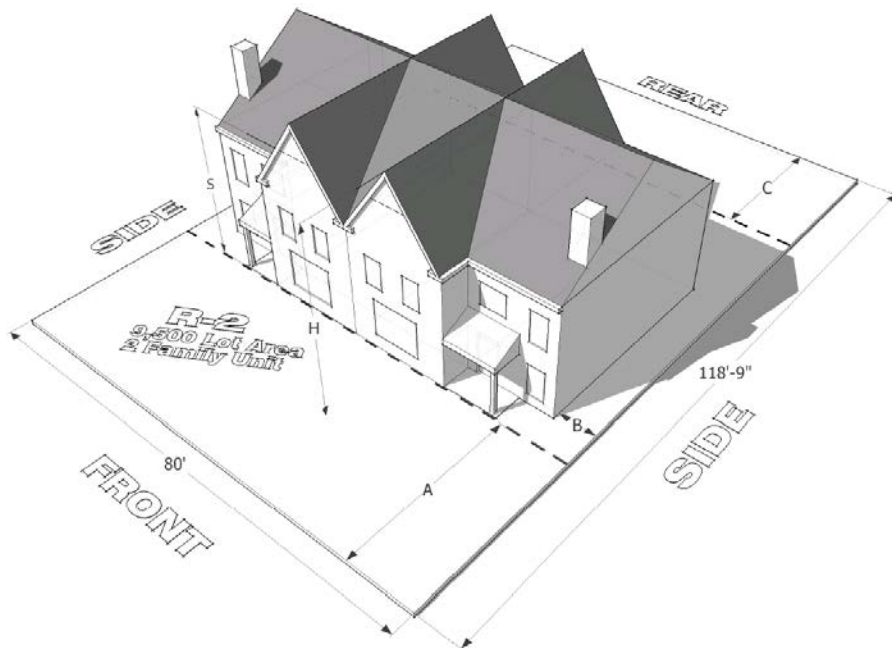


### A. Permitted Uses

See § [18.20.500](#) (Use Matrix).

### B. Dimensional Standards

Development in the R-2 District is subject to the following dimensional standards:



| <b>Composite Standards</b> →   | <b>Site 1<br/>Building-A</b> | <b>Site 2<br/>Building-A</b> | <b>Site 2<br/>Building-B</b> | <b>Site 3<br/>Building-B</b>           |
|--|------------------------------|------------------------------|------------------------------|--|
| <b>Lot area per dwelling unit (minimum)</b>  | • 4,750 sf                   | • 2,500 sf                   | • 1,600 sf                   | • n/a                                  |
| <b>Density (maximum)</b>   | • n/a                        | • n/a                        | • n/a                        | • 17 du/ac                             |
| <b>Lot Width (minimum)</b>   | • 60 feet                    | • 40 feet                    | • 25 feet                    | • 15 feet                              |
| <b>Height (maximum)</b>  | • 2½ stories/ 35 feet        | • 2½ stories/35 feet         | • 2½ stories/35 feet         | • 2½ stories/35 feet                   |
| <b>Residences</b>  | • 75 feet.                   | • 75 feet.                   | • 75 feet.                   | • 75 feet.                             |
| <b>Nonresidential structures and uses</b>  |                              |                              |                              |  |
| <b>Front yard (minimum)*</b>   | • 20 feet                    | • 20 feet                    | • 15 feet                    | • 10 feet                              |
| <b>Side yard (minimum)*</b>  | • 7 feet                     | • 7 feet                     | • 7 feet                     | • 7 feet                               |
| <b>Corner side yard (minimum)*</b>   | • 20 feet                    | • 20 feet                    | • 20 feet                    | • 20 feet                              |
| <b>Rear yard (minimum)*</b>  | • 25 feet                    | • 15 feet                    | • 15 feet                    | • 10 feet                              |
| <b>Common open space (minimum % / minimum % of total that is active open space or civic space)</b> |                              | • 15% total / 50% active     | • 45%                        | • 40% (Site 2)<br>• 10% / 50% (Site 3) |

\* See [§ 18.15.025](#) [§ 18.30.270](#) for permitted encroachments.

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

### C. Development and Performance Standards for R-2 Developments

1. See Chapters [18.30](#) (Development Standards) and [18.50](#) (Supplemental Use Regulations).
2. Non-residential structures taller than 35 feet must be set back from all property lines a distance at least equal to their height.
3. Parking and paved area for nonresidential uses ~~shall~~ **must** be located outside the front, side and rear yards, except for driveway access.
4. Guest parking in excess of minimum parking requirements is permitted in parking islands within enlarged cul-de-sacs. Required parking is not permitted within the guest parking islands. Guest parking islands ~~shall~~ **must** be built to meet all minimum standards of the City. Upon acceptance of the enlarged cul-de-sacs and guest parking islands by the City, they will be

maintained in the same manner as all other public streets. In no case ~~shall~~ [should](#) boats, campers, recreational vehicles, trucks or inoperable vehicles be parked or stored in any guest parking islands. Any guest-parking island ~~shall~~ [must](#) be provided with landscaped areas at each end of the parking island. The landscaped areas ~~shall~~ [must](#) direct traffic and be provided with Portland cement concrete curbs. (Ord. 16-20 §4, 2016; Ord. 15-16 §3, 2015)

[5. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130."](#)

**SECTION FOUR:** Section 18.20.090 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**"18.20.090 R-3 (Residential Low-Density Multifamily)**

*Purpose: The R-3 (Residential Low-Density Multifamily) District provides for well-designed multifamily developments that emphasize open space and access to light and air. Building types are low-rise developments with commonly maintained landscaped open space. The R-3 district allows a density of 12 dwelling units per acre. Increased densities are allowed by applying ~~composite~~ standards that achieve high quality, ~~compact~~ site and building design.*

*R-3 implements the Conventional Residential Neighborhood and Conservation/Cluster Neighborhood future land use categories and the following Comprehensive Plan policies:*

- *LUCC 3.1: Encourage housing near services*
- *LUCC-3.3: Ensure that zoning allows for a variety of home types and lot sizes.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *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

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





| <b>Composite Standards</b> →   | <b>Site 1<br/>Building-B</b> | <b>Site 2<br/>Building-B</b> | <b>Site 3<br/>Building-B</b> |
|--|------------------------------|------------------------------|------------------------------|
| <b>Density (maximum)</b> • 12 du/ac  | • 15 du/ac                   | • 17 du/ac                   |                              |
| <b>Coverage (minimum)</b> • 60%  | • 65%                        | • n/a                        |                              |
| <b>Height (maximum)</b> • 2½ stories / 35 feet                                   | • 3 stories / 40 feet        | • 3 stories / 40 feet        |                              |
| <b>Residences</b> • 75 feet.   | • 5 feet                     | • 75 feet                    |                              |
| <b>Nonresidential structures and uses</b>  |                              |                              |                              |
| <b>Front yard (minimum)*</b> • 30 feet   | • 5 feet                     | • n/a                        |                              |
| <b>Front yard (maximum)*</b> • n/a   | • n/a                        | • 15 feet                    |                              |
| <b>Side yard (minimum)*</b> • 15 feet  | • n/a                        | • n/a                        |                              |
| <b>Corner side yard (minimum)*</b> • 20 feet                                     | • 20 feet                    | • 20 feet                    |                              |
| <b>Rear yard (minimum)*</b> • 25 feet  | • 15 feet                    | • 5 feet                     |                              |
| <b>Common open space</b> • 10% / 50%   | • 15% / 50%                  | • 5% / 50% (Site 3)          |                              |
| <i>(minimum % / minimum % of total that is active open space or civic space)</i> |                              |                              |                              |

\* See [§ 18.15.025](#) § 18.30.270 for permitted encroachments.

*\*\* Larger landscape buffers may apply in addition to setbacks.*

### C. Development and Performance Standards for R-3 Developments

1. See Chapters [18.30](#) (Development Standards) and [18.50](#) (Supplemental Use Regulations).
2. Non-residential structures taller than 35 feet must be set back from all property lines a distance at least equal to their height.
3. Parking and paved areas ~~shall~~ **must** be located outside the front, side and rear yards, except for driveway access. (Ord. 15-16 §3, 2015)

[4. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130.](#)

**SECTION FIVE:** Section 18.20.100 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**“18.20.100 R-4 (Residential Medium-Density Multifamily)**

*Purpose: The R-4 (Medium-Density Multifamily) District provides for well-designed multifamily complexes with emphasis on open space and access to light and air. Multifamily projects in the R-4 districts are low-rise developments with commonly maintained landscaped open space. The R-4 district allows development of up to 18 to 29 dwelling units per net acre, depending on the **composite** standards that are used. R-4 implements the Conventional Residential Neighborhood and Conservation/Cluster Neighborhood future land use categories and the following Comprehensive Plan policies:*

- *LUCC 3.1: Encourage housing near services*
- *LUCC-3.3: Ensure that zoning allows for a variety of home types and lot sizes.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *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.”*

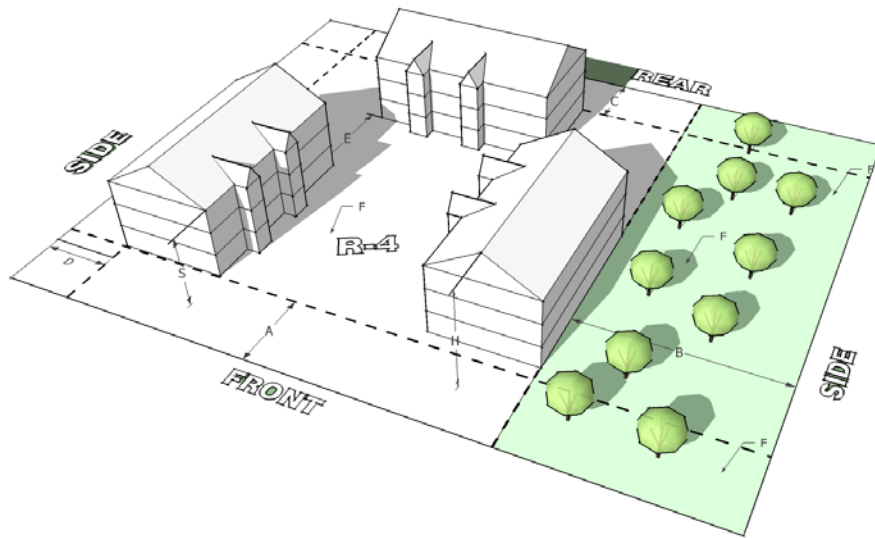


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

Development in the R-4 District is subject to the following dimensional standards:



| <b>Composite Standards</b> →              | <b>Site 1<br/>Building-B</b> | <b>Site 2<br/>Building-B</b>   | <b>Site 3<br/>Building-B</b> |
|---|------------------------------|--|------------------------------|
| <b>Density (maximum)</b>                  | 18 du/ac                     | • 22 du/ac   | • 29 du/ac                   |
| <b>Coverage (minimum)</b>                 | 60%                          | • 65%  | • n/a                        |
| <b>Height (maximum)</b>                   | 3 stories / 40 feet          | • 4 stories/ 50 feet   | • 4 stories/ 50 feet         |
| <b>Residences</b>                         | 75 feet.                     | • 75 feet  | • 75 feet                    |
| <b>Nonresidential structures and uses</b> |                              |  |                              |
|   | • 20 feet                    | • 20 feet  | • n/a                        |
| <b>Front yard (minimum)*</b>              |                              | • 5 feet from collector or local streets                             |                              |
| <b>Front yard (maximum)*</b>              | • n/a                        | • n/a  | • 15 feet                    |
| <b>Side yard (minimum)*</b>               | • 15 feet                    | • 15 feet, increasing 1 foot per 4 feet of building height in excess | • n/a                        |

| <b>Composite Standards</b> →   | <b>Site 1<br/>Building-B</b> | <b>Site 2<br/>Building-B</b> | <b>Site 3<br/>Building-B</b> |
|--|------------------------------|------------------------------|------------------------------|
|  |                              | of 40 feet                   |                              |
| <b>Corner side yard (minimum)*</b> • 20 feet                                     | • 20 feet                    | • 20 feet                    | • 20 feet                    |
| <b>Rear yard (minimum)*</b> • 25 feet  | • 10 feet                    | • 5 feet                     | • 5 feet                     |
| <b>Common open space</b> • 10% / 50%   | • 15% / 50%                  | • 5% / 50% (Site 3)          |                              |
| <i>(minimum % / minimum % of total that is active open space or civic space)</i> |                              |                              |                              |

\* See ~~§ 18.15.025~~ § 18.30.270 for permitted encroachments.

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

### C. Development and Performance Standards for R-4 Developments

1. See Chapters [18.30](#) (Development Standards) and [18.50](#) (Supplemental Use Regulations).
2. Non-residential structures taller than 40 feet must be set back from all property lines a distance at least equal to their height.
3. Parking and paved areas shall **must** be located outside the front, side and rear yards, except for driveway access. (Ord. 15-16 §3, 2015)
4. [Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130.](#)

**SECTION SIX:** Section 18.20.110 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

#### **“18.20.110 N (Neighborhood)**

*Purpose: The “N” (Neighborhood) District provides for mixed-use centers where designated in the Comprehensive Plan, or as part of a master planned development. This district implements the mixed use and mixed income neighborhood policies of PlanOlathe (LUCC 3.1, -4.1, -8.1; HN 1.2). The “N” district is required for rezoning applications that fall within both a center (such as Community Commercial and Neighborhood Commercial) and Mixed Use Residential Neighborhood land use categories of PlanOlathe. The “N” district is also suitable for planned*

*mixed-use development that diversifies and integrates land uses within close proximity to each other and offers a greater variety in type, design, and layout of residential and nonresidential uses.*

*The "N" District implements the Neighborhood Commercial Center, Community Commercial Center, and Mixed Use Residential Neighborhood future land use categories and the following Comprehensive Plan policies:*

- LUCC 3.1: Encourage housing near services, including a Mixed Use Neighborhood Zoning District*
- HN-2.2: Complete Neighborhoods. Encourage a "complete" neighborhood concept for new development...*
- 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-3.3: Ensure that zoning allows for a variety of home types and lot sizes.*
- LUCC-4.1: Support viable mixed-use and mixed-density neighborhoods*
- Principle LUCC-5: Develop commercial centers of an appropriate size and scale, and within the right locations, to ensure economic sustainability and shape community form.*
- 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-7.4: Alternative Zoning Techniques in Mixed-Use Neighborhoods*
- LUCC-8.1: Mixture of Complementary 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."*



## **A. Land Use Allocations**

An "N" district must include two types of Areas: Mixed Residential (MRA) and Center (CA). The district may also include Supportive Uses, Civic Uses, and Civic Spaces within the total development. Each type of Area has different land use and site development regulations. These areas are designated on the Preliminary Development Plan for a rezoning or a Site Development Plan within an existing "N" district. The description, basic requirements, and the minimum amount of land area, floor area and dwelling units required for each area, are provided below:

## Description

## Allocation/Basic Requirements

### Area Mixed Residential Area (MRA)

A MRA includes a variety of residential land uses mixed throughout the neighborhood or within a block. In addition, offices, retail stores, and cafes are permitted in residential areas under strict scale, architectural building design, and land use controls. The MRA may include open spaces consisting of small squares, pocket parks, community parks, and greenbelts. All areas of a MRA are designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. Residential densities are higher than conventional single-family subdivisions.

- [Minimum Allocation: all areas within an "N" District designated as a "Mixed Use Residential" future land use category in the Comprehensive Plan.](#)

### Center Area (CA)

A CA serves as the neighborhood focal point. It contains commercial, civic, and public services to meet the daily needs of neighborhood residents. A wide mix of neighborhood oriented uses are encouraged for a CA, such as: small scale retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, and attached residential dwellings. Vertically mixed use buildings are permitted in order to create a greater mix of people and activities. A CA is pedestrian-oriented, with on-street parking and off-street parking and loading areas behind buildings. The CA is designed to encourage pedestrian movement and interaction with the adjacent MRA.

- [The CA must contain at least 25% of the gross land area, including all areas designated as a "Community Commercial Center" or "Neighborhood Center" future land use category in the Comprehensive Plan.](#)

### Supportive Uses

The district may include commercial, light industrial, large office and low-impact manufacturing uses on a limited basis. These uses are subject to siting, scale and building design controls to ensure that they do not disrupt the district's character. This gives applicants the flexibility to incorporate these uses as anchors or supportive uses, while maintaining the appearance and function of a compact neighborhood.

- [Supportive Uses are limited to "B" Streets designated on the Preliminary Development Plan or Site Development Plan.](#)
- ["B" Streets are limited to 10% of the linear street frontage of the application.](#)
- [The land area occupied by Supportive Uses is limited to 15% of the total land area of the "N" district.](#)

**Civic Uses** Civic uses can complement the social and physical fabric of a neighborhood. These include government offices, libraries, museums, schools, churches, and other prominent public buildings. These uses are sited and regulated to create focal points and landmarks for the community. The locations of these major public civic uses are designated on the preliminary development plan or site development plan.

- [No minimum allocation applies.](#)
- [Civic uses are limited to 25% of the land area within the "N" district.](#)

**Civic Spaces** Formal and informal civic spaces can provide areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Examples include squares, plazas, greens, preserves, parks, and greenbelts. The regulations provide for functional, yet compact spaces that are appropriately sized for the relatively urban context of these areas, and to allow for their joint use for buffering, transitions to surrounding neighborhoods, and stormwater management.

