

ORDINANCE NO. 22-22

AN ORDINANCE AMENDING SECTIONS 18.10.050, 18.20.050, 18.20.500, 18.30.130.F, 18.40.030, 18.40.110.D, 18.40.120.D, 18.40.160.A, 18.40.240.B, 18.50.020.C, 18.50.025, 18.50.225 and 18.94.030 OF THE OLATHE MUNICIPAL CODE PERTAINING TO THE UNIFIED DEVELOPMENT ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL 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 (UDO22-0001) to the *Unified Development Ordinance* were reviewed at a planning session with the Governing Body on February 15, 2022; and

WHEREAS, proposed amendments to the *Unified Development Ordinance* were discussed at a Planning Commission workshop on March 14, 2022; and

WHEREAS, on March 28, 2022 the Planning Commission held a public hearing and recommended approval of the amendments as presented; and

WHEREAS, on April 5, 2022 the Governing Body reviewed and discussed UDO22-0001, the proposed amendments to Sections 18.10.050, 18.20.050, 18.20.500, 18.30.130.F, 18.40.030, 18.40.110.D, 18.40.120.D, 18.40.160.A, 18.40.240.B, 18.50.020.C, 18.50.025, 18.50.225 and 18.94.030;

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 and Ordinance No. 19-56, Ordinance No. 20-40 and Ordinance No. 22-22” 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 18.10.050 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.10.050 Consistency with Comprehensive Plan

This Title implements the goals, objectives and policies adopted for the City, as reflected in the Comprehensive Plan (*PlanOlathe*) and other planning documents. While the City reaffirms its commitment that this Title will conform to adopted planning policies, the City expresses its intent that no provision of this Title may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan or other planning policy.

Future Land Use Map



Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

SECTION THREE: Section 18.20.050 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.20.050 AG (Agricultural)

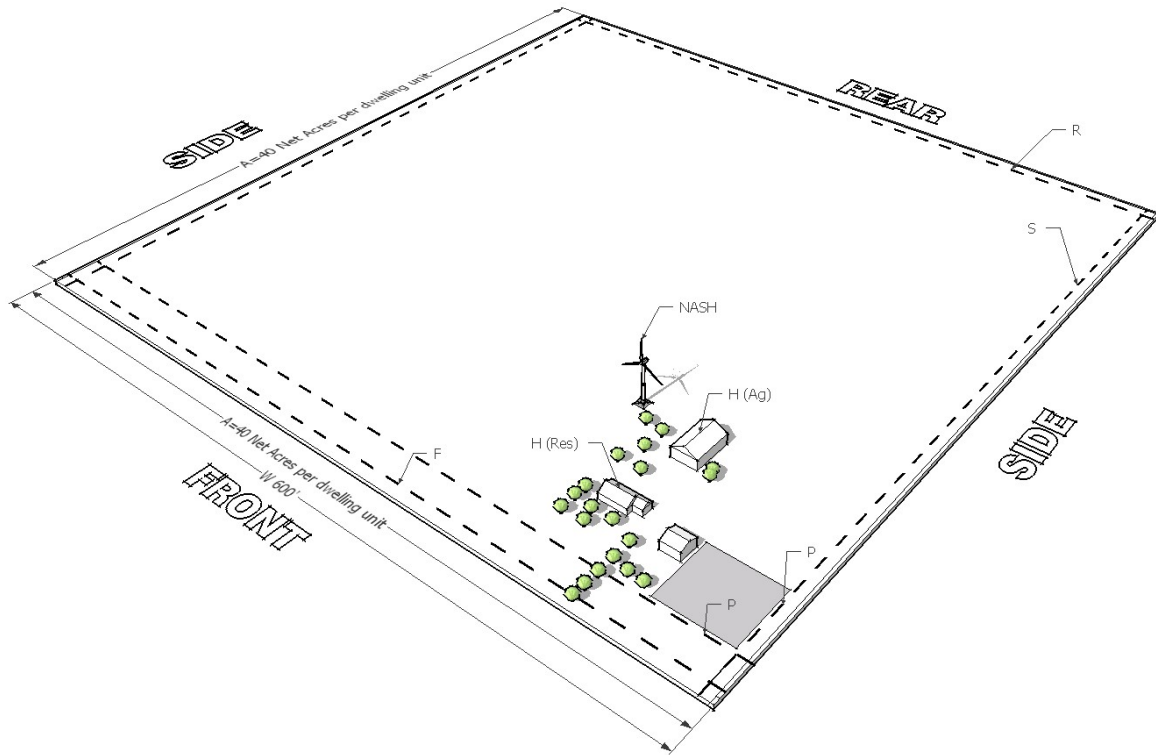
Purpose: The AG (Agricultural) District:

- *Maintains and enhances agricultural operations and preserves agricultural lands used for crop production or the raising of livestock; and*
- *Where appropriate, serves as a “holding zone” for land where future urban expansion is possible, but not yet appropriate, due to the unavailability of urban-level facilities and services. This allows limited commercial and industrial uses that are of limited duration or compatible with the uses shown on the Future Land Use Plan of the Comprehensive Plan.*
- *Allows utility type uses that are appropriate on open or rural lands, such as wind farms.*

This district implements the following policies of the Comprehensive Plan:

- *LUCC-6.1: channel growth where it will contribute to the long-term community vision*
- *HN-5.2: provide for lower-density development away from centers.*





A. Permitted Uses

1. See Section [18.20.500](#) (Use Matrix).
2. Properties zoned to the AG District in conjunction with annexation into the City's corporate limits may continue operating or using the land for a land use not permitted in the AG District as a legal nonconforming use under Section 18.60.030.
3. Properties operating under a Conditional Use Permit (CUP) approved under the jurisdiction of Johnson County may continue until expiration of the CUP or rezoning of the property, whichever occurs first.

B. Dimensional Standards

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

Lot area • 40 acres.*
(minimum – residences only)

Lot width (minimum) • 600 feet.

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Height (<i>maximum</i>)	• 2½ stories/35 feet.
Residences	• 35 feet, or 50 feet for agricultural structures.
Agricultural and nonresidential structures/uses	• Structures taller than 35 feet must be set back from all property lines a distance equal to or greater than their height, up to a maximum height of 75 feet.

Front, side and rear yards (<i>minimum</i>)	• 50 feet.
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Setbacks for parking/paving (<i>minimum – nonagricultural uses</i>):	• 30 feet from street right-of-way. • 10 feet from property lines other than street right-of-way.
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* Properties zoned to the AG District in conjunction with annexation into the City's corporate limits which are less than 40 acres in size are classified as a legal nonconforming lot under Section 18.60.040.

C. Development and Performance Standards for AG

1. There are no restrictions as to operation of agricultural vehicles and machinery that are used to raise or harvest products on the premises.
2. There is no restriction on the sale or marketing of products raised on the premises.
3. All buildings, structures or yards used to raise, feed, house or sell livestock or poultry ~~shall~~ must be located at least one hundred (100) feet from residentially zoned land.
4. Disposal of garbage, rubbish or offal is not permitted within three hundred (300) feet of residentially zoned land. This does not apply to normal household or business garbage pickup.
5. Where a lot or tract had less than the required minimum lot area in separate ownership on April 19, 1981, this ordinance does not prohibit the erection or alteration of a single-family dwelling.
6. Where development utilizing septic tanks is proposed, applicant ~~shall~~ must submit a septic tank suitability study in accordance with Section 18.30.260 at the time of filing the application for agricultural zoning. (*Ord. 19-56 § 3, 2019*)"

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

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

“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 Industry Classification System [NAICS]) as aids to interpretation.

The Use Table establishes the following categories of uses:

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

Except as otherwise provided, uses permitted by right and uses permitted with a special use permit for any planned district 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. Zoning to either of these districts provides a variety of uses. Refer to Sections [18.20.220](#) and [18.20.240](#) for additional information.

Planned District Category	Associated Conventional District Category
RP-1	R-1
RP-2	R-2
RP-3	R-3
RP-4	R-4
CP-O	C-O
CP-1	C-1

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CP-2	C-2
CP-3	C-3
MP-1	M-1
MP-2	M-2
MP-3	M-3

Key: **P** = By right **S** = Special Use **A** = Accessory

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 (General Industrial)	M-3 (Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Residential																					
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).
Senior Housing, Multifamily 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.
Senior 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 nonresidential use.

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<p>Community Living Facility, Mental Health/Substance Abuse, with On-Site Staff</p>	S	S	S	S	S																6520		623220	<p>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.</p>
<p>Community Living Facility, Mental Health Convalescent</p>	S	S	S	S																	6520		623220	<p>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.</p>
<p>Group Boarding Home for Adults</p>	P	P	P	P	P																		623990	<p>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.</p>
<p>Group Boarding Home for Minors</p>	P	P	P	P	P																		623990	<p>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.</p>
<p>Group Home (Up to 10 Persons)</p>	P	P	P	P	P																6520		623220	<p>A dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) 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)</p>

Catering/Food Service						P		P	P	P	P	S	S		P	P	P	2560, 2570		72231, 72232	A business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.
Convenience Stores, without Gas Sales								P	P	P		S	S		P	P	P	2152	2591	447110	Establishments that retail a limited line of goods that generally includes milk, bread, soda, and snacks.
Convenience Stores, with Gas Sales								P	P	P	P	P	P		S	S	P		2591	445120	A convenience store that includes fuel sales. Automotive repair is also allowed if it is listed as a permitted use in the applicable zoning district.
Courier and Messenger Services						P	P	P	P	P	P	P						4160		492	Establishments primarily engaged in providing air, surface, or combined mode courier services, express delivery services of parcels, or local messenger and delivery services of small items, with local pick-up and delivery. Examples include air courier services; express delivery services; local delivery services for letters, documents, or small parcels; grocery delivery services (i.e., independent service from grocery store), or restaurant meals delivery services.
Department Store, Warehouse Club, Superstore, or General Merchandise								P	P	P		S	S		P	P	P	2145	2240, 2250	452	Establishments that retail new general merchandise from fixed point-of-sale locations. Establishments in this subsector are unique in that they have the equipment and staff capable of retailing a large variety of goods from a single location. This includes a variety of display equipment and staff trained to provide information on many lines of products.
Elderly and Disabled Services								P	P	P	P				P	P	P			624120	Establishments primarily engaged in providing nonresidential social assistance services to the elderly, persons diagnosed with intellectual and developmental disabilities, or persons with disabilities.

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<p>Entertainment Establishment</p>						S	P	P	P						P	P	P	2540		722410	<p>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).</p>
<p>Executive Suite Space (Nonretail, Nonindustrial)</p>						P	P	P	P	P	P	P	P		P	P		2200-2455, 4210-4212, 4241, 4243, 5140-5160, 6200-6220, 6800-6820, 9210	2100	115115, 511, 51911, 51913, 523-525, 531, 5411-5418, 5611-5616, 56192, 54191, 54193, 54199, 55, 6117, 4885, 7113-7115, 8132-8133, 813, 923-928	<p>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 on-site retail or industrial purposes.</p>
<p>Farm/Landscape/Garden Supply Sales</p>	S					S	S	P	P						P	P	P	2123		<p>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).</p>	

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Farmer's Markets	S					S	S	P	P		S	S		P	P	P		2260		A structure or place where agricultural products or consumer goods are brought by individual producers for the purposes of retail sales. The structure from which produce is sold need not be portable or capable of being dismantled or removed from the site. This includes farmer's 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 building, typically on an open lot from individual booths.
Farm Supplies Merchant Wholesalers	S								P		S	S		P	P	P		2000	424910	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. See Chapter 18.50 for drive-through requirements.
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 twenty-five (25) percent of the gross floor area.