- [Minimum allocation: 5% of the land area within the MRA, and 2% of the land area within the CA.](#)
- [Maximum Allocation: 20% of the land area within the MRA, and 15% of the land area within the CA.](#)

**B. Permitted Uses**

| <b><u>Area</u></b>                         | <b>Permitted Uses</b><br><i>See §18.20.500 (Use Matrix)</i>  | <b>Allocations</b>  |
|--|--|---|
| <b><u>Mixed Residential Area (MRA)</u></b> | <ul style="list-style-type: none"> <li>▪ <a href="#">Any use permitted in the R-2, R-3, R-4, and C-1 districts</a></li> </ul>  | <ul style="list-style-type: none"> <li>▪ <a href="#">Single-family residences are limited to 80% of the gross land area within the MRA.</a></li> </ul>  |
| <b><u>Center Area (CA)</u></b>             | <ul style="list-style-type: none"> <li>▪ <a href="#">Any use permitted in the C-1 or C-2 districts</a></li> <li>▪ <a href="#">Any multi-family residence permitted in the R-4 district.</a></li> </ul> | <ul style="list-style-type: none"> <li>▪ <a href="#">Multifamily or townhouse uses must occupy at least 20% of the floor area in the CA.</a></li> </ul> |
| <b><u>Supportive Uses</u></b>              | <ul style="list-style-type: none"> <li>▪ <a href="#">Any use permitted in the C-4 district, subject to the design standards in this section</a></li> </ul>   | <ul style="list-style-type: none"> <li>▪ <a href="#">See subsection A, above</a></li> </ul>   |
| <b><u>Civic Uses</u></b>                   | <ul style="list-style-type: none"> <li>▪ <a href="#">Any Civic Assembly (such as a church or meeting hall - see Use Matrix)</a></li> </ul>   | <ul style="list-style-type: none"> <li>▪ <a href="#">See subsection A, above</a></li> </ul>   |
| <b><u>Civic Spaces</u></b>                 | <ul style="list-style-type: none"> <li>▪ <a href="#">See § 18.30.170 (Parks/Open Space/Civic Space Standards)</a></li> </ul>   | <ul style="list-style-type: none"> <li>▪ <a href="#">See subsection A, above</a></li> </ul>   |



### C. Dimensional Standards

Development in the N District is subject to the following dimensional standards:

|  | MRA  | CA                    | Supportive Uses | Civic Uses |
|--|--|-----------------------|-----------------|------------|
| <b>Density (<i>minimum</i>)</b>  | • 7 units/acre   | • n/a                 | • n/a           | • n/a      |
| <b>Density (<i>maximum</i>)</b>  | • 35 units/acre  | • 45 units/acre       | • n/a           | • n/a      |
| <b>Lot Width (<i>minimum</i>)</b>  | • 40 feet ( <i>single-family only</i> )  | • 10 feet             | • 10 feet       | • 10 feet  |
| <b>Height (<i>maximum</i>)</b>   | • 35 feet ( <i>single-family, duplex</i> )<br>• 75 feet ( <i>multi-family, non-residential</i> ) | • 7 stories / 90 feet | • 35 feet       | • 72 feet  |
| <b>Front yard (<i>minimum</i>)</b>   | • 10 feet ( <i>single-family only</i> )  | • n/a                 | • n/a           | • n/a      |
| <b>Front yard (<i>maximum-applies to area within frontage buildout</i>)</b>                              | • 15 feet  | • 5 feet              | • n/a           | • n/a      |
| <b>Frontage Buildout (<i>minimum</i>)</b>  | • 50%  | • 80%                 | • n/a           | • n/a      |
| <b>Side yard (<i>minimum</i>)</b>  | • 5 feet ( <i>single-family, required on 1 side only</i> )                                       | • n/a                 | • n/a           | • n/a      |
| <b>Corner side yard (<i>minimum</i>)</b>   | 20 feet  | • 20 feet             | • 20 feet       | • 20 feet  |
| <b>Rear yard (<i>minimum</i>)</b>  | • 5 feet   | • n/a                 | • 5 feet        | • 5 feet   |
| <b>Common open space / civic space (<i>minimum % / minimum % of total that is active open space</i>)</b> | • 5% / 50%   | • 2% / 50%            | • n/a           | • n/a      |

~~\*Larger landscape buffers may apply in addition to setbacks (see section 18.30.130)~~

### D. Additional Regulations for Mixed Residential Area:

[1. See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)

~~1~~[2.](#) Projects ~~shall~~ [must](#) incorporate ~~Composite~~ Site Design Category 3.

~~2.~~ Buildings shall incorporate Composite Building Design Category B or C for residential and C for non-residential uses.

3. A commercial use may only be located:

- a. On the first floor of a building, with up to one-half (½) of the second floor allowed for accessory uses that are not open to the public, or
- b. On a corner lot, with a maximum lot size of 20,000 square feet.

4. Commercial uses are limited to corner locations that are designated on the Development Plan.

5. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130

#### **E. Additional Regulations for Center Area**

1. See Chapters 18.30 (Development Standards) and 18.50 (Supplemental Use Regulations).

2. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130"

#### **13. Setback and sidewalk encroachments**

- a. An open colonnade may extend into the front setback a maximum of five (5) feet.
- b. An unenclosed balcony with a minimum clearance of nine (9) feet above finished grade may extend five (5) feet over a public sidewalk.
- c. An awning or walkway covering with a minimum clearance of eight (8) feet above finished grade may extend five (5) feet over a public sidewalk.

#### **24. Off-Street Parking.**

- a. An off-street parking lot ~~shall~~ must be located behind or along the side(s) of buildings, except for Supportive Uses.
- b. Parking lots ~~shall~~ must be set back at least 15 feet from the front property line. (Ord. 15-16 §3, 2015)

**SECTION SEVEN:** Section 18.20.120 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**“18.20.120 O (Office)**

*Purpose: The O (Office) District provides for development of office uses and ancillary service and retail uses that support offices. This district allows development of freestanding office buildings and office parks. The "O" District is consistent with the Employment Area future land use category, and implements the following Comprehensive Plan policies:*

- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *ES-4.1: Employment Districts*

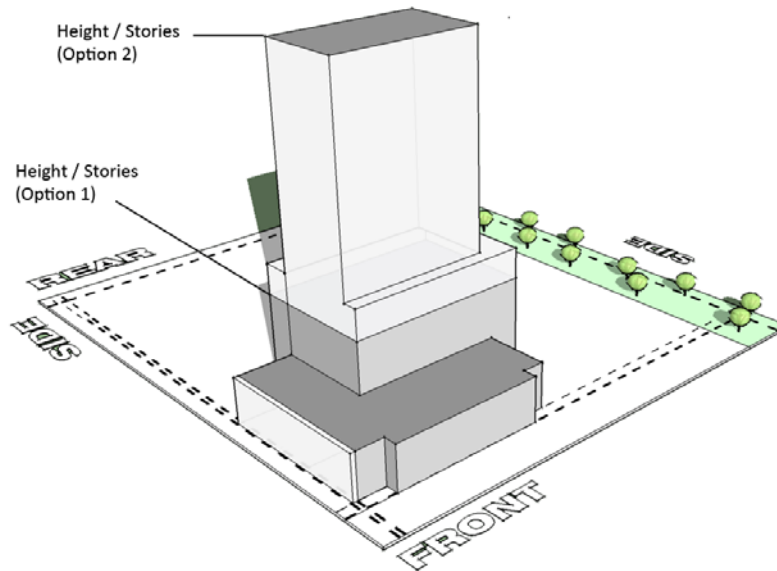


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

1. Development in the O District is subject to the following dimensional standards:



**Site 3, 4, or 5-Building-D**

**Composite Standards** → **Site 4-Building-C, D or E**      **Site 5-Building-E**      **Site 3 -Building-C**  
**Site 3-Building-D**

|  |   |   |  |
|--|---|---|--|
| <b>Height (maximum)</b>                      | • 3 stories / 42 feet   | • 6 stories / 72 feet   | • 12 stories / 144 feet  |
| <b>Front yard (minimum)</b>                  | • 20 feet   | • 15 feet   | • 10 feet  |
| <b>Front yard (maximum)</b>                  | • n/a   | • n/a   | • 25 feet (Site 3) for at least 50% <a href="#">feet</a> and 60% of the front elevation  |
| <b>Side yard (minimum)</b>                   | • 10 feet<br>• Abutting a residential zoning district, buildings over 20 feet tall must be setback 20 feet plus an additional 1 foot for every 2 feet in height | • 10 feet<br>• Abutting a residential zoning district, buildings over 35 feet tall must be setback 20 feet plus an additional 1 foot for every 2 feet in height | • n/a (Site 3)<br>• 7½ feet (Site 5)<br>• That portion of buildings with a height over 40 feet must be setback 1 foot for 4 feet of height over 40 feet. |
| <b>Rear yard (minimum)</b>                   | • same as side yard   | • same as side yard   | • same as side yard  |
| <b>Parking/paving location</b>               | • 40 feet from street right-of-way<br>• 10 feet from property lines   | • 30 feet from street right-of-way<br>• 10 feet from property lines   | • 20 feet from street right-of-way   |
| <b>Open space</b><br><i>(see §18.30.170)</i> | • 25% (Site 4-5)<br>• 10% (Site 3)  | • 20%   | • 5%   |

~~\*Larger landscape buffers may apply in addition to setbacks.~~

(Ord. 15-16 §3, 2015)

[2. See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)

[3. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130"](#)

**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.*

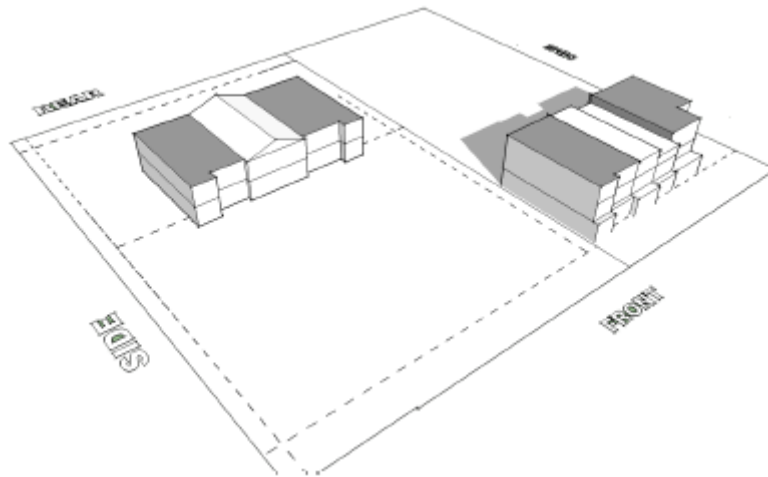


**A. Permitted Uses**

1. See Section [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~~
  - eb.** 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- <b>Building D or E</b><br>Site 4- <b>Building C</b>   | Site 3- <b>Building C</b> |
|------------------------------|---|---------------------------|
| <b>Maximum District Size</b> | • 10 acres  | • 40 acres                |
| <b>Height (maximum)</b>      | • 2 stories / 30 feet<br><i>That portion of buildings over 20 feet in height shall <u>must be</u> set back an additional 1 foot for every 2 feet in height.</i> | • 42 feet / 3 stories     |

| <b>Composite Standards</b> →   | <b>Site 3- or 4-Building D or E</b><br><b>Site 4-Building C</b> | <b>Site 3-Building C</b>  |
|--|---|---|
| <b>Front yard (minimum)</b> • 20 feet  |   | • n/a   |
| <b>Front yard (maximum)</b> • 150 feet   |   | • 25 feet ( <i>applies to area within frontage buildout</i> )                       |
| <b>Frontage Buildout (minimum)</b> • 50%   |   | • 80%   |
| <b>Maximum building footprint</b> • 15,000 sf  |   | • 50,000 sf   |
| <b>Side yard (minimum)</b> • 7½ feet   |   | • 5 feet  |
| <b>Rear yard (minimum)</b> • 7½ feet   |   | • n/a   |
| <b>Parking/paving location</b> • Set back 15 feet from street right-of-way and 10 feet from property lines |   | Set back 15 feet from street right-of-way except for parking areas behind buildings |
| <b>Open space</b> • 20% of net site area<br>(see Section <a href="#">§ 18.30.170</a> )                     |   | • 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 three (3) to four (4) feet in height.
3. Off-street parking areas ~~shall~~ **must** 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. [See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)
2. [Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130](#)



~~13.~~ No merchandise ~~shall~~ will be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles, ~~shall~~ will be stored outside a building.

~~24.~~ 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 NINE:** Section 18.20.140 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**"18.20.140 C-2 (Community Center)**

*Purpose: The "C-2" (Community Center) District provides for mixed-use centers where designated in the Comprehensive Plan. This district includes pedestrian-scale development with commercial uses that draw from multiple neighborhoods.*

*C-2 is consistent with the Community Commercial future land use category, and implements the following Comprehensive Plan policies:*

- *mixed use and mixed income neighborhood policies of PlanOlathe (LUCC 3.1, -4.1, -8.1; HN 1.2)*
- *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."*





## A. Permitted Uses

1. See § [18.20.500](#) (Use Matrix).
2. Residential uses are permitted in the C-2 district only if –
  - a. they are located on upper stories of nonresidential buildings, adjacent to commercial or office buildings and uses, 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~~

**eb.** The proposed development incorporates Category 3 site design standards.

**B. Dimensional Standards**

Development in the C-2 District is subject to the following dimensional standards:

| <b>Composite Standards</b> →       | <b>Site 3-<del>or, 4, or 5</del>-Building D or E</b>   | <b>Site 3-<del>Building C</del></b>  |
|------------------------------------|--|--|
|                                    | <b>Site 4-Building C</b>   | <b>Site 5-Building C</b>   |
| <b>Maximum District Size</b>       | • 18 acres   | • 25 acres   |
| <b>Height (maximum)</b>            | <ul style="list-style-type: none"> <li>• 2 stories / 35 feet</li> <li><i>That portion of buildings over 20 feet in height shall <del>shall</del> <u>must be</u> set back from any residential zoning district an additional 1foot for every 2 feet in height.</i></li> </ul> | • 60 feet / 5 stories  |
| <b>Front yard (minimum)</b>        | • 15 feet  | • 10 feet  |
| <b>Front yard (maximum)</b>        | • 150 feet   | • 44 feet ( <i>applies to area within frontage buildout</i> )  |
| <b>Frontage Buildout (minimum)</b> | • n/a  | • 80%  |
| <b>Maximum building footprint</b>  | • 85,000 sf  | • 150,000 sf   |
| <b>Side yard (minimum)</b>         | • 7½ feet  | • 5 feet   |
| <b>Rear yard (minimum)</b>         | • 7½ feet  | • n/a  |
| <b>Parking/paving location</b>     | <ul style="list-style-type: none"> <li>• Setback 15 feet from street right of way and 10 feet from property lines</li> </ul>   | <ul style="list-style-type: none"> <li>• Setback 15 feet from street right of way except for parking areas behind buildings</li> </ul> |
| <b>Open space</b>                  | • 20% of net site area<br><i>(see §18.30.170)</i>  | • 25% of net site area   |

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

**C. Parking Regulations for C-2 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~~ must 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-2 Developments**

1. See Chapters 18.30 (Development Standards) and 18.50 (Supplemental Use Regulations).

2. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130

~~13.~~ No merchandise ~~shall~~ will be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles, ~~shall~~ will be stored outside a building.

~~24.~~ 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 TEN:** 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*

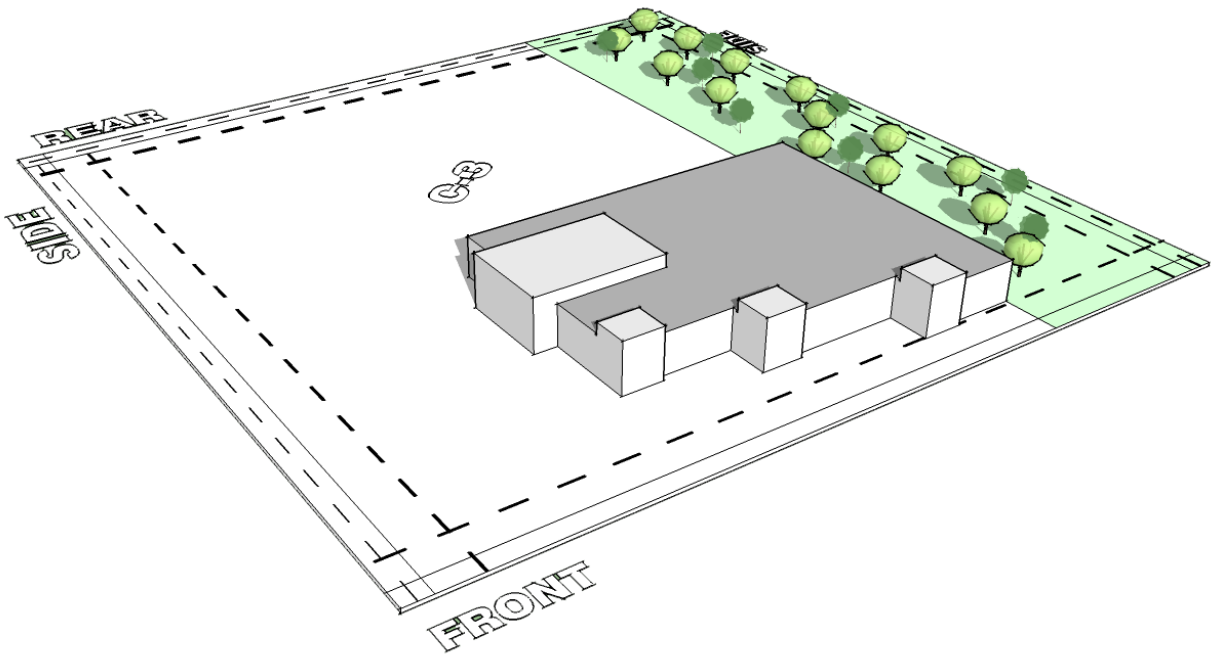


**A. Permitted Uses**

See Section [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, or 5~~ Building D-or-E** **Site 3- or 4-Building C**  
**Site 5-Building C-or D**

|                                    |   |   |
|------------------------------------|---|---|
| <b>Height (<i>maximum</i>)</b>     | • 3 stories / 40 feet   | • 5 stories / 64 feet   |
| <b>Front yard (<i>minimum</i>)</b> | • 40 feet from arterial street right-of-way<br>• 15 feet from other street right-of-way | • 15 feet   |
| <b>Side yard (<i>minimum</i>)</b>  | • 10 feet   | • 7.5 feet  |
| <b>Rear yard (<i>minimum</i>)</b>  | • 10 feet   | • 7.5 feet  |
| <b>Parking/paving location</b>     | • 15 feet from street right-of-way<br>• 10 feet from property lines                     | • 20 feet from street right-of-way<br>• 10 feet from property lines |
| <b>Open space</b>                  | • 25%   | • 10%   |

*(see Section 18.30.170)*

**C. Parking Regulations for C-3 Developments**

1. No more than one hundred fifty (150) 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 three (3) to four (4) feet in height.
3. Off-street parking areas ~~shall~~ must 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-3 Developments**

1. [See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)
2. [Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130](#)
13. No merchandise ~~shall~~ will be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles ~~shall~~ will be stored outside a building.

24. 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 ELEVEN:** Section 18.20.160 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**“18.20.160 C-4 (Corridor Commercial)**

*Purpose: The C-4 (Corridor Commercial) District provides for retail and wholesale sales and services with only minor restrictions. This district implements the Commercial Corridor future land use category of the Comprehensive Plan.*

*The "C-4" district is consistent with the Commercial Corridor future land use category, and implements the following Comprehensive Plan policies:*

- *LUCC-6.2: Santa Fe Commercial Corridor*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*

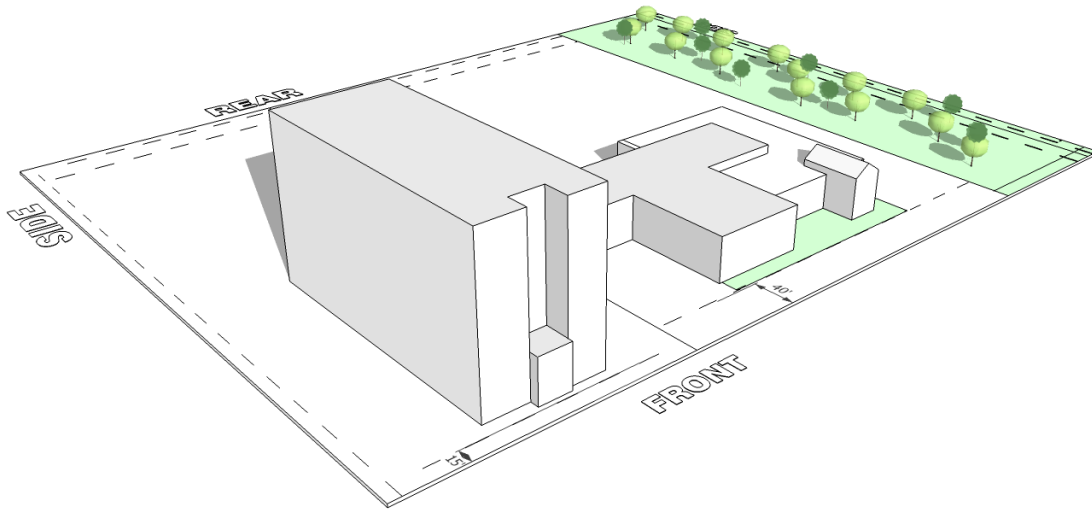


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

Development in the C-4 District is subject to the following dimensional standards:



| <b>Composite Standards</b> →                 | <b>Site 4-Building C, D or E</b><br><b>Site 3, 4 or 5-Building D or E</b>               | <b>Site 3 or 5-Building C</b> |
|--|---|-------------------------------|
| <b>Height (maximum)</b>                      | • 3 stories/40 feet   | • 12 stories/144 feet         |
| <b>Front yard (minimum)</b>                  | • 40 feet from arterial street right-of-way<br>• 15 feet from other street right-of-way | • 15 feet                     |
| <b>Side yard (minimum)</b>                   | • 10 feet   | • 7½ feet                     |
| <b>Rear yard (minimum)</b>                   | • 10 feet   | • 7½ feet                     |
| <b>Parking/paving location</b>               | • 15 feet from street right-of-way<br>• 10 feet from property lines                     | • 7½ feet                     |
| <b>Open space</b><br><i>(see §18.30.170)</i> | • 25% net site area   | • 10% net site area           |

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

### C. Parking Regulations for C-24 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 must 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-24 Developments**

1. See Chapters 18.30 (Development Standards) and 18.50 (Supplemental Use Regulations).

2. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130

~~13.~~ No merchandise ~~shall~~ will be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles, ~~shall~~ will be stored outside a building.