<p>Laundry, Pick-up Only and Garment Services</p>					P	P	P	P	P				P	P	P										81232	<p>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 dry cleaners; 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.</p>
<p>Laundry, Coin Operated</p>					P	P	P	P					P	P											8123	<p>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 launderers 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.</p>
<p>Leasing, Commercial and Industrial Machinery and Equipment</p>								P		S	S		P	P	P	2334									5324	<p>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 include the leasing of heavy equipment, office furniture or equipment, or off-highway transportation equipment.</p>
<p>Leasing/Rental – Consumer or Recreational Goods</p>					P	P	P	P		S	S		P	P	P	2333, 2335									5322, 5323	<p>Establishments that rent electronics, home health equipment, formal wear, furniture, party supplies, sporting goods, or similar consumer goods to the general public.</p>

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Mobile Food Services	----- As regulated by Municipal Code -----										2550		72233	Establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts.					
Monument Dealers (Tombstones and Markers)									P		P	P		P	P	P		453998	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 Types, Sales/Leasing/Rental							S	S		S	S						2111	4411, 4412	Establishments that sell automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, motor homes and RVs, boats and similar equipment, includes storage and incidental maintenance.
Motor Vehicles, Internet Sales, No Outdoor Display							P	P		P	P								Motor vehicles sold online with no display of vehicles outdoors and no on-site repair or refurbishing of the vehicles.
Musical Instrument and Supplies Stores							P	P	P	P				P	P	P	2135	45114	Establishments primarily engaged in retailing new musical instruments, sheet music, and related supplies; or retailing these new products in combination with musical instrument repair, rental, or music instruction.
Nonstore Retail/Internet Retail					P	P	P	P	P	P	P	P		P	P	P	2144, 2580	454, 425110	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).

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Office Supply and 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	P	2310-2322, 2336-2455, 4210-4212, 4241, 4243, 5140-5160, 6200-6220, 6800-6820, 9210	2100	115115, 236118, 511, 517911, 51911, 51913, 523-525, 531, 533, 5411-5418, 5611-5616, 56192, 54191, 54193, 54199, 55, 6117, 4885, 7113-7115, 8132-8133, 813, 921, 92213-92219, 923-928	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 (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		446130	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.

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<p>Restaurant, Fast-Casual</p>					P	P	P	P	P	P						P	P	P								<p>Fast-casual restaurants are those restaurant establishments which meet all of the following:</p> <ol style="list-style-type: none"> 1. Provide a healthier menu than that offered by traditional fast food; and 2. Menu items are more expensive than traditional fast food restaurants; and 3. Menu items are made to order not pre-racked; and 4. Uses nondisposable dishware and flatware when dining in.
<p>Restaurant, Sit-Down</p>					P	P	P	P	P	P						P	P	P	2510						722511, 722514	<p>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.</p>
<p>Restaurant, Carryout, or Fast Food</p>					P	P	P	P		S	S					P	P	P	2520					722513, 722515	<p>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. See Chapter 18.50 for drive-through requirements.</p>	

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Retail Sales, Generally (Not Otherwise Listed)						P	P	P	P		S	S		P	P	P	2000, 2100, 2121, 2124, 2125, 2131, 2135, 2143	2200- 2590	44-45	The sale of any tangible personal property for use or consumption, and not for resale. Examples include the sale of: furniture and home furnishings, electronics and appliances, hobbies, tobacco, cosmetic and beauty supplies, gifts and novelties, and art work. Examples include standalone shops or stores, art galleries, pawn shops, and video stores. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.
Sales and Service, Manufactured Homes									S		S	S					2112		45393	Establishments primarily engaged in retailing new and/or used modular or manufactured homes, recreational vehicles, buses, or trucks, including parts, and equipment.
Sales and Service, Large Vehicles									S		S	S					2114		441210, 441222, 441228, 441229, 532120	Establishments primarily engaged in retailing new and/or used recreational vehicles (commonly referred to as RVs), boats/marine, travel trailer, or campers, or retailing these new vehicles in combination with activities, such as repair services and selling replacement parts and accessories.
Services to Buildings and Dwellings						P	P	P	P		P	P		P	P	P	2450- 2455		5617, 561622	An establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning, upholstery, painting and paper hanging, sign painting, packing and crating, landscaping, and locksmith services.
Specialty Food Stores						P	P	P	P					P	P	P	2153, 2154		4452	Establishments primarily engaged in retailing specialized lines of food, such as meat markets, fish and seafood markets, fruit and vegetable markets, and gourmet food stores.

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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 Section 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.

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<p>Upholstery and Furniture Refinishing</p>						P	P	P	P	P	P				P	P	P								811420	<p>Establishments primarily engaged in one or 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).</p>
<p>Used Merchandise Stores (e.g., Books, Clothes, etc.)</p>						P	P	P	P	P						P	P	P	2145						453310	<p>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.</p>
<p>Vehicle Painting and Body Shops</p>								P	P				P	P					2110	2280				81112	<p>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.</p>	
<p>Vehicle Repair and Restoration (Generally)</p>								P	P				P	P					2110	2280				81111	<p>Establishments providing mechanical or electrical repair and maintenance services for motor vehicles. This includes (1) repair or replacement of mechanical and electrical systems, engines, exhaust systems, transmissions, brakes, and radiators, and (2) installing radios, stereos, or similar items. These do not include automotive wrecking or long-term disabled vehicle outdoor storage.</p>	

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Extractive Industries	S													S						8000-8500			212, 213112-213115	The extraction of metallic minerals and nonmetallic minerals, including coal. This includes mine site development, beneficiating (i.e., preparing), and support activities. Activities include ore extraction, quarrying, and beneficiating (e.g., crushing, screening, washing, sizing, concentrating, and flotation), customarily done at the mine site.
Food and Beverage Manufacturing															P	P				3110-3120	2613, 2614, 2620, 2621	311-312	Establishments that transform livestock and agricultural products into products for intermediate or final consumption, or that manufacture beverages or tobacco products.	
Fuel Oil Distribution															P	P						45431	Establishments primarily engaged in retailing heating oil, liquefied petroleum (LP) gas, and other fuels via direct selling.	
Jewelry and Silverware Manufacturing															P	P	P			3410	2613, 2620, 2621	33991	Establishments primarily engaged in one (1) 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.	