~~24.~~ 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 TWELVE:** Section 18.20.180 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**“18.20.180 BP (Business Park)**

*Purpose: The BP (Business Park) District allows development of a mix of research and development, office, light assembly, warehousing and limited retail and service uses in a planned business park setting. This district is a planned zoning district designed to provide for high-quality development with increased amenities and open space. In appropriate circumstances, property zoned BP may be located adjacent to residential uses.*

*The "BP" District is consistent with the Office-, Innovation and Technology-, and Gateway future land use categories, and implements the following Comprehensive Plan policies:*

- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *ES-4.1 Employment Districts*

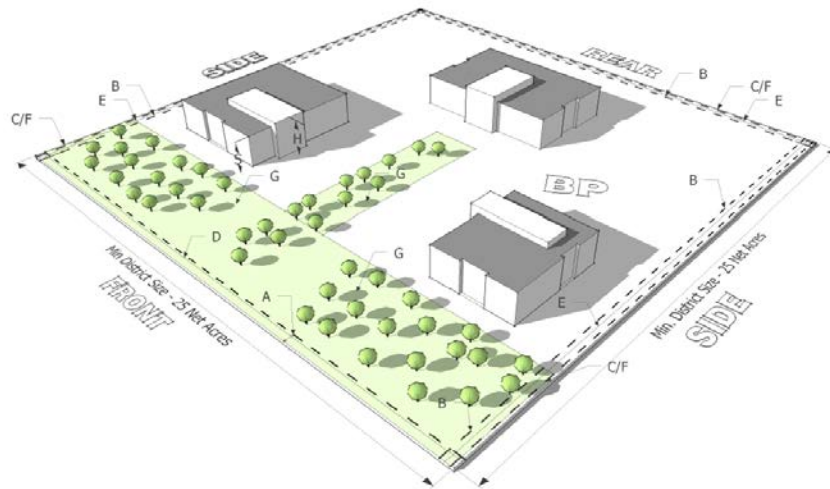


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

1. Development in the BP District is subject to the following dimensional standards:



**Site 5-Building-D**

**Site 4 - Building C, D or E**

**Site 3 or 5-Building C or E**

**Site 3, 4, or 5-Building-D**

|   |   |
|---|---|
| <b>Minimum district size</b> • 25 net acres   | • 5 acres   |
| <b>Height (maximum)</b> • Buildings: 12 stories/144 feet                                | • Buildings: 12 stories/144 feet  |
| • Other structures (including signs): 75 feet. <i>These structures must be set back</i> | • Other structures (including signs): 75 feet. <i>These structures must be set back</i> |

**Site 5-Building-D**

**Site 4 –Building C, D or E**

**Site 3 or 5-Building C or E**

**Site 3, 4, or 5-Building-D**

|                                |   |   |
|--------------------------------|---|---|
|                                | <i>from all property lines a distance equal to or greater than their height.</i>  | <i>from all property lines a distance equal to or greater than their height.</i>  |
| <b>Front yard (minimum)</b>    | <ul style="list-style-type: none"> <li>• 40 feet from arterial street right-of-way</li> <li>• 15 feet from other street right-of-way</li> </ul> | <ul style="list-style-type: none"> <li>• 10 feet from street right-of-way</li> </ul>  |
| <b>Front yard (maximum)</b>    | <ul style="list-style-type: none"> <li>• n/a</li> </ul>   | <ul style="list-style-type: none"> <li>• 120 feet for at least 60% of the site frontage</li> </ul>                          |
| <b>Side yard (minimum)</b>     | <ul style="list-style-type: none"> <li>• 10 feet</li> </ul>   | <ul style="list-style-type: none"> <li>• n/a</li> </ul>   |
| <b>Rear yard (minimum)</b>     | <ul style="list-style-type: none"> <li>• 10 feet</li> </ul>   | <ul style="list-style-type: none"> <li>• 10 feet</li> </ul>   |
| <b>Parking/paving location</b> | <ul style="list-style-type: none"> <li>• 30 feet from street right-of-way</li> <li>• 10 feet from property lines</li> </ul>                     | <ul style="list-style-type: none"> <li>• 30 feet from street right-of-way</li> <li>• 10 feet from property lines</li> </ul> |

*\*Larger landscape buffers may apply in addition to setbacks (see Section 18.30.130) (Ord. 15-16 §3, 2015)*

[2. See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)

[3. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130"](#)

**SECTION THIRTEEN:** Section 18.20.190 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**"18.20.190 M-1 (Light Industrial)**

*Purpose: The M-1 (Light Industrial) District provides for development of light industrial uses in an industrial park setting. This type of industrial development should be of low intensity and high quality, with increased amenities and open space. The M-1 District encourages industrial park complexes that accommodate businesses engaged in light manufacturing and related uses, with limited retail and service uses. M-1 zoning is most appropriate where the subject property adjoins an area which is sensitive because of land use or environmental factors. (Ord. 02-54 §2, 2002). The "M-1" District is consistent with the Employment Areas future land use category, and implements the following Comprehensive Plan policies:*

- Lucc-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses
- ES-4.1 Employment Districts

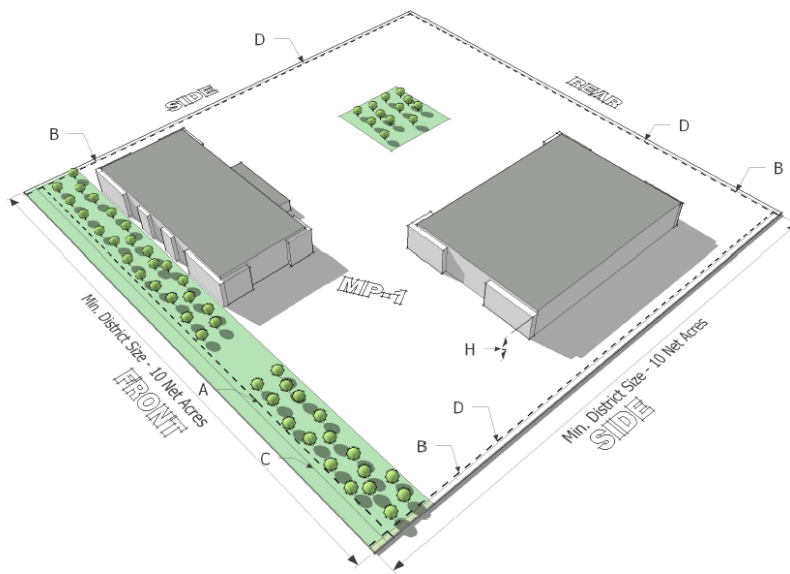


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

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



| <b>Composite Standards</b> → | <b>Site 6-Building D</b>         | <b>Site 5-Building D, E, F</b>       | <b>Site 6-Building C or E</b>           |
|------------------------------|----------------------------------|--------------------------------------|---|
|                              | <b>Site 4-Building C, D or E</b> | <b>Site 3, 4, 5, or 6-Building D</b> | <b>Site 3 or 5 or 6-Building C or E</b> |

|                                |   |   |
|--------------------------------|---|---|
| <b>Height (maximum)</b>        | <ul style="list-style-type: none"> <li>• Buildings: 55 feet</li> <li>• Other structures: 75 feet if set back from all property lines a distance equal to or greater than their height.</li> </ul> | <ul style="list-style-type: none"> <li>• Buildings: 12 stories /144 feet</li> <li>• Other structures (including signs): 100 feet if the structure is set back from all property lines a distance equal to or greater than their height</li> </ul> |
| <b>Front yard (minimum)</b>    | • 50 feet   | • 20 feet   |
| <b>Side yard (minimum)*</b>    | • 10 feet   | • 10 feet   |
| <b>Rear yard (minimum)*</b>    | • 10 feet   | • 10 feet   |
| <b>Parking/paving location</b> | <ul style="list-style-type: none"> <li>• 30 feet from street right-of-way</li> <li>• 10 feet from property lines</li> </ul>   | <ul style="list-style-type: none"> <li>• 20 feet from street right-of-way</li> <li>• 7½ feet from property lines</li> </ul>   |
| <b>Open space</b>              | • 20% of net site area  | • 15% of net site area  |

(see § [18.30.170](#))

*\* Side or rear yard applies only to property lines adjoining Residential, Neighborhood, or Commercial districts, or residential or commercially designated areas of a PD District. No side or rear yard applies to a property line adjoining an Industrial district. Buffer requirements may apply as provided in § [18.30.130](#).*

*\*\* Larger landscape buffers may apply in addition to setbacks (see Section [18.30.130](#))*

(Ord. 15-16 §3, 2015)

[2. See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)

[3. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in \[18.30.130\]\(#\)"](#)

**SECTION FOURTEEN:** Section 18.20.200 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**"18.20.200 M-2 and M-3 (Heavy Industrial)**

*Purpose: The M-2 and M-3 (Heavy Industrial) districts manages the development of heavy and intensive industrial uses, including asphalt plants, feed lots and scrap and waste materials. Most activities will consist of manufacturing or outdoor storage yards. These Districts encourage the development of industrial buildings grouped around major transportation systems. The buildings would accommodate businesses engaged in intensive manufacturing, with limited light manufacturing uses. The difference between the "M-2" and "M-3" districts is that the "M-3" district allows more intense uses, such as quarries. The "M-2" and "M-3" Districts are consistent with the Industrial Areas future land use category, and implements the following Comprehensive Plan policies:*

- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *ES-4.1 Employment Districts*

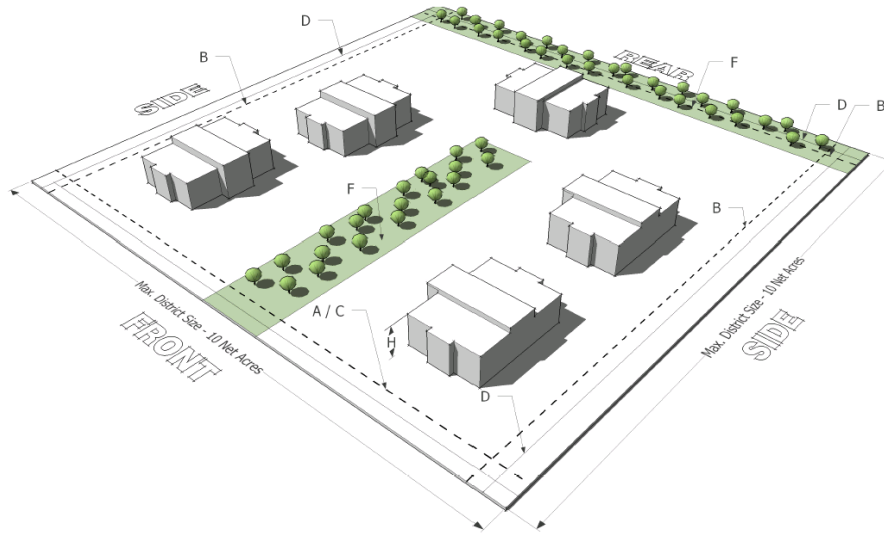


**A. Permitted Uses**

See § [18.20.500](#) (Use Matrix).

**B. Dimensional Standards**

- 1.** Development in the M-1 District is subject to the following dimensional standards:



**Composite Standards** →

**Site 6-Building D, F**

**Site 5-Building D, E, F**

**Site 4-Building C, D or E**

**Site 3, 4, 5, or 6-Building D**

**Site 6-Building C or E**

**Site 3, or 5, or 6-Building C or E**

|                                       |  |   |
|---------------------------------------|--|---|
| <b>Height (maximum)</b>               | <ul style="list-style-type: none"> <li>Buildings: 55 feet</li> <li>Other Structures (including signs): 100 feet. The structure must be set back from all property lines a distance at least equal to its height</li> </ul> | <ul style="list-style-type: none"> <li>12 stories/144 feet</li> </ul>   |
| <b>Front yard (minimum)</b>           | <ul style="list-style-type: none"> <li>30 feet</li> </ul>  | <ul style="list-style-type: none"> <li>20 feet</li> </ul>   |
| <b>Side yard (minimum)</b>            | <ul style="list-style-type: none"> <li>10 feet</li> </ul>  | <ul style="list-style-type: none"> <li>10 feet</li> </ul>   |
| <b>Rear yard (minimum)</b>            | <ul style="list-style-type: none"> <li>10 feet</li> </ul>  | <ul style="list-style-type: none"> <li>10 feet</li> </ul>   |
| <b>Parking/paving location</b>        | <ul style="list-style-type: none"> <li>30 feet from street right-of-way</li> <li>10 feet from property lines</li> </ul>  | <ul style="list-style-type: none"> <li>20 feet from street right-of-way</li> <li>7½ feet from property lines</li> </ul> |
| <b>Open space</b><br>(see §18.30.170) | <ul style="list-style-type: none"> <li>15% of net site area</li> </ul>   | <ul style="list-style-type: none"> <li>n/a</li> </ul>   |

*\*Larger landscape buffers may apply in addition to setbacks (see Section 18.30.130) (Ord. 15-16 §3, 2015)*

[2. See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)

[3. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § 18.30.130"](#)

**SECTION FIFTEEN:** 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 Section [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<br><b>Building-C</b>                             | Supportive Uses              | Civic Uses |
|------------------------------------|--|------------------------------|------------|
| <b>Lot Width (minimum)</b>         | • 10 feet  | • 10 feet                    | • 10 feet  |
| <b>Height (minimum)</b>            | • n/a  | • n/a                        | • n/a      |
| <b>Height (maximum)</b>            | • n/a  | • n/a                        | • n/a      |
| <b>Front yard (minimum)</b>        | • n/a  | • n/a                        | • n/a      |
| <b>Front yard (maximum)</b>        | • 5 feet ( <i>applies to area within frontage buildout</i> ) | • n/a                        | • n/a      |
| <b>Frontage Buildout (minimum)</b> | • 90%  | • n/a                        | • n/a      |
| <b>Side yard (minimum)</b>         | • n/a  | • n/a                        | • n/a      |
| <b>Rear yard (minimum)</b>         | • n/a  | • 5 feet                     | • n/a      |
| <b>Spacing / Number (minimum)</b>  | • n/a  | • 300 feet from lot boundary | • n/a      |

**Site 5 or 6**  
**Building-C**

**Supportive Uses**

**Civic Uses**

- No more than 1 per block

**Downtown Mixed Use**

**Site 3**  
**Building-C**

**Supportive Uses**

**Civic Uses**

|   |  |                              |           |
|---|--|------------------------------|-----------|
| <b>Lot Width (minimum)</b>                                    | • 10 feet  | • 10 feet                    | • 10 feet |
| <b>Height (maximum)</b>                                       | • 7 stories / 90 feet                                  | • 35 feet                    | • 72 feet |
| <b>Front yard (minimum)</b>                                   | • 15 feet  | • n/a                        | • n/a     |
| <b>Frontage Buildout (minimum – nonresidential uses only)</b> | • 80%  | • n/a                        | • n/a     |
| <b>Side yard (minimum)</b>                                    | • 10% of the lot width ( <i>may be 0 on one side</i> ) | • n/a                        | • n/a     |
| <b>Rear yard (minimum)</b>                                    | • 10 feet  | • 5 feet                     | • 5 feet  |
| <b>Spacing / Number (minimum)</b>                             | • n/a  | • 300 feet from lot boundary | • n/a     |
|   |  | • No more than 1 per block   |           |

**Downtown Santa Fe Corridor**

**Site 5 or 6**  
**Building-C**

**Supportive Uses**

**Civic Uses**

|                                    |   |           |           |
|------------------------------------|---|-----------|-----------|
| <b>Lot Width (minimum)</b>         | • 10 feet   | • 10 feet | • 10 feet |
| <b>Height (minimum)</b>            | • 2 stories / 35 feet   | • n/a     | • n/a     |
| <b>Height (maximum)</b>            | • 4 stories / 52 feet   | • 35 feet | • 72 feet |
| <b>Front yard (minimum)</b>        | • n/a   | • n/a     | • n/a     |
| <b>Front yard (maximum)</b>        | • 25 feet ( <i>applies to area within frontage buildout</i> ) | • n/a     | • n/a     |
| <b>Frontage Buildout (minimum)</b> | • 80%   | • n/a     | • n/a     |
| <b>Side yard (minimum)</b>         | • n/a   | • n/a     | • n/a     |
| <b>Rear yard (minimum)</b>         | • 10 feet   | • 5 feet  | • 5 feet  |

|  | <b>Site 5 or 6<br/>Building-C</b>                       | <b>Supportive Uses</b>   | <b>Civic Uses</b>                                       |
|--|---|--|---|
| <b>Spacing / Number (<i>minimum</i>)</b> | <ul style="list-style-type: none"> <li>• n/a</li> </ul> | <ul style="list-style-type: none"> <li>• 300 feet from lot boundary</li> <li>• No more than 1 per block</li> </ul> | <ul style="list-style-type: none"> <li>• n/a</li> </ul> |

*\*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.

[3. See Chapters 18.30 \(Development Standards\) and 18.50 \(Supplemental Use Regulations\).](#)

[4. Setback requirements listed in the dimensional standards table are minimum requirements and may be required to be greater to accommodate landscape buffer requirements found in § \[18.30.130\]\(#\)](#)

### C. Building Location and Design

1. Primary entrances to buildings at ground level ~~shall~~ must face street rights-of-way rather than parking lots.
2. Primary building entrances ~~shall~~ must be oriented towards streets, parks or pedestrian plazas.
3. Each block face ~~shall~~ must have multiple building entries. A building occupying an entire city block ~~shall~~ must include more than one (1) building entrance along each block face.
4. The building façade ~~shall~~ must have three (3) vertical divisions: ‘bases,’ ‘middles,’ and ‘tops.’ In buildings of three (3) 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~~ must 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~~ must:
- 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 thirty (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 (12) inches in width.

**c.** Incorporate at least one (1) 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 sixty (60) percent of the façade.

**e.** Windows ~~shall~~ **must** be recessed and include visually prominent sills or other forms of framing.

**7.** Buildings ~~shall~~ **must** 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 five (5) feet. An unenclosed balcony with a minimum clearance nine (9) feet above finished grade may extend five (5) feet over a public sidewalk. An awning or walkway covering with a minimum clearance of eight (8) feet above finished grade may extend five (5) feet over a public sidewalk.

**9.** Glass without coatings or tints ~~shall~~ **must** 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~~ **must** have one clearly identifiable entrance abutting the street. In addition to this entrance, a building occupying an entire city block ~~shall~~ **must** include at least one (1) other building entrance along each block face.

**11.** At least eighty (80) percent of the façade facing a street or public open space (not including windows, doors and their framing systems), ~~shall~~ **must** be composed of building materials required from [Class 1](#), ~~for Category C Building Types~~ in Chapter [18.15](#).

**12.** Consistent architectural design and durable building materials ~~shall~~ **must** be continued on all façades adjacent to public streets and residential districts.

#### **D. Parking and Circulation**

1. Off-street parking is not required in the "D" Downtown district.
2. Off-street parking ~~shall~~ must be located behind or to the side of buildings.
3. No more than one (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 three (3) feet and up to four (4) feet in height.
5. Parking structures with exposed street frontage ~~shall~~ must not be oriented toward residential uses.
6. However, all multifamily and nonresidential 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~~ will have antique globe/coach style light poles and fixtures. The following actions are exempt from installing this style of light 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~~ will not front onto streets and public open spaces.
2. Service areas ~~shall~~ must 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~~ must 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~~ must be combined with other service and loading areas.
5. Developments ~~shall~~ must 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. Multifamily residential buildings ~~shall~~ must orient at least fifty (50) percent 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~~ must be oriented toward the public street rights-of-way rather than to parking lots."

**SECTION SIXTEEN:** Section 18.20.230 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

### **"18.20.230 TOD (Transit Oriented Development)**

*Purpose: The Transit-Oriented Development District is a planned district that encourages a mix of residential, commercial, and employment opportunities within identified bus rapid transit (BRT) corridors, commuter rail stations, or other high capacity transit areas. This district encourages a mix of residential, commercial, and employment opportunities within transit corridors or areas served by transit. This development pattern promotes transit ridership, ensures access to transit, and limits conflicts between vehicles, pedestrians and transit operations. The technique allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. This section encourages a safe and pleasant pedestrian environment near transit stations by allowing intensive areas of shops and activities, providing for amenities (such as benches, kiosks, and outdoor cafes), and limiting conflicts between vehicles and pedestrians. The TOD technique is restricted to areas within one-half (½) of a mile of a transit facility. This area is equivalent to a 10-minute walking distance.*

*Because most transit users will walk only one-quarter (¼) to one-half (½) of a mile to a transit facility, transit influence areas require high densities on small areas of land. The City finds that uses inconsistent with transit will undermine the most efficient use of limited land areas within a TOD, and may render the transit system unworkable. Accordingly, the uses permitted within a TOD are those that are dependent upon, or which may generate, a relatively high level of transit use. Uses that would interfere with transit use and which generate few transit trips are not permitted within a TOD. Further, the City finds and determines that minimum levels of density as set forth in this section are required to support transit ridership, and that lower levels of density will not support transit ridership and will create unacceptable levels of vehicular congestion.*

*This district is consistent with the Transit-Oriented Development (TOD) Centers future land use category, Gateway District, and Regional & Local Transit Corridors. It also implements the following policies of the Comprehensive Plan:*

- LUCC-3.1: Encourage Housing Near Services. Encourage higher density housing development near transit services ...*
- LUCC-3.2: Link between Transportation and Land Use. Implement land use plans and programs that support effective transit, an efficient street system, and alternative transportation modes.*
- LUCC-5.2: Connections to Centers. Encourage pedestrian, bicycle, and transit connections to and within commercial centers.*
- OT-3.2: Housing. Add high density, multi-family housing within and adjacent to the Downtown that will help support desired uses and amenities. Provide housing to serve a diverse population, including affordable housing, senior housing, special needs housing, and transit-oriented development.*
- HN-1.2: Mixed Uses and Mixed Incomes*
- HN-2.2: Complete Neighborhoods. Encourage a "complete" neighborhood concept for new development which includes a variety of residential densities on appropriately sized parcels, opportunities for shopping, nearby support services and conveniently-sited public facilities, including roads, transit, and pedestrian connections, parks, libraries and schools.*



- *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.*
- *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.”*
- *Principle HN-5: Encourage housing densities and styles that will support vibrant retail and transit centers.*
- *HN-5.1: Mixed Use Neighborhoods. Utilize zoning and development designations that encourage and enable a mix of residential, retail and commercial space in areas that are close to public transportation and planned transit nodes and corridors.*
- *HN-5.2: Provide for higher density residential housing along major existing and planned public transit corridors.*
- *M-2.5: Transportation Corridors and Transit Nodes. Encourage growth along existing and planned transportation corridors and transit nodes.*



## A. Applicability

1. Rezoning to a TOD is subject to the procedures for the PD district (§ [18.20.230](#)) and this section. The following areas are eligible for rezoning to a TOD district:

- a. Property located within a Transit-Oriented Development (TOD) Center future land use category or a Regional or Local Transit Corridor in the Comprehensive Plan; and
- b. property located within 1/2 mile of a transit station or major bus boarding location.

### 2. Transit Influence Area

- a. The TOD includes a “transit influence area” with two distinct subareas known as the “TOD Core” (“TOD-C”) and the “TOD Periphery” (TOD-P), defined below:

**Table 18.20.230-1. Transit Influence Area**

**Core** All areas within one-quarter ( $\frac{1}{4}$ ) of a mile of a Busway or Transit Station.

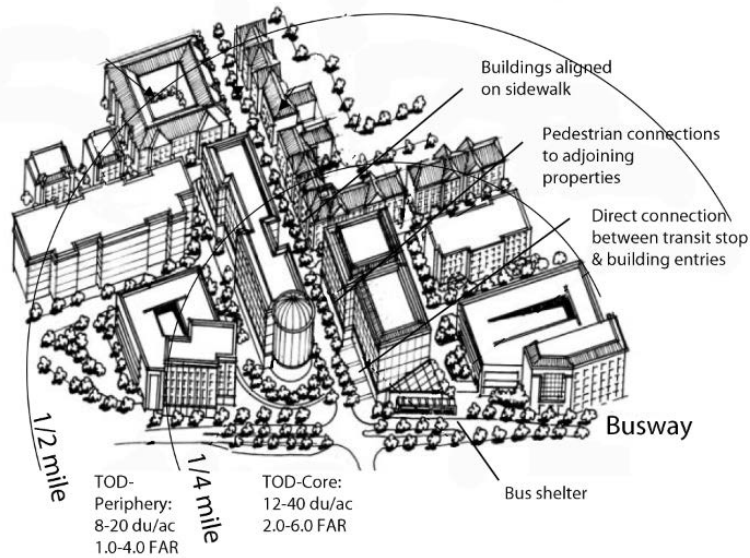
**Periphery** All areas between one-quarter ( $\frac{1}{4}$ ) of a mile and one-half ( $\frac{1}{2}$ ) of a mile from a Busway or Transit Station.

- b. A TOD rezoning application must include:

**(1)** If not adjacent to another TOD district, at least one TOD-Core area adjacent to a Busway or a Transit station. No TOD-Periphery is required.

**(2)** If adjacent to a TOD district described in subsection i., above, at least one TOD-Core area.

**(3)** If adjacent to a TOD district with a TOD-Core and within an eligible location for a TOD-Periphery, the application may include a TOD-Core, TOD-Core and TOD-Periphery, or a TOD-Periphery only.



## B. Uses and Density

### 1. Permitted Uses

The uses permitted in a TOD ~~shall~~ must be established in the development agreement approved with the TOD rezoning. Those uses are generally those permitted in the R-4, N, C-1, C-2, C-3 and O districts.

### 2. Prohibited Uses

The following uses are not permitted in a TOD:

| LBCS Code(s)   | Structure or Use Type                              |
|----------------|--|
| Function 2110  | Automobile sales or service establishment          |
| Function 2120  | Heavy consumer goods sales or service              |
| Structure 2110 | Office building with drive-through facility        |
| Structure 2210 | Shop or store building with drive-through facility |
| Structure 2250 | Warehouse discount store building                  |
| Structure 2270 | Gasoline station                                   |
| Structure 2280 | Automobile repair and service structures           |

| <b>LBCS Code(s)</b> | <b>Structure or Use Type</b>                                  |
|---------------------|---|
| Structure 2593      | Car care center   |
| Structure 2620-2636 | Heavy industrial structures and facilities and oil refineries |
| Structure 2700-2782 | Warehouse or storage facility                                 |

### C. Densities and Intensities

The requested densities, in terms of number of units per gross residential acre and total number of dwelling units, must be set forth in the Development Agreement. The Development Agreement must comply with Table 18.20.230-2, below.

**Table 18.20.230-2. Transit-Oriented Development Dimensional Standards**

| <b>(A)<br/>Location/Size</b> | <b>Minimum Density</b> | <b>Maximum Density</b> | <b>Minimum FAR</b> | <b>Maximum FAR</b> |
|------------------------------|------------------------|------------------------|--------------------|--------------------|
| <b>Core</b>                  |                        |                        |                    |                    |
| <b>Less than 2 acres</b>     | 16                     | 40                     | 2.5                | 6                  |
| <b>2 acres or more</b>       | 12                     | 36                     | 2                  | 4                  |
| <b>Periphery</b>             |                        |                        |                    |                    |
| <b>Less than 2 acres</b>     | 12                     | 20                     | 1.5                | 4                  |
| <b>2 acres or more</b>       | 8                      | 16                     | 1                  | 2                  |

*Rules of Interpretation for Table 18.20.230-2: The applicable land use categories are set forth in Column (A). The density for the particular use must be at least the amount set forth in Column (B) for residential uses, and must not exceed the amount shown in Column (C). The floor area ratio (FAR) for the particular use must be at least the amount set forth in Column (D) and must not exceed the amount shown in Column (E).*

## D. Lot & Site Design

### 1. Site Design

Site design must incorporate the Category 3 site design standards in the TOD-Core, and Category 3 or 5 site design standards in the TOD-Periphery.



**Figure 1. Building and site design at the TOD-Periphery is more flexible in order to accommodate supportive uses**

### 2. Front Setback

The front setback must be established as follows, measured from the edge of the sidewalk:

**Table 18.20.230-3. TOD Front Setbacks**

| Category  | Minimum Front Setback (feet) | Maximum Front Setback (feet) |
|---|------------------------------|------------------------------|
| Single-Family Dwelling Units                                | 10                           | 25                           |
| Multiple-Family Dwelling Units and all other Dwelling Units | 0                            | 15                           |
| Use Commercial Buildings                                    | 0                            | 5                            |
| Industrial or Civic Buildings                               | 0                            | 30                           |

### **3. Transit Orientation**

All sites must orient their interior and on-site circulation to the closest adjacent Bus Shelter or Transit Station.

### **4. Pedestrian Access**

New retail, office and institutional buildings within the Core subarea must provide for convenient pedestrian access to transit through the measures listed below:

- a.** Pedestrian connections to adjoining properties must be provided except where such a connection is impracticable due to unique topography.
- b.** Pedestrian connections must connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped, streets, accessways and walkways on site must be aligned or stubbed to allow for extension to the adjoining property.
- c.** A direct pedestrian connection must be provided between the transit stop and building entrances on the site.

## **E. Building Design**

### **1. Generally**

Building design must conform to [Chapter 18.15 Building Design Standards](#). ~~the Type "C" building standards (see Chapter 18.15).~~

### **2. Commercial Buildings**

Commercial Buildings may designate the entire building area above the ground floor or the second floor for residential use.



**Figure 2. Class C design with buildings facing a square. Civic spaces are allowed, but not required, in TOD.**



**Figure 3. Mixed use building incorporating Class C building design standards**

## F. Parking

### 1. Parking Supply

- a. The minimum parking requirements must within the Core and Periphery subareas are as follows:

**Table 18.20.230-4. Transit-Oriented Development Parking Requirements**

| Area  | Minimum Parking Spaces<br>(see <i>Parking and Loading Standards, §18.30.160</i> ) | Maximum Parking Spaces             |
|---|---|------------------------------------|
| <b><i>Core, within 500 feet of a Transit Station or Bus Shelter</i></b> | None  | 75% of the required parking spaces |

| Area                         | Minimum Parking Spaces<br>(see <i>Parking and Loading Standards, §18.30.160</i> ) | Maximum Parking Spaces              |
|------------------------------|---|-------------------------------------|
| <b>Core, balance of area</b> | 50% of the required parking spaces  | 100% of the required parking spaces |
| <b>Periphery</b>             | 75% of the required parking spaces  | 120% of the required parking spaces |

- b.** Existing development may to redevelop existing parking areas for transit-oriented uses, including residential uses, commercial uses, offices, bus stops and pullouts, bus shelters, park and ride stations.
- c.** All other provisions of the Parking Standards apply to a Transit-Oriented Development.

## 2. Parking Structures

Parking Structures must have retail or residential uses along the first floor building area that abuts a sidewalk.







~~4 Class C site design standards require parking to the rear of buildings. This maintains the connection between transit stops and destinations. Structured parking is encouraged but not required, but is lined with active uses.~~

## **G. Parks and Open Space**

The Parks/Open Space/Civic Space Standards (§18.30.170) do not apply to a Transit Oriented Development.

## **H. Landscaping and Screening**

- 1.** The following standards do not apply to a TOD (see § [18.30.130](#)):
  - a.** Landscape buffers and berms; and
  - b.** Parking lot interior landscaping requirements any parking area that is located in a rear yard or interior to a block.
- 2.** All other requirements of § [18.30.130](#) apply to a TOD.
- 3.** In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, Retail, Service, or Civic land uses must not be separated from Multi-family or Single-Family land uses within the TOD by berms or buffers unless a trail or sidewalk is established that provides a direct connection between the uses.

## I. Streets

### 1. Adequate Public Facilities Exemption

A TOD is not subject to the adequate public facilities standards requirements for road networks (see § [18.30.040](#)).

### 2. Street Design

Public and private streets ~~shall~~ must conform to the “Community Design Standards” (see § [18.30.220](#)).



**Figure 5. Buildings aligned to street within a convenient walk to transit station**



**Figure 6. Development in TOD uses Community Design street standards with sidewalks and on-street parking”**

**SECTION SEVENTEEN:** 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:

| <b>Notation</b> | <b>Category</b>    | <b>Description</b>   |
|-----------------|--------------------|--|
| <b>P</b>        | <b>By right</b>    | Permitted if they meet the standards established in the zoning district. |
| <b>S</b>        | <b>Special Use</b> | Requires special approval by the Governing Body (refer to § 18.40.100).  |
|                 | <b>Accessory</b>   | Accessory uses are those as defined in §18.50.020.                       |
|                 | <b>Signs</b>       | For information on what signs are permitted see § 18.50.190              |

Except as otherwise provided, uses permitted by right and uses permitted with a special use permit for any planned district, ~~shall~~ **must** 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.

| <b>Planned District Category</b> | <b>Associated Conventional District Category</b> |
|----------------------------------|--|
| RP-1                             | R-1  |
| RP-2                             | R-2  |
| RP-3                             | R-3  |
| RP-4                             | R-4  |
| CP-O                             | C-O  |
| CP-1                             | C-1  |
| CP-2                             | C-2  |
| CP-3                             | C-3  |
| MP-1                             | M-1  |
| MP-2                             | M-2  |
| MP-3                             | M-3  |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |               |                |       |            | M-3 (Intense Industrial) | D (Downtown)-Core | D (Downtown)-Mixed Use | D (Downtown)-Santa Fe  |
| 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<br>See below:                     |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            | 1100                     | 1340              | 814                    | 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)  |
| 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                                   |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            | 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                                   |            |                           |                        |                       |                           |                    |                        |                        |               | S              | S     | S          | 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<br>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, 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                                   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            |                          | 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

|  | 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  |
|--|----------------|---------------------------------|------------------------------|----------------------------------|-------------------------------------|------------|---------------------------|------------------------|-----------------------|---------------------------|--------------------|------------------------|------------------------|--------------------------|-------------------|------------------------|-----------------------|---------------|----------------|---------------------|---|
| Assisted living, skilled nursing, continuing care retirement facilities        | P              | P                               | P                            | P                                | P                                   |            | P                         | P                      | P                     | P                         |                    |                        |                        |                          | P                 | P                      | P                     | 1220<br>1250  |                | 62311<br>0,<br>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<br>1          | An establishment operating primarily in a single family detached 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: Family Day-Care Home                                    | P              | P                               | P                            | P                                | P                                   |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       | 6562<br>6566  |                | 6244                | See Chapter 18.50   |
| Day-Care & Child Care: Child-Care Centers                                      |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     | P                         |                    |                        |                        |                          | P                 | P                      | P                     | 6562<br>6566  |                | 6244                | See Chapter 18.50   |
| Day-Care & Child Care: Group Day-Care Home                                     | P              | P                               | P                            | P                                | P                                   |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       | 6562<br>6566  |                | 6244                | See Chapter 18.50   |
| Day-Care & Child Care: Mother's Day Out -Care Home                             | P              | P                               | P                            | P                                | P                                   |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       | 6562<br>6566  |                | 6244                | See Chapter 18.50   |
| Day-Care & Child Care: Preschools  | S              | S                               | S                            | S                                | S                                   | P          | P                         | P                      | P                     | P                         |                    |                        |                        |                          |                   |                        |                       | 6562<br>6566  |                | 6244                | See Chapter 18.50   |
| Day-Care & Child Care: Adult Day-Care  | S              | S                               | S                            | S                                | S                                   | P          | P                         | P                      | P                     | P                         |                    |                        |                        |                          |                   |                        |                       | 6566          |                | 62412<br>0          | See Chapter 18.50   |
| Community living facility, Mental Health / Substance Abuse, with on-site staff | S              | S                               | S                            | S                                | S                                   |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       | 6520          |                | 62322<br>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<br>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                     |               |                | 62399<br>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                                   |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       |               |                | 62399<br>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<br>0          | A dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related   |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) | M-3 (Intense Industrial) | D (Downtown)-Core |       |            | D (Downtown)-Mixed Use | D (Downtown)-Santa Fe |        |  |
| Homeless Shelter  |                |                                 |                              | S                                | S                                   |            |                           |                        |                       |                           |                    |                        | S                      | S                        |                   |       |            |                        |                       | 634221 | 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)<br>A facility providing temporary housing to indigent, needy, homeless, or transient persons. May also provide ancillary services such as counseling, meals, vocational training, etc., This land use category does not include group boarding homes or group homes as defined by K.S.A. 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          | S                         | 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.   |
| 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                         |                    | S                      | S                      |                          | P                 | P     | P          | 2720                   |                       | 81290  | An animal care facility with no outside kennel or retail sales. Including establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting and training pets.  |
| Animal Care – indoor or outdoor kennel                            | S              |                                 |                              |                                  |                                     |            | 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 - veterinary clinics                                  | S              |                                 |                              |                                  |                                     |            |                           | S                      |                       | P                         | S                  | S                      | S                      |                          |                   |       |            | 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   |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) | M-3 (Intense Industrial) | D (Downtown)-Core | D (Downtown)-Mixed Use |       |                   | D (Downtown)-Santa Fe | 2145          | 2200   |
| Antique shop   |                |                                 |                              |                                  |                                     |            |                           | P                      | P                     | P                         |                    |                        |                        |                          | P                 | P                      | P     | 2145              | 2200                  | 45331<br>0    | 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-<br>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              |                       | 81299<br>0    | 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                  | 45111<br>0    | 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                  | 31181<br>1    | 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              |                       | 72241<br>0    | 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                  | 45111<br>0    | 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              |                       | 44122<br>2    | 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.   |
| Brewpub  |                |                                 |                              |                                  |                                     |            |                           |                        | P                     | P                         |                    |                        |                        |                          |                   |                        |       |                   |                       |               | An establishment for facility which manufactures fermented malt beverages and operates a restaurant on the premises.   |
| Building materials sales - without lumberyard                                    |                |                                 |                              |                                  |                                     |            | P                         | P                      | P                     |                           |                    | P                      | P                      |                          | P                 | P                      | P     | 2126<br>,<br>2127 |                       | 44419<br>0    | 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 such as lumberyards. |