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<p>Junk Yards, Salvage Yards, and Auto and Scrap Processing</p>												S				3510		42393	<p>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. "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 vehicles or parts thereof; iron; steel; or other old or scrap materials. 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. This category includes any scrap metal dealer (see Chapter 5.52 * of the Municipal Code).</p>
<p>Laboratories - Research and Testing</p>				P					P	P	P		P	P	P	2416	2614, 2615, 2620	54138	<p>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.</p>
<p>Laboratories - Medical and Diagnostic</p>				P					P	P	P		P			6513	2614		<p>Establishments that provide analytic or diagnostic services, and related services such as medical imaging and forensics.</p>
<p>Landfill, Demolition</p>												S				6320, 7000	6320	562212	<p>An area used to dispose nonbiodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures.</p>

Production/Assembly Plant - Fabricated Metal or Machinery																																		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																																		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																																	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																																	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																																		Establishments primarily engaged in rendering animal fat, bones, and meat scraps.

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Amphitheater, Outdoor Stage, Bandstand, or Similar Structure	S							S	S	S	S	S	S	S		3130, 6970			
Amusement Parks	S									P	S	S	S	S	S	5310	4440	713110	Establishments primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.
Amusement, Indoor							S	S	S	S	S	S	P	P	P	5320		713120	Includes game arcades.
Aquarium or Planetarium									S	P	S	S	P	P	P		4420, 4430	712110	Establishments primarily engaged in preservation and exhibition of objects of historical, cultural, and/or educational value.
Art Gallery							P	P	P	P	S	S	P	P	P	2142	4410	453920	An establishment primarily engaged in retailing original and limited edition art works. Included in this category are establishments primarily engaged in displaying works of art for retail sale.
Artist Studio				P			S	P	P	P	S	S	P	P	P	5160	4410	711510	A facility used for independent individuals primarily engaged in performing in artistic productions, in creating artistic and cultural works or productions, or in providing technical expertise necessary for these productions. Examples include: actors/actresses, producers, art restorers, recording technicians, artists (except musical, commercial or medical), cartoonists, theatrical costume designers, dancers, theatrical lighting technicians, journalists, and technical writers.

Club or Lodge, Membership	P	P	P				S	S	S	P		S	S		P	P	P	6830	3800	8134, 81399	A Class A or Class B Club. Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B club means premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.	
Community Center		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.	
Conference and Retreat Center	S					P	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 nonprofit groups that are primarily used by group members.	
Entertainment Establishment	----- See listing under Commercial/Mixed Use -----																					
Fairgrounds	S									S		S	S		S	S	S		5310		713990	An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment providing recreational and amusement services.
Indoor Athletic Facility	S						S	P	P	P	S	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, 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	P	5500		712190	A park, playground, recreation facility and open space. This classification includes community centers, playing fields, courts, gymnasiums, swimming pools, wave pools, picnic facilities, golf courses and country clubs, zoos and botanical gardens, and related food concessions.	
Recreation, Indoor	S						S	S	P	P	P			P	P					5300, 5380	3200	71395, 71399	Uses not specifically listed.	
Recreation, Outdoor	S							S	S	S	S			S	S			S	S	S	5120, 5130, 5310, 5340-5350	3110-3140, 3300	7112, 7131, 711212, 71391-71392, 71399, 721211	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 recreational vehicles which is in compliance with the zoning and other ordinances of the City.	
Skating Rink - Ice or Roller Skating											P			S	S			P	P	P	5390		713940	An establishment that provides facilities for participant skating.
Sports Stadiums and Arenas	S											S		S	S			S	S	S	5120	3300	711211	A large facility primarily used for professional, 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														S	S						3140	512132	An open lot devoted primarily to showing motion pictures to patrons seated in vehicles.	

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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 is 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	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	519120	A facility engaged in maintaining collections of documents (e.g., books, journals, newspapers, and music) and facilitating the use of such documents as required to meet the informational, research, educational, or recreational needs of their user.

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Schools, Specialty					P	P	P	P	P		P	P		P	P	P	6124-6126, 6140-6147	4230	6114-6116	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	6112-6113	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	6111-6124	4200, 4210	6111	A facility for educational purposes that offers a general course of study at the elementary or middle school levels.
Schools, High Schools	P	P	P	P	P				P		P	P		P	P	P	6111-6124	4200, 4210	6111	A facility for educational purposes that offers a general course of study at the high school level, and vocational and trade programs that are incidental to the operation of those schools.

Social Services									P	P	P											6560-6568		624	Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons). These services do not include residential or accommodation services, temporary shelters or community housing.
Transportation, Communication, Information, and Utilities																									
Airport Landing Strip (Field or Strip Only)	S													S	S	S						4110-4114	5610	481	A landing area solely for takeoff and landing of aircraft.
Airport	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.

<p>Stormwater Management/Flood Control Facilities</p>	<p>P P P P P P P P P P P P P P P P P P</p>		<p>6220-6240</p>	<p>237990</p>	<p>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.</p>
<p>Telecommunication (Wireless)</p>	<p>----- See Section 18.50.220 -----</p>		<p>4233</p>	<p>6500</p>	<p>5173, 5174 Depending upon the type of telecom facility, uses are permitted by right or special use. To further understand requirements see Chapter 18.50.</p>
<p>Telephone and Other Wired Telecommunications</p>	<p>P P P P P P P P P P P P P P P P P P</p>	<p>4234</p>		<p>517311</p>	<p>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.</p>
<p>Utility Facilities, Principal Use</p>	<p>S S S S S S S S S S S S S S S S S S</p>	<p>4310-4340, 4343, 4347</p>	<p>6100-6162, 6310-6314, 6350-6356</p>	<p>221</p>	<p>A facility where the distribution of gas, electricity, water, steam, hot water, chilled water, and landline communications serves as the principal use.</p>
<p>Water Supply Facilities</p>	<p>S S S S S S S S S S S S S S S S S S</p>		<p>6200-6290</p>		<p>Includes pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities.</p>
<p>Wind Energy Conversion Systems (WECS)</p>	<p>S S S S S S S S S S S S S S S S S S</p>			<p>221115</p>	<p>A wind energy conversion system (WECS) as defined in Chapter 18.50.</p>
<p>Agriculture</p>					

<p>Agriculture and Agricultural Support Functions (Including Raising of Crops and Pasturing Livestock)</p>	P																								<p>9100-9155, 9230-9330, 9350-9373, 9500-9520, 9380</p> <p>8100, 8210, 8230-8300, 8600, 8800-8900</p> <p>111-111339, 112-112210, 113-114, 115</p> <p>The use of land 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.</p>
<p>Concentrated Animal Feeding Operations (CAFOs)</p>	S																							<p>8300-8450</p> <p>112</p>	
<p>Forestry, Commercial</p>	P	P																						<p>9400-9430</p> <p>The growing or harvesting of forest tree species used for commercial or related purposes.</p>	
<p>Noncommercial Agriculture/Community Garden</p>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<p>9400</p> <p>113</p> <p>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.</p>	
<p>Greenhouse</p>	P												P	P										<p>9140</p> <p>8500</p> <p>1114</p> <p>An enclosed structure with or without climate control facilities for growing plants and vegetation under controlled environments.</p>	
<p>Greenhouse, Accessory to Florist Shop</p>							S	S	P	P														<p>8500</p> <p>An enclosed structure with or without climate control facilities for growing plants to serve the principal retail use of the property.</p>	
<p>Hatcheries and Poultry Houses</p>	P																							<p>9340</p> <p>8220</p> <p>1123</p> <p>Establishments primarily engaged in raising and hatching poultry of any kind (e.g., chickens, turkeys, ducks, and geese). These animals are raised for their meat and eggs.</p>	

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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.

* *Editor's Note: This chapter has been repealed.*

(Ord. 19-64 § 17, 2019; Ord. 19-56 § 5, 2019; Ord. 18-48 § 3, 2018; Ord. 17-52 §§ 7, 41, 2017; Ord. 17-01 § 2, 2017; Ord. 16-51 § 2, 2016; Ord. 16-20 § 4, 2016; Ord. 15-16 §3, 2015; Ord. 08-104 §§ 9, 13, 2008; Ord. 08-20 § 6, 2008; Ord. 02-54 § 2, 2002)

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

“18.30.130 Landscaping, Buffers and Screening

F. Timing of Landscaping

1. During the Development Process

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

- a. For residential, nonresidential or mixed-use development, all required landscaping materials, both living and nonliving, must be in place prior to the time of issuance of a final certificate of occupancy, weather permitting. In periods of adverse weather conditions, a temporary certificate of occupancy may be issued, subject to the posting of a ~~cash-escrow~~ bond or irrevocable letter of credit in an amount equal to the estimated cost of the landscaping, with the estimated cost certified by a landscaping provider. A contract letter or bill of sale from a landscape company or garden center for the required landscape materials may be accepted in lieu of a ~~cash-escrow~~ bond or irrevocable letter of credit. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one (1) year after the issuance of the temporary certificate of occupancy. Forfeiture of any ~~cash-escrow~~ bond or irrevocable letter of credit will not relieve the owner of the responsibility to complete the required landscaping.”

SECTION SIX: Section 18.40.030.A of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

“18.40.030 Neighborhood Meetings

Purpose. The neighborhood meeting process is designed to inform residents of the proposed project and resolve issues that may impact the quality of life in the area or the value of the surrounding properties.

A. Applicability

1. This section applies to any application initiated by a property owner for a:
 - a. ~~Plan amendment involving a specific development proposal, or~~
 - b. Preliminary or final site development plan, or
 - c. Major change to a preliminary or final site development plan, or
 - ~~c.~~ d. Rezoning, or
 - ~~d.~~ e. Special use permit, or
 - ~~e.~~ f. Preliminary subdivision plat.
2. A neighborhood meeting is required if the proposed development is located adjacent to or within 500 feet of residential developments.
3. A new non-residential or mixed use development must send notice to other non-residential development within 500 feet of the proposed development. However, no meeting with those developments is required.”

SECTION SEVEN: Section 18.40.110.D of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.110 Site Development Plans

D. Decision

1. Preliminary Site Development Plan Decision

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

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The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

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

2. Final Site Development Plan Decision

a. Authority

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

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1)** The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section 18.40.040), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2)** If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection D.2.c. below).
- (3)** If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4)** If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and feeds for the final site development plan review to continue.