| <b>Use</b>  | <b>AG Agriculture</b> | <b>R-1 (Residential Single-Family)</b> | <b>R-2 (Residential Two-Family)</b> | <b>R-3 (Residential Low-Density MF)</b> | <b>R-4 (Residential Medium Density MF)</b> | <b>O (Office)</b> | <b>C-1 (Neighborhood Center)</b> | <b>C-2 (Community Center)</b> | <b>C-3 (Regional Center)</b> | <b>C-4 (Corridor Commercial)</b> | <b>BP (Business Park)</b> | <b>M-1 (Light Industrial)</b> | <b>M-2 (Heavy Industrial)</b> | <b>M-3 (Intense Industrial)</b> | <b>D (Downtown)-Core</b> | <b>D (Downtown)-Mixed Use</b> | <b>D (Downtown)-Santa Fe</b> | <b>LBCS Function</b> | <b>LBCS Structure</b> | <b>NAICS</b>              | <b>Definition</b>   |
|---|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|----------------------|-----------------------|---------------------------|---|
| <b>Building materials sales and storage</b>                                 |                       |  |                                     |   |  |                   |                                  |                               | P                            | P                                |                           |                               |                               | P                               |                          |                               |                              | 2126<br>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).  |
| <b>Business service centers / business support</b>                          |                       |  |                                     |   |  | P                 | P                                | P                             | P                            | P                                | S                         | P                             | P                             | P                               | P                        | P                             | P                            | 2424                 | 2200                  | 56143,<br>5619            | Includes blueprinting, printing, Photostatting, copying, packaging, labeling, and similar services to other businesses.   |
| <b>Cafeterias and snack bars (accessory)</b>                                |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              | 2520<br>2530         |                       | 72251<br>4,<br>72251<br>5 | Cafeterias and snack bars that principally serve the employees in the buildings in which they are located and their guests.   |
| <b>Camera and film shop; photography studio; frame shop</b>                 |                       |  |                                     |   |  |                   | P                                | P                             | P                            | P                                |                           |                               |                               |                                 | P                        | P                             | P                            | 2132                 | 2200                  | 54192,<br>81292           | Establishments primarily engaged in providing still, video, or digital photography services, or developing film and/or making photographic slides, prints, and enlargements.  |
| <b>Candy or confectionary making (retail)</b>                               |                       |  |                                     |   |  |                   | P                                | P                             | P                            | P                                |                           | S                             | S                             |                                 | P                        | P                             | P                            | 3100                 | 2200                  | 3113,<br>31191            | Establishments that make candy or confectionaries on for retail sale on the premises.   |
| <b>Car Wash, Automobile Laundries, or Car Care Centers</b>                  |                       |  |                                     |   |  |                   |                                  |                               | P                            | P                                |                           | S                             | S                             |                                 |                          |                               |                              |                      | 2593                  | 81119<br>2                | Establishments that wash, wax or clean automobiles or similar light vehicles.   |
| <b>Catering / food service</b>  |                       |  |                                     |   |  | P                 |                                  | P                             | P                            | P                                | P                         | S                             | S                             |                                 | P                        | P                             | P                            | 2560<br>2570         |                       | 72231,<br>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.   |
| <b>Commercial Use in Multifamily Development</b>                            |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              |                      |                       |                           | A commercial use located in a building that has multifamily dwelling units, and that has no direct entry from the use to the street.  |
| <b>Convenience Stores, without gas sales</b>                                |                       |  |                                     |   |  |                   |                                  | P                             | P                            | P                                |                           | S                             | S                             |                                 | P                        | P                             | P                            | 2152                 | 2591                  | 44711<br>0                | Establishments that retail a limited line of goods that generally includes milk, bread, soda, and snacks.   |
| <b>Convenience- Stores, with gas sales</b>                                  |                       |  |                                     |   |  |                   |                                  | P                             | P                            | P                                | P                         | P                             | P                             |                                 | S<br>P                   | S<br>P                        | P                            |                      | 2591                  | 44512<br>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.   |
| <b>Courier and messenger services</b>                                       |                       |  |                                     |   |  | 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; grocery delivery services (i.e., independent service from grocery store), or restaurant meals delivery services. |
| <b>Delicatessen / Limited-Service Restaurant</b>                            |                       |  |                                     |   |  |                   | P                                | P                             | P                            | P                                |                           | S                             | S                             |                                 | P                        | P                             | P                            | 2151                 |                       | 72251<br>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.  |
| <b>Department store, warehouse club, superstore, or general merchandise</b> |                       |  |                                     |   |  |                   |                                  | P                             | P                            | P                                |                           | S                             | S                             |                                 | P                        | P                             | P                            | 2145                 | 2240,<br>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  |



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|---|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|--|-----------------------|--|---|
|   |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              |  |                       |  | information on many lines of products.<br>See Chapter 18.50.  |
| <b>Drive-in or Drive-Through Service (for retail, restaurant)</b> |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              |  | 2110<br>2210          |  | See Chapter 18.50.  |
| <b>Drive-Through Service (for financial institution)</b>          |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              |  | 2110<br>2210          |  | See Chapter 18.50.  |
| <b>Elderly and disabled services</b>                              |                       |  |                                     |   |  |                   | P                                | P                             | P                            | P                                |                           |                               |                               |                                 | P                        | P                             | P                            |  |                       | 62412<br>0   | Establishments primarily engaged in providing nonresidential social assistance services to the elderly, persons diagnosed with intellectual and developmental disabilities, or persons with disabilities.   |
| <b>Entertainment establishment</b>                                |                       |  |                                     |   |  |                   | S                                | P                             | P                            | P                                |                           |                               |                               |                                 | P                        | P                             | P                            | 2540   |                       | 72241<br>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).  |
| <b>Executive Suite Space (Non-retail, Non-Industrial)</b>         |                       |  |                                     |   |  | P                 | P                                | P                             | P                            | P                                | P                         | P                             |                               |                                 | P                        | P                             | P                            | 2200<br>-<br>2455<br>-<br>4210<br>-<br>4212<br>-<br>4241<br>-<br>4243<br>-<br>5140<br>-<br>5160<br>-<br>6200<br>-<br>6220<br>-<br>6800<br>-<br>6820<br>-<br>9210 | 2100                  | 11511<br>5, 511,<br>51911,<br>51913,<br>523-<br>525,<br>531,<br>5411-<br>5418,<br>5611-<br>5616,<br>56192,<br>54191,<br>54193,<br>54199,<br>55,<br>6117,<br>4885,<br>7113-<br>7115,<br>8132-<br>8133,<br>813,<br>923-<br>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: 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. |
| <b>Farm / landscape / garden supply sales</b>                     | S                     |  |                                     |   |  |                   | S                                | S                             | P                            | P                                |                           |                               |                               |                                 | 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).  |
| <b>Farmer's markets</b>   | 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. 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  |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |                |       |            | M-3 (Intense Industrial) | D (Downtown)-Core | D (Downtown)-Mixed Use | D (Downtown)-Santa Fe |   |
| Farm Supplies Merchant Wholesalers                                 | S              |                                 |                              |                                  |                                     |            |                           |                        |                       | P                         |                    | S                      | S                      |                | P     | P          | P                        | 2000              |                        | 424910                | building, typically on an open lot from individual booths.<br>Establishments primarily engaged in the merchant wholesale distribution of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.  |
| 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              |                        | 453110                | 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              |                        | 442110                | 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                         |                    | S                      | 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                         |                    |                        |                        |                |       |            |                          |                   |                        | 451110                | 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.  |
| 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 (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. |

| <b>Use</b>  | <b>AG Agriculture</b> | <b>R-1 (Residential Single-Family)</b> | <b>R-2 (Residential Two-Family)</b> | <b>R-3 (Residential Low-Density MF)</b> | <b>R-4 (Residential Medium Density MF)</b> | <b>O (Office)</b> | <b>C-1 (Neighborhood Center)</b> | <b>C-2 (Community Center)</b> | <b>C-3 (Regional Center)</b> | <b>C-4 (Corridor Commercial)</b> | <b>BP (Business Park)</b> | <b>M-1 (Light Industrial)</b> | <b>M-2 (Heavy Industrial)</b> | <b>M-3 (Intense Industrial)</b> | <b>D (Downtown)-Core</b> | <b>D (Downtown)-Mixed Use</b> | <b>D (Downtown)-Santa Fe</b> | <b>LBCS Function</b>   | <b>LBCS Structure</b>  | <b>NAICS</b>  | <b>Definition</b>  |
|---|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|--|------------------------|---------------|--|
| Laundry, coin operated  |                       |  |                                     |   |  |                   | P                                | P                             | P                            | P                                |                           |                               |                               |                                 | P                        |                               | P                            |  |                        | 8123          | 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   |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              | 2300   |                        | 531110        | 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 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                             |                                 | P                        | P                             | P                            | 2333<br>2335   |                        | 5322,<br>5323 | Establishments that 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                             |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | S                             | S                             |                                 | P                        | P                             | P                            |  |                        |               | 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<br>-<br>2455<br>5140<br>-<br>5160<br>6200<br>-<br>6220<br>6800<br>-<br>6820 | 2300<br>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<br>-<br>2455<br>5140<br>-<br>5160<br>6200<br>-<br>6220<br>6800<br>-         | 2300,<br>2400,<br>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.   |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |               |                |       |   | M-3 (Intense Industrial)  | D (Downtown)-Core      | D (Downtown)-Mixed Use   | D (Downtown)-Santa Fe   |
| Mixed use, Vertical<br>(includes Residences<br>located over storefronts) |   |                                 |                              |                                  | P                                   | S          | P                         | P                      | P                     | P                         |                    |                        |                        |               | P              | P     | P   | 6820<br>2200<br>-<br>2455<br>5140<br>-<br>5160<br>6200<br>-<br>6220<br>6800<br>6820 | 2300,<br>2400,<br>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 -----<br>----- |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        | 2550          |                | 72233 | Establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts. |   |                        |  |   |
| Monument dealers<br>(tombstones and<br>markers)                          |   |                                 |                              |                                  |                                     |            |                           |                        |                       | P                         |                    | P                      | P                      |               | P              | P     | P   |   | 45399<br>8             | Establishments that buy or sell finished monuments or tombstones, or semifinished monuments and tombstones with no work other than polishing, lettering, or shaping to custom order.   |   |
| Motor vehicles, all<br>types,<br>sales/leasing/rental                    |   |                                 |                              |                                  |                                     |            |                           |                        | S                     | S                         |                    | S                      | S                      |               |                |       |   | 2111  | 4411,<br>4412          | Establishments that sell automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, motor homes and RVs, boats and similar equipment, include storage and incidental maintenance.   |   |
| Motor Vehicles, internet<br>sales, no outdoor<br>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<br>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 /<br>Internet Retail                                     |   |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     | P                         | P                  | P                      | P                      |               | P              | P     | P   | 2144<br>2580  | 454,<br>42511<br>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<br>equipment store                                     |   |                                 |                              |                                  |                                     |            | 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   | 2310<br>-<br>2322<br>2336<br>-<br>2455<br>4210<br>4212<br>4241<br>,                 | 2100                   | 11511<br>5,<br>23611<br>8, 511,<br>51791<br>-<br>1,<br>51911,<br>51913,<br>523-<br>525,<br>531,<br>533,<br>5411-<br>5418,  | 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, landscape design, law and real estate offices, drafting), information services |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |               |                |       |            | M-3 (Intense Industrial)  | D (Downtown)-Core | D (Downtown)-Mixed Use   | D (Downtown)-Santa Fe  |  |
|   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            | 4243<br>-<br>5140<br>-<br>5160<br>-<br>6200<br>-<br>6220<br>-<br>6800<br>-<br>6820<br>-<br>9210 |                   | 5611-<br>5616,<br>56192,<br>54191,<br>54193,<br>54199,<br>55,<br>6117,<br>4885,<br>7113-<br>7115,<br>8132-<br>8133,<br>813,<br>921,<br>92213<br>-<br>92219,<br>923-<br>928 | (such as print or software publishing, internet publishing and broadcasting, web search portals), and production of intellectual property. It includes research and development, scientific and technical research services that do not involve laboratory facilities. It excludes medical offices or clinics, banks/financial services, and offices that are incidental to retail, production, storage or other activities. |  |
| Optical Goods Stores                        |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     |                           |                    |                        |                        |               | P              | P     | P          | 2163  |                   | 44613<br>0   | Establishments primarily engaged in one or more of the following: (1) retailing and fitting prescription eyeglasses and contact lenses; (2) retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; and (3) selling nonprescription eyeglasses.   |  |
| Pawnshops                                   |                |                                 |                              |                                  |                                     |            | P                         | P                      |                       |                           |                    |                        |                        |               | P              | P     | P          | 2145  |                   | 4533,<br>52229<br>8  | Includes any pawnbroker or precious metal dealer (see 5.42 of the Municipal Code).   |  |
| Payday Loan Business or Title Loan Business |                |                                 |                              |                                  |                                     |            |                           | P                      | P                     |                           |                    |                        |                        |               |                |       |            |   |                   |  | See Municipal Code § 5.43.010.   |  |
| Personal services                           |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     | P                         |                    |                        |                        |               | P              | P     | P          | 2600  |                   | 8121   | The provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, nail salons, tanning salons, massage therapy (see Chapter 5.36 of the Municipal Code), electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), self-service laundries and photographic studios.   |  |
| Pet store                                   |                |                                 |                              |                                  |                                     |            | P                         | P                      | P                     | P                         |                    |                        |                        |               | P              | P     | P          | 2710  |                   | 45391<br>0   | Establishments primarily engaged in retailing pets, pet foods, and pet supplies.   |  |
| Pharmacy and drugstore                      |                |                                 |                              |                                  |                                     |            | P                         | P                      | P                     | P                         |                    |                        |                        |               | P              | P     | P          | 2161  |                   | 44611<br>0   | Establishments known as pharmacies and drug stores engaged in retailing prescription or nonprescription drugs and medicines.   |  |
| Real estate Services                        |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     | P                         | P                  | P                      |                        |               | P              | P     | P          | 2300<br>-<br>2335   |                   | 53121  | Establishments primarily engaged in acting as agents in at least one or more of the following: (1) selling real estate for others; (2) buying real estate for others; and (3) renting real estate for others. This also includes establishments providing real estate services such as (4) appraising real estate; (5) property management; appraisal, and (6) any other real estate related services.                       |  |
| Repair services                             |                |                                 |                              |                                  |                                     |            |                           |                        |                       | P                         | P                  | P                      |                        |               | P              | P     | P          |   |                   | 2280   | 8111-<br>8114  | An establishment providing repair or restoration services for vehicles, machinery and equipment, personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture and leather goods. This classification excludes building maintenance 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,   |  |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |                |       |            | M-3 (Intense Industrial)   | D (Downtown)-Core         | D (Downtown)-Mixed Use  | D (Downtown)-Santa Fe   |
| Restaurant or snack bar, accessory             |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     | P                         | P                  | P                      |                        | P              | P     | P          | 2520<br>2530   |                           | diner, snack shop, hamburger shop and steak house. (Ord. 02-54 § 2, 2002)   |   |
| Restaurant, Full Service                       |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     | P                         |                    |                        |                        | P              | P     | P          | 2510   | 72251<br>1,<br>72251<br>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       |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     |                           | S                  | S                      |                        | P              | P     | P          | 2520   | 72251<br>3,<br>72251<br>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, generally (not otherwise listed) |                |                                 |                              |                                  |                                     | P          | P                         | P                      | P                     |                           | S                  | S                      |                        | P              | P     | P          | 2000<br>2100<br>2101<br>2121<br>2124<br>2125<br>2131<br>2135<br>2143 | 2200<br>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.  |
| Sales and service, large vehicles              |                |                                 |                              |                                  |                                     |            |                           |                        |                       | S                         | S                  | S                      |                        |                |       |            | 2114   |                           | 44121<br>0,<br>44122<br>2,<br>44122<br>8,<br>44122<br>9,<br>53212<br>0  | 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<br>2455   |                           | 5617,<br>56162<br>2   | 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   |                           | 4452  | Establishments primarily engaged in   |

| Use  | LBCS Function  |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        | LBCS Structure | NAICS | Definition |                          |                   |                        |  |  |
|--|----------------|---------------------------------|------------------------------|----------------------------------|-------------------------------------|------------|---------------------------|------------------------|-----------------------|---------------------------|--------------------|------------------------|------------------------|----------------|-------|------------|--------------------------|-------------------|------------------------|--|--|
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|  |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                |       |            |                          | 2154              |                        | 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     |                |                                 |                              |                                  |                                     |            | S                         | 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 one of more of the following: (1) reupholstering furniture; (2) refinishing furniture; (3) repairing furniture; and (4) repairing and restoring furniture (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 building/storefront. Examples include antique stores, used book stores, and used clothing stores.   |  |
| 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)  |