c. Planning Commission Review

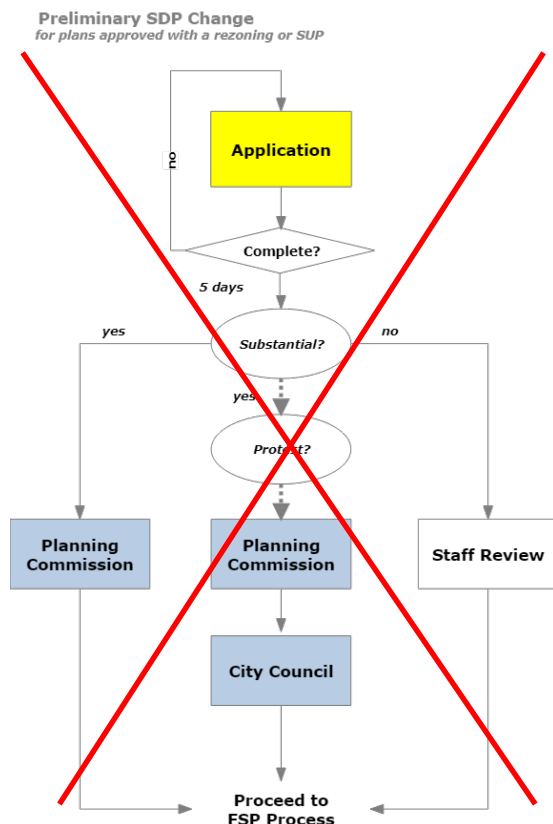
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- (1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.
- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.
- (4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant."

SECTION EIGHT: Section 18.40.120.D of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.40.120 Site Development Plan Changes

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



Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

1. A **Major Change** to a preliminary site development plan that is approved **as part of a planned development rezoning, condition of zoning approval or special use permit** is allowed only after approval of a **revised preliminary site development plan**.

a. The Planning Commission may approve, approve with conditions, or deny the revised preliminary site development plan after a public hearing, subject to Section 18.40.060. Notice to surrounding property owners is required (see Section 18.40.050.B).

~~b. The Planning Commission's decision is final, unless a protest petition is filed.~~

~~c. Affected property owners may file a protest petition within fourteen (14) days of the Planning Commission's approval of a revised preliminary site development plan. If a protest petition is filed, the Governing Body shall consider the application and render a final decision as provided in Section 18.40.060.~~

~~d. If a valid and timely protest is not filed against a revised preliminary site development plan, the Planning Commission's approval is final.~~

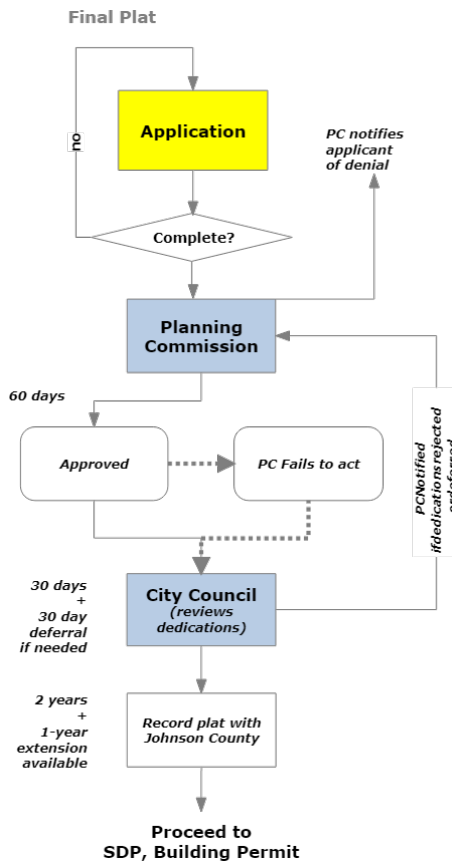
2. Changes to the preliminary site development plan which are **not major changes** are approved by the Planning Official as provided in Section 18.40.110.D.1.a. These changes are reviewable by the Planning Commission as provided in Section 18.40.110.D.2.c(3).

3. The Planning Official ~~shall~~ **must** determine whether a proposed revised preliminary site development plan is a "major change" within five (5) business days after the application is filed. This determination is reviewable by the Planning Commission (see Section 18.40.110.D.2.c(3)), whose decision is final."

SECTION NINE: Section 18.40.160.A of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.40.160 Final Plat

Purpose: This section establishes the process to approve formal plats for recording with the Johnson County register of deeds.



A. Applicability

1. This section applies to any formal plat application. Final plat applications are filed after the preliminary plat is approved.
2. The applicant may file a final plat without first seeking preliminary plat approval **provided the following is met:**
 - a. ~~However, in that case t~~The applicant must strictly observe all requirements of this title and may not request a modification of any standards established in Chapter 18.30. ~~In addition,~~
 - b. Information required to be submitted with a preliminary plat within Section 18.40.150 and Chapter 18.94 will be provided with the final plat.
 - c. Use of this provision is not applicable for multi-phase developments unless otherwise determined by the Planning Official.

~~T~~he Planning Commission will deny the plat if it does not conform to all applicable requirements within the statutory period for approving a plat.”
 Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

SECTION TEN: Section 18.40.240.B of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.240 Waivers

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

B. Initiation

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

SECTION ELEVEN: Section 18.50.020.C of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.50.020 Accessory Uses and Structures

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

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

C. Residential Districts

The following are accessory uses and structures in residential districts:

1. Child-care centers, preschools and Mother’s Day Out programs, in accordance with Section 18.50.035 and all other applicable City and state regulations.
2. Decks, patios, ~~retaining walls~~ and terraces, ~~in accordance with Section 18.50.050.~~
3. Fences, ~~or walls~~ **or retaining walls**, in accordance with Section 18.50.050.
4. Flag poles, under sixty (60) feet in height.