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|---|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|---------------------------------|-----------------------|--------------------------------|--|
| <b>Vehicle Services</b>   |                       |  |                                     |   |  |                   |                                  | P                             | P                            | P                                |                           |                               |                               |                                 |                          |                               |                              | 2110                            | 2280                  | 81119<br>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.  |
| <b>Video/audio sales and/or rental</b>                          |                       |  |                                     |   |  |                   |                                  | P                             | P                            | P                                |                           | S                             | S                             |                                 | P                        | P                             | P                            |                                 |                       | 53223<br>0                     | Establishments primarily engaged in renting prerecorded video tapes and discs for home electronic equipment.   |
| <b>Woodworking shops</b>  |                       |  |                                     |   |  | P                 | P                                | P                             | P                            | P                                |                           | P                             | P                             |                                 | P                        | P                             | P                            |                                 |                       | 337,<br>44419<br>0             | Establishments that make furniture, cabinets, or similar items from logs or lumber, for sale on the premises. Processes include carpentry or wood crafting.  |
| <b>Automobile storage or towing (excluding junked vehicles)</b> |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | P                             | P                             |                                 |                          |                               |                              | 4138                            |                       | 48841<br>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.   |
| <b>Bottling works</b>   |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  | P                         | P                             | P                             |                                 |                          |                               |                              | 2613,<br>2620,<br>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.  |
| <b>Brewery/Tasting Rooms</b>                                    |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  | P                         | P                             | P                             | S                               | S                        | S                             |                              |                                 |                       | 31212<br>0                     | This industry comprises establishments primarily engaged in brewing beer, ale, malt liquors, and non-alcoholic beer.   |
| <b>Building contractor without outdoor storage</b>              |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  | P                         | P                             | P                             | P                               | P                        | P                             |                              | 7110<br>-<br>7450               |                       | 236                            | Establishments primarily responsible for the construction of buildings. The work performed may include new work, additions, alterations, or maintenance and repairs.   |
| <b>Carpentry, floor, and tile contractor</b>                    |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  | P                         | 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   |
| <b>Computer and Electronic Product Manufacturing</b>            |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  | P                         | P                             | P                             | P                               |                          |                               |                              | 2613,<br>2614,<br>2620,<br>2621 |                       | 334                            | Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.  |
| <b>Construction and contractors</b>                             |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | P                             | P                             |                                 |                          |                               |                              |                                 |                       | 23611<br>5-<br>23611<br>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. |
| <b>Crematories</b>  |                       |  |                                     |   |  |                   |                                  | 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.   |



| <b>Use</b>  | <b>AG Agriculture</b> | <b>R-1 (Residential Single-Family)</b> | <b>R-2 (Residential Two-Family)</b> | <b>R-3 (Residential Low-Density MF)</b> | <b>R-4 (Residential Medium Density MF)</b> | <b>O (Office)</b> | <b>C-1 (Neighborhood Center)</b> | <b>C-2 (Community Center)</b> | <b>C-3 (Regional Center)</b> | <b>C-4 (Corridor Commercial)</b> | <b>BP (Business Park)</b> | <b>M-1 (Light Industrial)</b> | <b>M-2 (Heavy Industrial)</b> | <b>M-3 (Intense Industrial)</b> | <b>D (Downtown)-Core</b> | <b>D (Downtown)-Mixed Use</b> | <b>D (Downtown)-Santa Fe</b> | <b>LBCS Function</b> | <b>LBCS Structure</b>  | <b>NAICS</b>   | <b>Definition</b>   |
|---|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|----------------------|------------------------|--|---|
| <b>Data Processing, hosting, and related services</b>           |                       |  |                                     |   |  | 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.   |
| <b>Explosives manufacturing/storage</b>                         |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               | S                             |                                 |                          |                               |                              | 3320                 | 2620, 2621             | 33299 2-33299 5, 32592, 32599 8  | Establishments primarily engaged in manufacturing ammunition, ordnance, or explosives such as dynamite.   |
| <b>Extractive industries</b>                                    | 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. |   |
| <b>Food and Beverage Manufacturing</b>                          |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | 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.   |
| <b>Fuel oil distribution</b>                                    |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | P                             | P                             |                                 |                          |                               |                              |                      |                        | 45431  | Establishments primarily engaged in retailing heating oil, liquefied petroleum (LP) gas, and other fuels via direct selling.  |
| <b>Jewelry and Silverware manufacturing</b>                     |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  | 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 compacts 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.  |
| <b>Junk yards, salvage yards, and auto and scrap processing</b> |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               | 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 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. (Ord. 08-104 § 9, 2008) A "salvage yard" is 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. (Ord. 02-54 § 2, 2002) This category includes any scrap metal dealer (see Chapter 5.52 of |

| 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) | 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<br>7000                                | 6320                            | 56221<br>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<br>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<br>2,<br>56221<br>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 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<br>-<br>3230<br>,<br>3400<br>-<br>3520 | 2613,<br>2614,<br>2620,<br>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,<br>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,<br>2620,<br>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,<br>2620                   | 31121<br>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 Manufacturing                                       |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | P                      | P                      |                          |                   |       |            | 3370  | 2613,<br>2620,<br>2621          | 336                       | Includes automobiles, trucks, transportation equipment, aircraft, boat, railroad, and similar items.  |
| Office Supply, inks, etc. manufacturing (except paper)            |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           | P                  | P                      | P                      |                          |                   |       |            | 3430  | 2613,<br>2620,<br>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,<br>21311<br>1        | See Section 18.50.065.  |
| Paper Manufacturing   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | P                      | P                      |                          |                   |       |            | 3220  | 2613,<br>2620,                  | 322                       | Establishments that transform metal into intermediate or end products (other than   |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |               |                |       |            | M-3 (Intense Industrial) | D (Downtown)-Core       | D (Downtown)-Mixed Use   | D (Downtown)-Santa Fe   |
|   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            | 2621                     |                         | machinery, computers and electronics) and metal furniture, or treat metals and metal formed products fabricated elsewhere. |   |
| Petroleum and coal products manufacturing               |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        | 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<br>1-<br>32312<br>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 post press 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                      | 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                  | P                      | 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                      | 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<br>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 Byproduct Processing                 |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | P                      | P                      |               |                |       |            | 3110                     | 2613, 2620              | 31161<br>3   | Establishments primarily engaged in rendering animal fat, bones, and meat scraps.   |
| Research and development                                |                |                                 |                              |                                  |                                     | P          | S                         | S                      | P                     | P                         | P                  | P                      | P                      | P             | P              | P     | P          | 2416<br>3000<br>6320     | 2614                    | 5417,<br>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,             | 33995  | Establishments primarily engaged in manufacturing signs and related displays  |

| 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) |               |                |       |            | M-1 (Light Industrial) | M-2 (Heavy Industrial) | M-3 (Intense Industrial) | D (Downtown)-Core      | D (Downtown)-Mixed Use  | D (Downtown)-Santa Fe   |
|  |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |               |                |       |            |                        |                        | 2621                     |                        | of all materials (except printing paper and paperboard signs, notices, displays). |   |
| Textile, Clothing, and Leather Manufacturing                 |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | 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                   | 332710  | 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              |       |            |                        |                        | 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.   |
| Mini-Warehouse   |                |                                 |                              |                                  |                                     |            |                           | P                      | P                     |                           | P                  | P             | P              |       |            |                        |                        | 2700                     | 2710<br>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<br>-<br>2782      | 424710  | 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                                  |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |               | P              |       |            |                        |                        | 3600                     |                        | 493190  | 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 |                |                                 |                              |                                  |                                     |            |                           |                        |                       | P                         | S                  | P             | P              | P     |            |                        |                        | 3500<br>-<br>3600        | 2730<br>2740<br>2760   | 42,<br>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: <ul style="list-style-type: none"> <li>When located within the Industrial Revenue Bond (IRB) Target Areas according to City Council Policy F-5. OR</li> <li>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).</li> </ul> |

| 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  |  |
|   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            |                          |                   |                        |  | OR<br>• When located outside of the IRB area with a Special Use Permit.      |
| <b>Adult business establishments</b>                                |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        | P             |                |       |            |                          |                   |                        |  | See definition in Chapter 5.50. (Ord. 02-54 § 2, 2002, Ord. 08-20 § 6, 2008) |
| <b>Amphitheater, outdoor stage, bandstand, or similar structure</b> | S              |                                 |                              |                                  |                                     |            |                           | S                      |                       | S                         |                    | S                      | S                      |               | S              | S     | S          |                          | 3130, 6970        |                        |  |  |
| <b>Amusement parks</b>  | S              |                                 |                              |                                  |                                     |            |                           |                        |                       | P                         |                    | S                      | S                      |               | S              | S     | S          | 5310                     | 4440              | 71311 0                | 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.   |  |
| <b>Amusement, indoor</b>  |                |                                 |                              |                                  |                                     |            | S                         | S                      | S                     | S                         |                    | S                      | S                      |               | P              | P     | P          | 5320                     |                   | 71312 0                | Includes game arcades.   |  |
| <b>Aquarium or Planetarium</b>                                      |                |                                 |                              |                                  |                                     |            |                           |                        | S                     | P                         |                    | S                      | S                      |               | P              | P     | P          | 4420 4430                |                   | 71211 0                | Establishments primarily engaged in preservation and exhibition of objects of historical, cultural, and/or educational value.  |  |
| <b>Art gallery</b>  |                |                                 |                              |                                  |                                     |            | P                         | P                      | P                     | P                         |                    | S                      | S                      |               | P              | P     | P          | 2142                     | 4410              | 45392 0                | 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.   |  |
| <b>Artist Studio</b>  |                |                                 |                              |                                  | P                                   |            | S                         | P                      | P                     | P                         |                    | S                      | S                      |               | P              | P     | P          | 5160                     | 4410              | 71151 0                | 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.   |  |
| <b>Club or Lodge, Membership</b>                                    | 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) |  |
| <b>Community center</b>   |                | 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 community.  |  |
| <b>Conference and Retreat center</b>                                | S              |                                 |                              |                                  |                                     | P          |                           | P                      | P                     | P                         |                    | S                      | S                      |               | P              | P     | P          |                          | 3400              |                        | 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.   |  |

| 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  |   |
|--|--|---------------------------------|------------------------------|----------------------------------|-------------------------------------|------------|---------------------------|------------------------|-----------------------|---------------------------|--------------------|------------------------|------------------------|--------------------------|-------------------|------------------------|-----------------------|---------------|--------------------------------------|----------------------|---|---|
|  | See listing under Commercial / Mixed Use |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       |               |                                      |                      |   |   |
| Entertainment establishment              | See listing under Commercial / Mixed Use |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |                       |               |                                      |                      |   |   |
| Fairgrounds                              | S  |                                 |                              |                                  |                                     |            |                           |                        |                       |                           | S                  |                        | S                      | S                        |                   | S                      | S                     | S             | 5310                                 |                      | 71390   | 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                      | P                      | P                        |                   | 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.  |
| Museum / art gallery / cultural facility |  |                                 |                              |                                  |                                     |            | P                         | P                      | P                     | P                         | S                  | S                      | S                      |                          | P                 | P                      | P                     |               | 5210<br>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                                 |                      | 71210   | 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                      | P                      |                          |                   |                        |                       |               | 5300<br>5380                         | 3200                 | 71395,<br>71399   | Uses not specifically listed.   |
| Recreation, outdoor                      | S  |                                 |                              |                                  |                                     |            | S                         | S                      | S                     | S                         |                    | S                      | S                      |                          | S                 | S                      | S                     |               | 5120<br>5130<br>5310<br>5340<br>5350 | 3110<br>3140<br>3300 | 7112,<br>7131,<br>71121<br>2,<br>71391<br>-<br>71392,<br>71399,<br>72121<br>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                                 |                      | 71390   | An establishment that provides facilities for participant skating.  |
| Sports stadiums and arenas               | S  |                                 |                              |                                  |                                     |            |                           |                        |                       |                           | S                  | S                      | S                      |                          | S                 | S                      | S                     |               | 5120                                 | 3300                 | 71121<br>1  | A large facility primarily used for professional, semiprofessional 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                 | 51213<br>2  | An open lot devoted to primarily to showing motion pictures to patrons seated in vehicles.  |
| Theater, Movie                           |  |                                 |                              |                                  |                                     |            |                           | P                      | P                     | P                         |                    | S                      | S                      |                          | P                 | P                      | P                     |               | 5110                                 | 3120                 | 51213<br>1  | 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 multiple movie theaters.  |
| Theaters, performing arts                |  |                                 |                              |                                  |                                     |            | P                         | P                      | P                     | P                         |                    | S                      | S                      |                          | P                 | P                      | P                     |               | 5110                                 | 3110                 | 7111  | Establishments primarily engaged in producing live theatrical presentations such as musicals, operas, plays, comedy, dance presentations, and musical entertainment.  |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |               |                |       |            | M-3 (Intense Industrial) | D (Downtown)-Core | D (Downtown)-Mixed Use   | D (Downtown)-Santa Fe  |
| Cemetery  | S              | S                               |                              |                                  |                                     |            |                           |                        |                       | P                         |                    |                        |                        |               |                |       |            | 4700                     | 812220            | 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                         |                    | S                      | S                      | S             |                |       |            | 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                     |                   | 624210   | 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                     |                   | 624190   | Includes family planning and outpatient care centers.  |
| Correctional Facility   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | S                      | S                      |               | S              | S     | S          | 6222                     | 4600              | 922140   | 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 Johnson County law enforcement agency or under contract with the Board of County Commissioners of Johnson County. Includes community correctional facilities, correctional facilities or juvenile detention facilities.  |
| Correctional office, parole / probation                       |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | S                      | S                      |               | S              | S     | S          |                          |                   | 922150   | 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, 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, aquariums and observatories.  |
| Funeral home or mortuary                                      | S              | S                               |                              |                                  |                                     |            |                           |                        |                       | 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 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              | 51912  | A facility engaged in maintaining  |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) |               |                |       |            | M-3 (Intense Industrial)                    | D (Downtown)-Core | D (Downtown)-Mixed Use | D (Downtown)-Santa Fe  |
|   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |               |                |       |            |   |                   | 0                      | 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<br>-<br>6511<br>-<br>6512<br>-<br>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; 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  |                   | 49111<br>0             | 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<br>-<br>6430                           | 4500<br>-<br>4530 | 92212,<br>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              | P     | P          | 6124<br>-<br>6126<br>-<br>6140<br>-<br>6147 | 4230              | 6114-<br>6116          | Includes training in alternative, adult, 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              | P     | P          | 6130  | 4220              | 6112-<br>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<br>-<br>6124                           | 4200,<br>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<br>-<br>6124                           | 4200,<br>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.   |
| Social Services   |                |                                 |                              |                                  |                                     |            |                           | P                      | P                     | P                         |                    |                        |                        |               |                |       |            | 6560<br>-<br>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  |



| Use  | LBCS Function  |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        | LBCS Structure           |                   |                        | NAICS | Definition               |                          |                           |   |  |   |
|--|----------------|---------------------------------|------------------------------|----------------------------------|-------------------------------------|------------|---------------------------|------------------------|-----------------------|---------------------------|--------------------|------------------------|------------------------|--------------------------|-------------------|------------------------|-------|--------------------------|--------------------------|---------------------------|---|--|---|
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|  |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |       |                          |                          |                           |   |  | 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). |
| <b>Airport landing strip (field or strip only)</b>   | S              |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        | S                      | S                        | S                 |                        |       |                          | 4110 - 4114              | 5610                      | 481   | A landing area solely for takeoff and landing of aircrafts.  |   |
| <b>Airport</b>   | S              |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        | S                      | S                        | S                 |                        |       |                          | 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)                              |   |
| <b>Bus/Truck maintenance, including repair and storage</b>                                     |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        | 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. |   |
| <b>Cable networks and distribution</b>   |                |                                 |                              |                                  |                                     |            |                           | P                      | P                     | P                         | P                  | P                      | P                      | P                        | P                 | P                      |       | 4232                     |                          |                           |   |  |   |
| <b>Environmental monitoring stations</b>   | S              | S                               | S                            | S                                | S                                   | P          | P                         | P                      | P                     | P                         | P                  | S                      | S                      |                          | S                 | S                      | S     |                          | 6600                     |                           |   |  |   |
| <b>Freight terminals &amp; truck terminals</b>   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    | P                      | P                      | P                        |                   |                        |       | 4122 - 4140 - 4144       | 5700 - 5720              | 48211, 4841- 4842         |   |  |   |
| <b>Gas or electric generation distribution facilities, compressor stations, or substations</b> | S              |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        | S                      | S                        |                   |                        |       | 4180 - 6422, 6440 - 6460 | 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.  |  |   |
| <b>Hazardous waste storage or treatment facility</b>   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        | S                      | S                        |                   |                        |       | 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. |  |   |
| <b>Heliport</b>  | S              |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |       |                          | 5640                     |                           | Facilities intended solely for takeoff and landing of helicopters.  |  |   |
| <b>Incinerator, Commercial</b>   |                |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        | P                        |                   |                        |       | 4344                     | 6330                     | 56221 3                   | Facilities operating combustors and incinerators for the disposal of nonhazardous solid waste. These establishments may produce byproducts, such as electricity and steam.  |  |   |
| <b>Media Production</b>  |                |                                 |                              |                                  |                                     |            |                           |                        |                       | 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  |  |   |

| <b>Use</b>  | <b>AG Agriculture</b> | <b>R-1 (Residential Single-Family)</b> | <b>R-2 (Residential Two-Family)</b> | <b>R-3 (Residential Low-Density MF)</b> | <b>R-4 (Residential Medium Density MF)</b> | <b>O (Office)</b> | <b>C-1 (Neighborhood Center)</b> | <b>C-2 (Community Center)</b> | <b>C-3 (Regional Center)</b> | <b>C-4 (Corridor Commercial)</b> | <b>BP (Business Park)</b> | <b>M-1 (Light Industrial)</b> | <b>M-2 (Heavy Industrial)</b> | <b>M-3 (Intense Industrial)</b> | <b>D (Downtown)-Core</b> | <b>D (Downtown)-Mixed Use</b> | <b>D (Downtown)-Santa Fe</b> | <b>LBCS Function</b> | <b>LBCS Structure</b>          | <b>NAICS</b>               | <b>Definition</b>   |   |
|---|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|----------------------|--------------------------------|----------------------------|---|---|
|   |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               |                               |                                 |                          |                               |                              |                      |                                |                            | 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 |   |
| <b>Parking lots, Surface, as Principal Use</b>                  | S                     |  |                                     |   | S  |                   |                                  | S                             | S                            | P                                |                           | P                             | P                             |                                 | P                        | P                             | P                            |                      | 5210<br>5220                   | 81293                      | A parking lot where the spaces are the principal use of the property, not in a covered building, and where the surface is composed of porous pavement or similar surface that complies with Chapter 18.30.  |   |
| <b>Parking lots, underground or structure, as principal use</b> |                       |  |                                     |   |  | P                 |                                  | S                             | S                            | P                                | P                         | P                             |                               |                                 | P                        | P                             | P                            |                      | 5230<br>-<br>5250              | 81293                      | A parking lot where all spaces are provided in a covered building.  |   |
| <b>Power generation plants</b>                                  | S                     |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | P                             | P                             |                                 |                          |                               |                              |                      | 6430<br>-<br>6434              |                            | Plant facilities and equipment for the purpose of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.   |   |
| <b>Public transportation facility</b>                           | S                     |  |                                     |   | P  | P                 | P                                | P                             | P                            | P                                | P                         | P                             |                               |                                 | P                        | P                             | P                            |                      | 4121<br>-<br>4130<br>-<br>4135 | 3900<br>-<br>3940,<br>5300 | 485,<br>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.   |
| <b>Public utility storage and service yards</b>                 | S                     | S                                      |                                     |   |  |                   |                                  |                               |                              |                                  |                           | P                             | P                             |                                 |                          |                               |                              |                      |                                |                            |   |   |
| <b>Radio and television broadcasting or recording studio</b>    |                       |  |                                     |   |  | P                 |                                  |                               |                              | P                                | P                         | P                             |                               |                                 | P                        | P                             | P                            |                      | 4231                           | 6510                       | 5151-<br>5152   | Broadcasting and other communication services accomplished through electronic mechanisms. This classification includes radio, television or recording studios, switching centers and cable transmitting stations.   |
| <b>Railroad facilities</b>                                      | S                     |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           | P                             | P                             | P                               |                          |                               |                              |                      | 4123                           | 5700<br>-<br>5720          | 4882  | Railroad land used for through tracks, or areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.  |
| <b>Solar Energy</b>   | S                     | S                                      | S                                   | S                                       | S  | S                 | S                                | S                             | S                            | S                                | S                         | P                             | P                             | P                               |                          | S                             | S                            | S                    |                                | 6460                       | 22111<br>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   |
| <b>Waste collection</b>   | S                     | S                                      | S                                   | S                                       | S  |                   |                                  |                               |                              | S                                |                           | S                             | S                             |                                 | S                        | S                             | S                            |                      | 4343<br>-<br>4346              |                            | 56211<br>1,<br>56211<br>9,<br>56292<br>0  | 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. |
| <b>Solid Waste Landfill</b>                                     |                       |  |                                     |   |  |                   |                                  |                               |                              |                                  |                           |                               | S                             |                                 |                          |                               |                              |                      | 4345                           | 6320                       | 56221<br>2,   | 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.  |

| 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) | M-1 (Light Industrial) | M-2 (Heavy Industrial) | M-3 (Intense Industrial) | D (Downtown)-Core | D (Downtown)-Mixed Use |               |   |   |  | D (Downtown)-Santa Fe  |
| Stormwater management / flood control facilities  | P               | P                               | P                            | P                                | P                                   | P          | P                         | P                      | P                     | P                         | P                  | P                      | P                      | P                        | P                 | P                      | P             | 6220<br>-<br>6240   | 23799<br>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 (Wireless)  | See § 18.50.210 |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        | 4233          | 6500  | 5173,<br>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  | 51731<br>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, principal use   | S               | S                               | S                            | S                                | S                                   | S          | S                         | S                      | S                     | S                         | S                  | S                      | S                      | S                        | S                 | S                      | S             | 4310<br>-<br>4340<br>-<br>4343<br>-<br>4347   | 6100<br>-<br>6162,<br>6310<br>-<br>6314,<br>6350<br>-<br>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<br>-<br>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<br>5  | A Wind Energy Conversion System (WECS) as defined in Chapter 18.50.  |  |
| <b>Agriculture</b>  |                 |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |               |   |   |  |  |
| Agriculture and Agricultural Support Functions (including raising of crops and pasturing livestock) | P               |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |               | 9100<br>-<br>9155<br>-<br>9230<br>-<br>9300<br>-<br>9350<br>-<br>9373<br>-<br>9500<br>-<br>9520<br>9380 | 8100<br>8210,<br>8230<br>-<br>8300,<br>8600,<br>8800<br>-<br>8900 | 111-<br>11133<br>-<br>9,<br>112-<br>11221<br>0,<br>113-<br>114<br>115  | 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. (Ord. 02-54 § 2, 2002) |
| Concentrated Animal Feeding Operations (CAFO's)   | S               |                                 |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |               | 8300<br>-<br>8450   | 112   |  |  |
| Forestry, Commercial  | P               | P                               |                              |                                  |                                     |            |                           |                        |                       |                           |                    |                        |                        |                          |                   |                        |               | 9400<br>-<br>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  | P               |                                 |                              |                                  |                                     |            |                           |                        |                       |                           | P                  | P                      |                        |                          |                   |                        |               | 9140  | 8500  | 1114   | An enclosed structure with or without climate control facilities for growing plants and vegetation under controlled environments.  |

| <b>Use</b>                                   | <b>AG Agriculture</b> | <b>R-1 (Residential Single-Family)</b> | <b>R-2 (Residential Two-Family)</b> | <b>R-3 (Residential Low-Density MF)</b> | <b>R-4 (Residential Medium Density MF)</b> | <b>O (Office)</b> | <b>C-1 (Neighborhood Center)</b> | <b>C-2 (Community Center)</b> | <b>C-3 (Regional Center)</b> | <b>C-4 (Corridor Commercial)</b> | <b>BP (Business Park)</b> | <b>M-1 (Light Industrial)</b> | <b>M-2 (Heavy Industrial)</b> | <b>M-3 (Intense Industrial)</b> | <b>D (Downtown)-Core</b> | <b>D (Downtown)-Mixed Use</b> | <b>D (Downtown)-Santa Fe</b> | <b>LBCS Function</b> | <b>LBCS Structure</b> | <b>NAICS</b> | <b>Definition</b>   |
|--|-----------------------|--|-------------------------------------|---|--|-------------------|----------------------------------|-------------------------------|------------------------------|----------------------------------|---------------------------|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|------------------------------|----------------------|-----------------------|--------------|---|
| Greenhouse, Accessory to Florist Shop        |                       |  |                                     |   |  |                   | S                                | S                             | P                            | P                                |                           |                               |                               |                                 | S                        | S                             | S                            |                      | 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                  | 713990       | A structure or premises for the keeping of horses, ponies or mules. (Ord. 02-54 § 2, 2002)  |

**SECTION EIGHTEEN:** Section 18.30.070 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**~~“18.30.070—Building Design Standards~~**

**~~A.—Generally~~**

~~Refer to Chapter 18.15 for building design requirements by zoning district.~~

~~↔ See Building Design Composite Categories in Chapter 18.15. (Ord. 15-16 §3, 2015)~~

**SECTION NINETEEN:** Section 18.50.040 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**“18.50.040 Drive-Through**

**A. Applicability**

This section applies to any drive-in or drive-through service, defined as follows:

**Drive-in service** The service of food or other goods, services or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose. (Ord. 02-54 § 2, 2002)

**Drive-through service** Service where sales occur or patrons are served through a window or other wall opening, door, or mechanical device while remaining in their motor vehicles. Any products served to patrons are normally not consumed on the premises.

**B. Compatibility**

Drive-through service ~~shall~~ must be developed in accordance with the following criteria:

1. Order boxes ~~shall~~ must be located at least fifty (50) feet from property zoned AG, any residential zoning district, or the residential portion of any Planned Development.
2. Speakers within order boxes ~~shall~~ must be directed away from property zoned AG, any residential zoning district, or the residential portion of any Planned Development.
3. Solid screening ~~shall~~ must be provided between order stations and property zoned AG, any residential zoning district, or the residential portion of any Planned Development.
4. Drive-through windows ~~shall~~ will not face public streets.

**C. Drive-in and Drive-through Stacking Distance Requirements**

1. Drive-in and drive-through facilities ~~shall~~ must provide a minimum stacking length as provided in Table 18.50.40-1 Drive-Through Stacking Length, below. The stacking lengths provided below are in addition to any aisle or parking space.

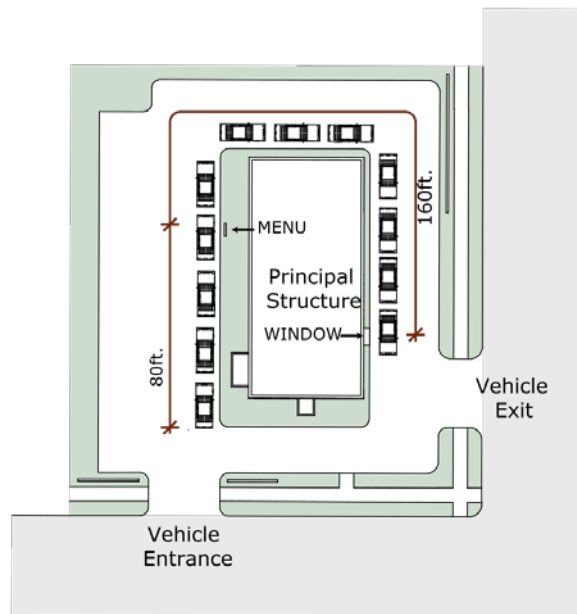
**Table 18.50.40-1. Drive-Through Stacking Length**

| <u>Type of Operation</u>                          | <u>Minimum Stacking Length</u>                      |
|---|---|
| <b>Car wash - self-service, automatic</b>         | 80 feet/bay at entrance, 20 feet/bay at exit        |
| <b>Dry cleaning</b>                               | 40 feet/window                                      |
| <b>Eating places with drive-through service</b>   | 80 feet to the menu board, 160 feet to first window |
| <b>Financial Institution with drive-up ATM</b>    | 40 feet/window or kiosk                             |
| <b>Financial Institution with drive-up teller</b> | 80 feet/window or kiosk                             |
| <b>Gas stations</b>                               | 40 feet/pump  |

| <u>Type of Operation</u>           | <u>Minimum Stacking Length</u> |
|------------------------------------|--------------------------------|
| <b>Gated parking lot entrance</b>  | 20 feet/gate                   |
| <b>Gated unit or overhead door</b> | 20 feet/door                   |
| <b>Pharmacy</b>                    | 80 feet/window                 |

2. Minimum pavement lane width ~~shall~~ must be twelve (12) feet. This length is in addition to any curb.

3. These minimum vehicle stacking requirements ~~shall~~ will remain in force, unless the developer or applicant can present a traffic study from a professional traffic engineer which provides verifiable evidence to allow the reduction of these minimum stacking lengths. Deviations from these stacking lengths ~~shall~~ will be approved by the City Traffic Engineer.



### **Vehicle Stacking for Eating Places with Drive-Through Service**

(Ord. 09-37 §13, 2009; Ord. 02-54 § 2, 2002)

#### **~~D. Drive-in and Drive-through Canopy Requirements~~**

~~A freestanding canopy covering a drive-through service or gas pumps shall must be developed in accordance with the following criteria:~~

~~1. The canopy shall must be integrated into the roof design of the principal structure, or incorporate roof shapes or massing that is similar to the principal structure.~~

~~2. All exterior canopy surfaces shall:~~

~~a. be composed of materials from composite materials category Class 1 or 2 (see § 18.15.020.B §18.15.020.F) that are similar to the principal structure, and~~

~~b. have a matte finish.~~

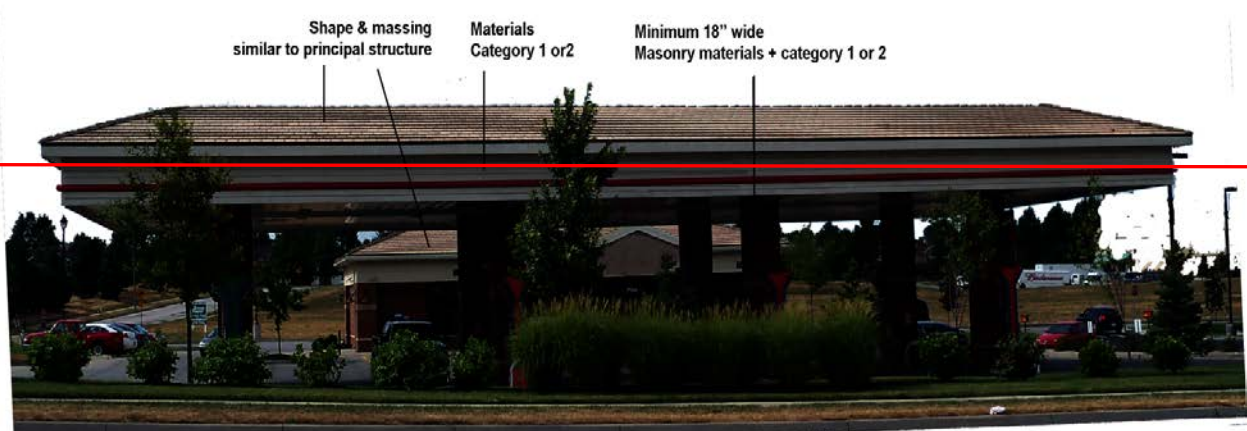
~~3. Canopy columns shall:~~

~~a. be clad primarily in masonry from composite materials category Class 1 or 2 (see § 18.15.020.B) that is compatible with materials used on the primary building façade, and~~

~~b. be at least eighteen (18) inches in width.~~

~~4. Canopies shall not incorporate strips or bands of neon light.~~

### **Gas Station Canopy Design"**



**SECTION TWENTY:** Section 18.50.220 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

**“18.50.220 Telecommunications Facilities**

*Purpose: This chapter ensures that residents and businesses have reliable access to wireless telecommunications networks while also protecting the health, safety, welfare, and aesthetic character of the community. The City of Olathe recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and a benefit to residents. This chapter is intended to ensure that the placement, construction, and modification of wireless telecommunications facilities complies with all applicable Federal and State laws and is consistent with the City’s land use policies, zoning, planning, and design standards. This chapter meets the following specific objectives:*

- *Ensure access to reliable wireless communications services throughout the City of Olathe.*
- *Encourage the reasonable use of disguised (stealth) facilities in residential areas, properties located in corridors with specific design guidelines and properties located near historically significant structures or districts.*
- *Encourage the location of new monopoles in nonresidential areas.*
- *Encourage the location of monopoles in areas where adverse impact on the community will be minimal.*
- *Minimize the potential adverse effects associated with the construction of monopoles through the implementation of reasonable design, landscaping and construction practices.*

**A. Applicability**

**1. Generally**

This section applies to broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, personal communication services paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless services, and wireless cable systems.



## 2. Exemptions

This section does not apply to:

- a. Amateur radio uses or private dispatch systems.
- b. Antennas used by residential households solely for broadcast radio and television reception.
- c. Satellite antennas used solely for residential or household purposes.
- d. Carrier-on-wheels (COW) placed for a period of not more than one hundred twenty (120) days at any location within the City of Olathe after a declaration of an emergency or a disaster by the Governor or by the responsible official of the City of Olathe. In nonemergency situations, COWs or other temporary communication towers require approval of a temporary sales and events permit (see Section [18.50.225](#)).
- e. Television and AM/FM radio broadcast towers and associated facilities.
- f. Facilities owned and operated by a Federally-licensed amateur radio station operator.

## 3. Functionally Equivalent Services

Section 704 of the Telecommunications Act of 1996 prohibits unreasonable discrimination among functionally equivalent services.

- a. The Approving Authority may waive any part of this section where the applicant demonstrates that the provision would violate the Federal ban on unreasonable discrimination among functionally equivalent services.
- b. For purposes of this section, the following are considered “functionally equivalent services”: CMRS, cellular, PCS, enhanced specialized mobile radio, specialized mobile radio and paging. The Approving Authority may also consider current case law, State or Federal legislation, or FCC rulings that define functionally equivalent services.
- c. For purposes of this section, telecommunications facilities provided for commercial purposes are not considered functionally equivalent services to:
  - (1) Public service/emergency systems and services; and
  - (2) Services exempt from this section (see subsection [A.2](#) of this section).

#### **4. Maintenance**

Ordinary maintenance of existing telecommunications facilities and support structures, as defined herein, is exempt from permitting requirements.

#### **B. Definitions**

The terms and phrases used in this section are defined as follows:

**Accessory Equipment** Any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

**Amateur Radio** Radio equipment and associated antennas or support structures operated for the purpose of receiving or transmitting communications by a radio station as described in Section [153](#)(g) of Title [47](#) of the U.S. Code and which is operated under license by the FCC.

**Antenna** Any structure or device used to collect or radiate electromagnetic waves for the provision of wireless services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas. A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals.

**Antenna Array** An assembly of antennas, whips, panels, discs or similar devices for a telecommunications provider or wireless service that are placed on a structure and spaced apart to avoid interference.

**Broadcast Systems** Wireless communication systems that are licensed for the broadcast of AM/FM radio or television.

**Camouflage** To paint or mount a wireless communication facility in a manner that requires minimal changes to the host structure and hides the facility in the context of its surroundings on the host structure. (*Compare "Disguised (Stealth) Telecommunications Facility."*)

**Carrier** A company licensed by the Federal Communications Commission (FCC) that provides wireless communication. A tower builder is not a carrier.

**"Carrier on Wheels" or "Cell on Wheels" (COW)** A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

**Cellular** A personal wireless service capable of transmitting and receiving voice that operates in the 800 MHz spectrum.

**Co-location** The act of siting telecommunications facilities:

- 1.** In the same location on the same support structure as other telecommunications facilities; or
- 2.** On an existing structure (for example: water tanks, towers, utility poles, building rooftops, etc.) without the need to construct a new support structure.

**Commercial Mobile Radio Services (CMRS)** Per Section 704 of the Telecommunications Act of 1996, any of several wireless communication technologies using radio signals at various frequencies to send and receive voice, data and video.

**Common Carrier Wireless Exchange Access Services** Services by which wireless communication is interconnected with wired communication infrastructure.

**Conceal** To enclose a wireless communication facility within a natural or man-made feature resulting in the facility being either hidden from view or made part of the feature enclosing it.

**Design** The appearance of wireless communication facilities as determined by selection of materials, colors, size, and shape.

**Disguised (Stealth) Telecommunications Facility** Any telecommunications facility that is integrated as an architectural feature or designed to blend with surrounding development or natural environment in a manner to minimize visual impacts and to not have the appearance of providing wireless service. Specifically, this means ensuring that all antennas, arrays, cables and other equipment used for providing communications service are not obtrusive or noticeably visible from adjacent properties or adjacent streets. Examples of disguised telecommunications facilities include, but are not limited to, structures designed to resemble trees, flag poles, steeples, crosses, clock towers or other building elements. (*Compare "Camouflage."*) Due to changing technologies and the use of new communications equipment, the City Planner has the discretion to determine if a telecommunications facility is designed as a disguised or stealth facility.

**Elevation** The measurement of height above sea level. Also, AMSL, or above mean sea level.

**Enhanced Specialized Mobile Radio (ESMR)** Private land mobile radio with telephone services.

**Equipment Shelter** An enclosed structure, cabinet, shed, or box at the base of or in the general proximity of a support structure within which are housed the equipment for the wireless communication facility such as radios, batteries, and electrical equipment.

**Federal Communications Commission (FCC)** An independent Federal agency charged with licensing and regulating wireless communication at the national level.

**Ground-mounted** Mounted on the ground.

**Guyed Tower** Any type of support structure that is supported in whole or in part by cables anchored to the ground or other surface.

**Lattice Tower** A type of support structure that consists of an open network of braces forming a tower that is usually triangular or square in cross section.

**Location** The area where a wireless communication facility is located or proposed to be located.

**Major Modifications** Improvements to existing telecommunications facilities or support structures that result in a substantial change to the facility or structure. Co-location of new telecommunications facilities on an existing support structure without replacement of the structure ~~shall~~ will not constitute a major modification. Major modifications include, but are not limited to, increasing the height of the support structure by more than ten (10) feet or ten (10) percent, whichever is greater, and expansion of the compound area for additional accessory equipment.

**Minor Modifications** Improvements to existing telecommunications facilities and support structures that result in some material change to the facility or support structure but of a level, quality, or intensity that is less than a substantial change. Such minor modifications include, but are not limited to, a one (1) time increase in the height of the support structure by less than ten (10) feet or ten (10) percent, whichever is greater.

**Modification** The changing of any portion of a telecommunications facility from its description in a previously approved permit.

**Monopole** A single, freestanding vertical pole supporting one (1) or more antennas.

**Ordinary Maintenance** Ensuring that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing, and modifications that maintain functional capacity, aesthetic and structure integrity (such as the

strengthening of the support structure foundation or the support structure itself). Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include minor and major modifications.

**PCS (Personal Communication Services)** A personal wireless service capable of transmitting and receiving voice, data, text, and video messaging that operates in the 1850 to 1990 MHz range.

**Paging** A personal wireless service that provides tone, text, and limited voice messaging that operates on several frequency ranges, usually in a limited geographic area.

**Personal Wireless Services** Any personal wireless service defined in the Federal Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and unlicensed wireless services, and common carrier wireless exchange access services.

**Private Dispatch System** Wireless communication systems that are licensed to one (1) user for exclusive use and not to be shared with, or leased to, other users.

**Public Service/Emergency System** Wireless communication systems operated by or for a governmental agency for the delivery of emergency or other public services.

**Radio Frequency (RF) Engineer** Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

**Radio Frequency Radiation (RFR)** The propagation of electromagnetic waves through space.

**Radio Frequency (RF) Signal** The actual beam or radio waves sent and received by telecommunications facility. A signal is the deliberate product of a telecommunications facility. The RF emission is the byproduct.

**Replacement** Constructing a new support structure of proportions and of equal height or such other height as would be allowed under the definition of minor modification to a preexisting support structure in order to support a telecommunications facility or to accommodate co-location, and removing the preexisting support structure.