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

5. Garages, carports and sheds, in accordance with Section 18.50.060.
6. Up to six (6) garage sales during any one (1) calendar year on any one (1) premises. Each garage sale may occur for no more than three (3) continuous days.
7. Gardens.
8. Gates or guard houses for subdivisions or multifamily projects.
9. Gazebos or trellises.
10. Greenhouses.
11. Hobby activities. A “hobby activity” means an activity undertaken solely for personal enjoyment, amusement or recreation. A hobby activity is allowed if:
 - a. It does not conflict with any City ordinance, and
 - b. Articles produced or constructed on the premises are not sold on the premises, unless the activity complies with the requirements for a home occupation.
12. Home automotive repair ~~shall be~~ is limited to tenant’s and/or occupant’s vehicles only.
13. Home occupations in the R-1 or R-2 districts, or in single-family or two-family dwellings in any other district, in accordance with Section 18.50.070.
14. Keeping of animals, not for sale, in accordance with Section 18.50.030.
15. Play equipment.
16. Recreation areas and buildings.
17. Satellite dish antennas, in accordance with Section 18.50.180.
18. Solar collectors, in accordance with Section 18.50.200.
19. Swimming pools.
20. Tennis courts.
21. Television and radio antennas.

22. Accessory dwelling units, subject to Section 18.50.025.
23. Utility facilities, accessory to permitted use."

SECTION TWELVE: Section 18.50.025 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.50.025 Accessory Dwelling Units

Purpose: Certain accessory structures may be converted to or developed for residential dwelling uses to promote efficient use of land. This section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.

~~↔ Note: this section lists accessory dwelling unit uses by zoning district summarized in the land use table.~~

A. Applicability

1. This section applies to any Accessory Dwelling Unit ("ADU").
2. An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. This includes a building or part of a building that provides complete independent living facilities for one or more people, including a kitchen, living room, bathroom, and bedroom, and that is -
 - a. Attached to the principal dwelling, or
 - b. A detached building on the same lot.

B. Where Allowed

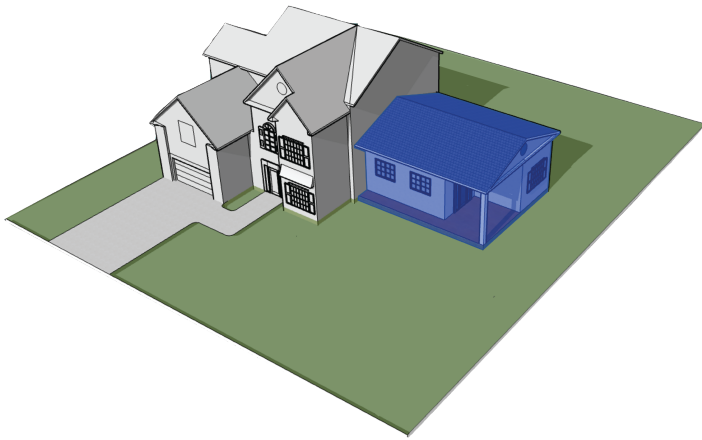
- ~~1.~~ **3.** ADUs are permitted ~~in~~ as accessory ~~structures~~ to principal single-family dwelling units in all residential districts ~~the "A," "R-1 and R-2" districts,~~ downtown districts or Planned Districts.
- ~~2.~~ **4.** An ADU may be -
 - a. constructed as a new building, or
 - b. adapted from an existing building into an existing accessory structure on the same lot, or

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

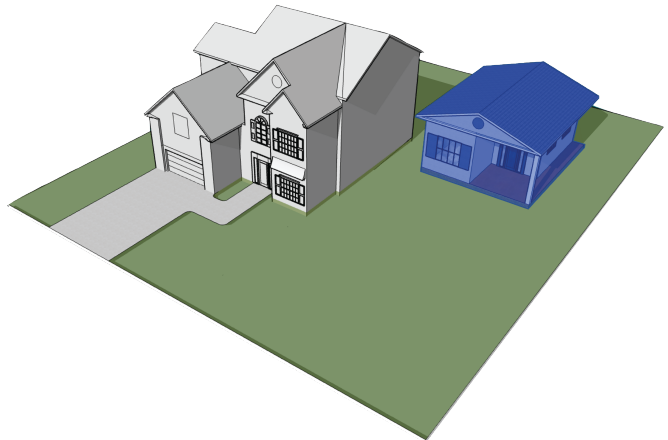
c. adapted from a portion of the principal dwelling unit.

~~3.~~ 5. Only one ADU is allowed on a lot.

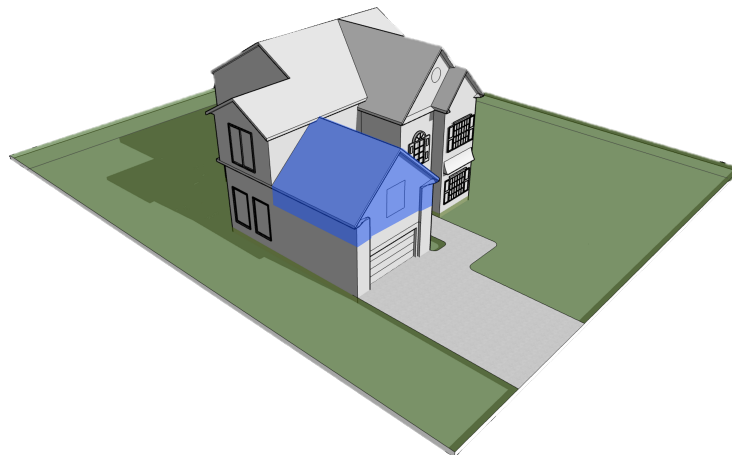
B. ADU Examples



Attached ADU



Detached ADU



ADU Portion of the Principal Dwelling

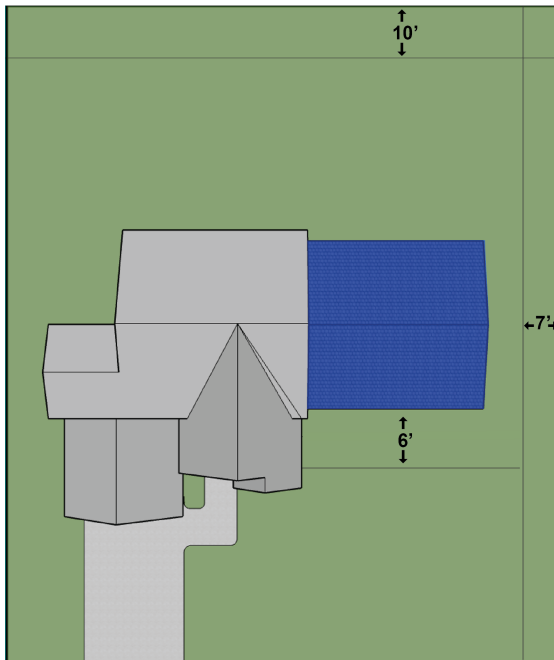
C. Standards

1. The ADU, detached or attached, must be set back at least six (6) feet behind the front of the principal structure and set back ~~shall be located in the established rear yard~~ at least ten (10) feet