**Roof-mounted** Mounted on the roof of a building.

**Screening** Decorative fencing or other materials, evergreen vegetation, or landscaped earth berms constructed and maintained for the purpose of concealing a telecommunications facility from view.

**Separation** The distance between one carrier's antenna array and another carrier's antenna array.

**Side-mounted** Mounted on the side of a building.

**Site** That portion of a subject property where a telecommunications facility is to be placed. Any acceptable location may have several potential sites within it.

**Siting** The method and form of placement of telecommunications facilities on a specific area of a subject property.

**Specialized Mobile Radio (SMR)** A form of dispatch or two (2) way communication used by companies that rent space or time from an SMR carrier. These are used primarily for delivery vans, truckers or taxis within a small, definable geographic area.

**Structure-mounted** Mounted on a structure other than a building.

**Support Structure** A structure designed to support telecommunications facilities including, but not limited to, monopoles and other freestanding structures.

**Telecommunications Facility** Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular service, personal communications service (PCS), and paging service. A telecommunications facility can consist of:

- One (1) or more antennas, antenna array, equipment shelter, guyed tower, lattice tower, location, monopole, site, support structure, and tower; and
- Accessory equipment; or
- One (1) or more base stations.

**Tower** A structure designed to support telecommunications facilities including, but not limited to, monopoles and other freestanding structures.

**Tower Builder** A company or individual that builds or manages support structures for wireless communication facilities.

**Unlicensed Wireless Services** Wireless communication services operating on public domain frequencies using duly authorized devices which do not require an FCC license for their sites.

**Wireless Cable System** Wireless communication services that provide point-to-multipoint communication for the provision of voice, data, text, and video that operate in the 2.1 to 2.8 GHz range.



**Wireless Communication** A comprehensive term describing the wireless services covered by this section, including: broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, personal communication services paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless services, and wireless cable system. Does not include amateur radio or private dispatch system.

## C. Where Permitted

### 1. Special Use Permit

- a. Except as provided in subsection [C.2](#) of this section, telecommunications facilities are allowed only upon approval of a special use permit (see Chapter [18.40](#)).
- b. The initial special use permit has a time limit of ten (10) years with subsequent renewals of ten (10) years each. At the time of renewal, the applicant ~~shall~~ [must](#) demonstrate that the telecommunications facility is still in compliance with the original conditions of approval.

### 2. By Right

The following telecommunications facilities are permitted by right in any zoning district, if they comply with all applicable requirements of this section.

- a. In nonresidential zoning districts:
  - (1) New facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other structures. This includes support structures up to twenty (20) feet above the building, or the maximum height permitted in the underlying zoning district, whichever is greater.
- b. In any zoning district, modification and/or replacement of support structures (light poles, flag poles, electrical poles, private dispatch towers, and similar structures) that do not make the existing structure significantly more visible or intrusive, including cumulative height extensions of up to ten (10) percent above the original structure height.
- c. In any zoning district, telecommunications facilities are allowed in the City right-of-way if the applicant has complied with all the requirements of Chapter [12.14](#), and has obtained a right-of-way permit from the City Engineer as required by such chapter.

## **D. General Requirements**

### **1. Generally**

#### **a. Legal Requirements**

All telecommunications facilities ~~shall~~ must comply with all Federal, State, and local rules and regulations.

#### **b. Locations**

Telecommunications facilities are allowed in the following locations:

- (1)** Mounted on top or the side of multistory buildings and other structures, appropriately concealed, screened, disguised or camouflaged.
- (2)** On existing poles in street rights-of-way, including telephone poles, electrical transmission and distribution poles, street lights, and traffic signal stanchions; on existing parking lot and athletic field/stadium light standards; and on modified or rebuilt poles that are substantially similar in appearance.
- (3)** On existing support structures, including those constructed for personal wireless services, AM/FM radio and television broadcast, school district microwave antennas and private dispatch systems.
- (4)** In wooded areas.
- (5)** At certain City owned properties, where the size and nature of the use does not interfere with other functions and allows for compatible siting. These may include water towers, large park areas, sewer treatment plant sites, and maintenance yards.

### **2. Concealing, Disguising, or Camouflaging**

Telecommunications facilities ~~shall~~ must ~~be~~:

- a.** Concealed within potential space in or on existing structures;
- b.** Disguised to look like another type of facility, like a flag pole, clock tower, tree, or church steeple;

- c. Placed in areas where trees and/or buildings obscure some or all the facility from view, or behind new plantings/screening installed around the site where visible from major street or residential areas; or
- d. Placed on existing walls, flush-mounted, or on building roofs (excluding single-family and duplex) and structures, up to twenty (20) feet above the existing structure, as opposed to building new ground-mounted support structures. Facilities on rooftops ~~shall~~ **must** be set back from roof edges or screened from view.

### **3. Modifications to Existing Facilities**

- a. **Minor modifications** to telecommunications facilities and support structures may be permitted upon the granting of administrative approval by the City Planner.
- b. **Major modifications** to telecommunications facilities and support structures may be permitted only upon approval of a special use permit by the Governing Body.

#### **(1) Platting**

Platting is not required to obtain a building permit where the underlying parent property has not been previously platted. (This supersedes the subdivision regulations in Section [18.40.140](#).)

#### **(2) Replacement**

Replacement (as defined above) of an existing support structure may be permitted upon the granting of administrative approval by the City Planner. In cases where a new support structure exceeds the height allowed under the definition of minor modification to a preexisting support structure, a special use permit is required. Replacement of nonconforming support structures must conform to subsection [J.3.e](#) of this section.

### **4. Setbacks**

#### **a. Commercial and Industrial Zoning Districts**

Unless otherwise stated, support structures ~~shall~~ **must** be set back from all platted property lines a distance equal to fifty (50) percent of the height of the structure measured from the base of the structure to its highest point (excluding lightning arrester). In addition, where

support structures are located on property zoned for commercial or industrial use that is adjacent to property zoned for residential use, the monopoles and towers ~~shall~~ must be set back from the residential property line a distance equal to the height of the structure measured from the base of the structure to its highest point. Setbacks for other structures are governed by the underlying zoning district.

#### **b. Agricultural and Residential Zoning Districts**

Unless otherwise stated, support structures ~~shall~~ must be set back from all platted property lines a distance equal to the height of the structure measured from the base of the structure to its highest point (excluding lightning arrestor). Setbacks for other structures are governed by the underlying zoning district.

#### **c. Measurement**

Unless otherwise stated, setbacks for support structures ~~shall~~ must be measured from the outermost point of the structure to the platted property line.

#### **d. Exceptions**

The Planning Commission may recommend and the Governing Body may approve, a deviation from the setback requirements if it finds that all of the following conditions are met:

- (1)** That the deviation is appropriate.
- (2)** 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 this application.
- (4)** That the deviation will not adversely affect the public health, safety or general welfare.

## 5. Height

### a. Agricultural, Commercial and Industrial Zoning Districts

Unless otherwise stated, the maximum height for support structures ~~shall~~ must be one hundred fifty (150) feet, excluding lightning arrestor.

### b. Residential and Mixed-Use Districts

New telecommunications facilities ~~shall~~ must be disguised facilities as defined above. The maximum height for disguised facilities ~~shall~~ must be one hundred twenty (120) feet, excluding lightning arrestor.

### c. In the City Right-of-Way

New telecommunications facilities in the City right-of-way ~~shall~~ will be subject to the following maximum height restrictions:

- (1) Fifty (50) feet along arterial streets;
- (2) Forty (40) feet along collector streets; and
- (3) Twenty (20) feet along residential streets.

## E. Design Standards

### 1. Access

- a. Paved access ~~shall~~ must be provided to all telecommunication equipment shelters and cabinets and to all telecommunication support structures.
- b. The Planning Commission, Governing Body or City Planner may waive this requirement if it is concluded that the goals of the City are better served by an alternative surface.
- c. Paved access is not required when co-locating telecommunications facilities on existing structures or buildings.

### 2. Accessory Structures

- a. Accessory equipment, including any buildings, cabinets, or shelters, ~~shall~~ must be used only to house equipment and other supplies in support of the operation of the

telecommunications facility or support structure. Any equipment not used in direct support of the operation ~~shall~~ will not be stored on the site.

- b.** An equipment building, shelter, or cabinet must not exceed five hundred sixty (560) square feet in area and twelve (12) feet in height.
- c.** Buildings or shelters must be faced with materials that are compatible with surrounding development.
- d.** Ground-level equipment ~~shall~~ must conform to the setbacks for accessory uses in the applicable zoning district.
- e.** Ground-level equipment ~~shall~~ must be enclosed by six (6) to eight (8) foot height security fencing, of a material compatible with its surroundings.
- f.** Equipment ~~shall~~ must be located indoors if space is available nearby. Burying equipment in an underground vault, to keep most of the equipment out of sight, may be necessary in rights-of-way and in some other visually/environmentally sensitive locations, such as tourist attractions, historic landmarks/districts, museum district, river corridor, and other locations of civic importance or architectural significance.
- g.** The Approving Authority may require additional screening or landscaping for stacked equipment buildings where needed to hide the buildings from surrounding parcels located in a residential or mixed-use district.

### **3. Antennas**

All anticipated antennas and mounting hardware ~~shall~~ must be shown on drawings for review. Mounting locations for multiple antennas on a single support structure ~~shall~~ must be coordinated in design, and spaced and balanced to give a planned and uncluttered appearance. Installation of additional antennas at new centerlines beyond those reflected in initial approvals may be approved administratively subject to subsection F of this section.

### **4. Cable/Conduit**

All cable runs should be through tower portals and within the tower itself. Where cable is required to be located on the exterior of tower for co-location of additional antennas, the cable ~~shall~~ must be painted to match the tower or covered by a material to match the tower.

## 5. Color

- a. Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the City of Olathe:
- b. The telecommunications facility ~~shall~~ must use colors, textures and materials that blend in with the existing environment;
- c. Surfaces ~~shall~~ must be painted, or otherwise treated, to:
  - (1) Match or complement existing background structures and surfaces, or the sky, as appropriate, and
  - (2) To minimize reflection;
- d. Support structures ~~shall~~ must be painted:
  - (1) A galvanized silver or gray finish, or
  - (2) Red and white where needed to avoid strobe lighting that would otherwise be required by applicable governing agencies.

## 6. Disguised (Stealth) Telecommunications Facilities

- a. Disguised telecommunications facilities must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. The structure used to support the antennas must meet the requirements of the underlying zoning district, including, but not limited to, height, setback, and use.
- c. The structure used to support the disguised facility must be integrated as an architectural feature or designed to resemble an object or structure that does not have the appearance of a monopole or other telecommunications facility.

## 7. Landscaping

In all districts the Governing Body, Planning Commission, or City Planner ~~shall~~ will have the authority to impose reasonable landscaping requirements surrounding accessory equipment. Required landscaping ~~shall~~ must be maintained by the facility owner. The Governing Body, Planning Commission, or City Planner may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the

judgment of Governing Body, Planning Commission, or City Planner, landscaping is not appropriate or necessary.

## **8. Lighting and Marking**

- a. Telecommunications facilities or support structures ~~shall~~ must not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- b. Nighttime lighting of or on telecommunications facilities is not permitted except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies.
- c. Strobe lights are not permitted.
- d. Lighting for security purposes is not permitted at the base of telecommunications facilities.
- e. Temporary lighting for nighttime repairs is permitted.

## **9. Security and Fencing**

Ground-mounted accessory equipment and support structures ~~shall~~ must be secured and enclosed with fencing not less than six (6) feet in height. Fencing ~~shall~~ must be constructed with materials and design compatible with surrounding development.

## **10. Signage**

No advertising or display is permitted on any telecommunications facility or related equipment, unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

## **11. Tower Design**

In order to minimize the silhouette presented by new support structures and antenna arrays:

- a. All new towers ~~shall~~ must be constructed of a monopole design. Guyed and self-support (lattice) towers are not permitted for telecommunications facilities.



b. Antennas ~~shall~~ must be mounted flush to the support structure where economically and technically feasible. Triangular “top-hat” antenna arrays are not permitted in a residential or mixed-use zoning district.

## **12. Disguised Facilities Required**

New telecommunications facilities ~~shall~~ must be disguised facilities or camouflaged if they are:

- a. Located in residential zoning districts, or within five hundred (500) feet of residential zoning districts;
- b. Located in mixed-use zoning districts;
- c. Located in the K-7 Corridor or North Ridgeview Road Corridor; or
- d. Located in ~~a Class A through C building design or Class~~ Site Design Category 1 through 3 ~~site design composite district~~ (see Chapter 18.15).

## **13. Wall- and Roof-Mounted Antennas**

- a. The maximum height (measured from the highest point) of any wall- or roof-mounted antenna ~~shall~~ must be fifteen (15) feet above the roofline.
- b. Wall- and roof-mounted antennas ~~shall~~ must be designed and located to minimize visual impact and ~~shall~~ must be architecturally compatible with the building.

## **14. Flight Path Obstruction**

New support structures ~~shall~~ must not be located in the flight paths of local airports where they would constitute a potential hazard to air safety.

## **F. Procedures for Approval**

### **1. Administrative Review Process**

- a. The following types of telecommunications facilities require administrative review approval:
  - (1) Co-location of telecommunications facilities on existing support structures.
  - (2) Telecommunications facilities on existing buildings.

- (3)** Minor modifications to existing telecommunications facilities.
- b.** Unless otherwise stated herein, all administrative review applications for telecommunications facilities and support structures must conform to the requirements of Chapter [18.40](#).
- c.** In addition to the requirements of Chapter [18.40](#), all administrative review applications for telecommunications facilities and support structures must contain the following:
  - (1)** Number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure; and
  - (2)** Elevations showing the height of proposed telecommunications facilities and all associated buildings and structures.
- d.** Co-location of telecommunications facilities on existing support structures and buildings requires a building permit only and a separate administrative review is not required.
- e.** Telecommunications facilities in the City right-of-way that comply with the provisions of Chapter [12.14](#) require a permit from the City Engineer and a separate administrative review is not required.

## **2. Special Use Permit Process**

- a.** The following types of proposed telecommunications facilities require approval of a special use permit:
  - (1)** Major modifications to existing telecommunications facilities.
  - (2)** New support structures for telecommunications facilities.
  - (3)** Disguised (stealth) telecommunications facilities.
- b.** All special use permit applications for telecommunications facilities and support structures must conform to the requirements of Chapter [18.40](#).
- c.** In addition to the requirements of Chapter [18.40](#), all special use permit applications for telecommunications facilities and support structures must contain the following:

- (1) Number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure.
- (2) Elevations showing the height of proposed telecommunications facilities and all associated buildings and structures.
- (3) In the case of a new support structure:
  - (a) Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least three (3) directions within the surrounding area.

### **3. Time Limits**

The Approving Authority ~~shall~~ will act within a reasonable period of time to review and recommend requests to place, construct, or modify telecommunications facilities after an application is filed. Unless otherwise agreed between the City and the applicant or provided by State or Federal law, reasonable review and action by the City ~~shall~~ will take no more than:

- a. Ninety (90) days for wireless co-location applications; and
- b. One hundred fifty (150) days for all other wireless siting applications.

## **G. Abandonment and Removal**

### **1. Abandonment**

Any telecommunications facility or support structure that is not operated for a period of one hundred eighty (180) consecutive days is considered abandoned.

### **2. Removal**

- a. The owner of the telecommunications facility or support structure ~~shall~~ must remove the facility within one hundred eighty (180) days of its abandonment.
- b. The owner is responsible for removing the unused facilities, including the uppermost twenty (20) percent of support structures that are unused. This does not apply where removal of the uppermost twenty (20) percent would require the removal of a lower portion of the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use.

c. If the facility or portion of a facility is not removed by the owner, then the City may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" includes both the owner of the real property and the owner of the telecommunications facility, whether such ownership is divided or in the same person.

## **H. Federal Regulations**

All telecommunications towers and facilities must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the State or Federal government with the authority to regulate telecommunications facilities, towers, and antennas.

## **I. Interference Requirements**

All telecommunications facilities, towers, and antennas ~~shall~~ must be installed, operated, and maintained in accordance with all applicable laws, regulations, and ordinances so as not to interfere or cause interference with existing communications including, but not limited to, radios, televisions, computers, and the City's or other public entity's emergency broadcast systems.

## **J. Structures in Existence on the Date of Adoption of This Ordinance**

### **1. Generally**

Telecommunications facilities and support structures that were legally permitted on or before the date this ordinance was enacted are considered a permitted and lawful use.

### **2. Nonconforming Telecommunications Facilities**

- a. Ordinary maintenance may be performed on nonconforming antennas and accessory equipment.
- b. Minor modifications to nonconforming telecommunications facilities may be permitted upon the granting of administrative approval by the City Planner.
- c. Major modifications to nonconforming telecommunications facilities may be permitted only upon the granting of a special use permit by the Governing Body.

d. Notwithstanding other provisions of the Unified Development Ordinance denying modifications for nonconforming structures, minor/major modifications to telecommunications facilities and supporting structures ~~shall~~ must be allowed for the sole purpose of co-location of facilities.

### **3. Nonconforming Support Structures**

a. Ordinary maintenance may be performed on a nonconforming support structure.

b. Co-location of telecommunications facilities on an existing nonconforming support structure is permitted upon the granting of administrative approval by the City Planner.

c. Minor modifications may be made to nonconforming support structures to allow for co-location of telecommunications facilities. The minor modifications are permitted only upon the granting of administrative approval by the City Planner. Prior to the consideration of any minor modifications, the applicant ~~shall~~ must submit a letter or signed lease agreement with a telecommunications provider indicating intent to collocate.

d. Major modifications may be made to nonconforming support structures to allow for co-location of telecommunications facilities. The major modifications are permitted only if the Governing Body grants a special use permit. Prior to the consideration of any major modifications, the applicant ~~shall~~ must submit a letter or signed lease agreement with a telecommunications provider indicating intent to collocate.

e. Replacement of a nonconforming support structure is considered a major modification, and is permitted only if the Governing Body grants a special use permit.”

**SECTION TWENTY-ONE:** 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 (1) 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 Section [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~~ **must** conform to all of the regulations applicable to the preexisting use unless subsection [E.2.b](#), below, 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**

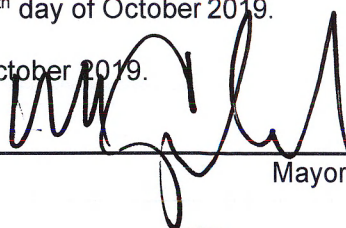
1. Buildings that do not conform to the composite building and site standards of this ordinance may be granted exceptions to those composite standards upon approval of an administrative review application. The purpose of this section is to allow existing buildings to be expanded or enlarged in a manner that matches the existing building design and materials. The additions shall must 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 TWENTY-TWO:** Existing sections 18.01.020, 18.01.020, 18.20.070, 18.20.080, 18.20.090, 18.20.100, 18.20.110, 18.20.120, 18.20.130, 18.20.140, 18.20.150, 18.20.160, 18.20.180, 18.20.190, 18.20.200, 18.20.210, 18.20.230, 18.20.500, 18.30.070, 18.50.040, 18.50.220, AND 18.60.020 are hereby specifically repealed.


**SECTION TWENTY-THREE:** This Ordinance shall take effect from and after its publication as provided by law.


**PASSED** by the Governing Body this 15<sup>th</sup> day of October 2019.

**SIGNED** by the Mayor this 15<sup>th</sup> day of October 2019.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk  
(Seal)

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