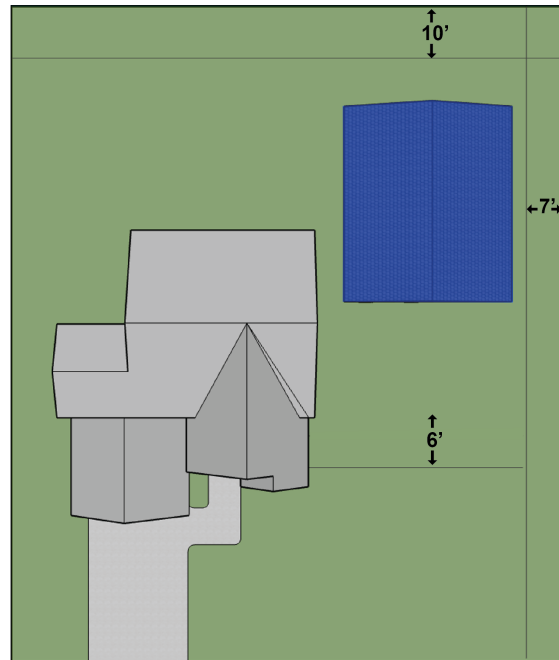
Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

from the rear lot lines. This does not apply to ADUs located within the interior of an existing principal structure.

2. The ADU shall must conform to side yard setbacks.



**Attached ADU with
Minimum Setbacks**



**Detached ADU with
Minimum Setbacks**

3. Easements shall must be dedicated for separate utilities to be provided to each dwelling unit.
4. The architectural style of the secondary dwelling structure ADU shall must conform to the architectural style and materials of the principal structure.
5. ADUs shall must not exceed a gross floor area one-thousand (1,000) square feet or more than fifty percent (50%) of the principal structure's floor area, whichever is less, or have more than two (2) bedrooms.
6. An ADU shall must not exceed two (2) stories or the height of the principal dwelling unit.
7. The ADU shall not must not cause lot coverage to exceed seventy-five (75) percent, including the principal structures.
8. All structures The ADU shall must meet or be brought up to current building code requirements. Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

9. The ADU ~~shall~~ must obtain a separate address to help guarantee emergency response.
10. The ADU ~~shall~~ must provide one (1) off-street parking space with access to a public street from the existing driveway. This space may be located in the ~~existing driveway established front yard of~~ for the principal structure.

D. Process

1. An ADU requires a building permit only and a separate administrative review is not required.
2. Exceptions to the size, location, and architectural style requirements of this Section may be approved by the Planning Official.
3. An applicant aggrieved by a final decision of the Planning Official may appeal to the Board of Zoning Appeals (see Section 18.40.220)."

SECTION THIRTEEN: Section 18.50.225 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.50.225 Temporary Uses

A. Applicability

This section establishes standards and procedures for certain temporary uses or activities, as described below.

B. Temporary Sales and Events Permit

1. The Planning Official may, upon application, issue a temporary sales and events permit to use a specified parcel of privately owned land for the following temporary short-term uses, in accordance with this section:
 - a. Christmas tree sales.
 - b. Seasonal sale of farm produce.
 - c. Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities).
 - d. Carnivals, circuses, fairs.

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney and one to Planning.

- e. Commercial tent sales or sidewalk sales.
 - f. Exhibits for high-technology products (by tenants only).
 - g. Sales and services by transient merchants with a business license from the City Clerk, unless otherwise exempted under the Olathe Municipal Code (Section 5.30.030) and as defined in Section 18.90.020.
 - h. Any other use not listed above may require a temporary special event permit as determined by the Planning Official.
2. The temporary sales and events permit may be issued without publication or posted notice and without referral to the Planning Commission if the following conditions are met:
- a. The applicant ~~shall~~ **must** submit an application containing:
 - (1) A description of the land proposed to be used.
 - (2) A site plan showing setbacks, property lines and adjoining structures and the proposed location of the temporary sales and events.
 - (3) A description of the proposed use.
 - (4) Hours of operation.
 - (5) Estimates of accumulated automobiles and persons per hour.
 - (6) Proposed sanitary facilities.
 - (7) Proposed parking facilities.
 - b. The proposed **temporary** use **may be located on property in any zoning district.** ~~shall be located on property zoned AG, O, C-1, N, C-2, C-3, C-4, any Downtown district, BP, M-1, M-2, M-3, or commercial portion of any Planned Development (PD).~~
 - c. Temporary structures erected must be set back from the street right-of-way at least thirty (30) feet and not violate the sight distance requirements (⇔ Section 18.30.220).
 - d. The proposed **temporary** use will not operate after 12:00 midnight and before 8:00 AM.

- e. Non-residentially zoned properties, unless located in Downtown Olathe or zoned for mixed use, may not have outdoor temporary events located ~~The proposed use will not be located~~ closer than two hundred fifty (250) feet from property zoned for residential use unless otherwise approved by the Planning Official.
 - f. The location of any proposed driveway entrance will not create a traffic hazard.
 - g. The proposed site ~~shall~~ must contain adequate parking. Adequate parking ~~shall~~ will be determined on the basis of one (1) parking space per four (4) estimated people attending per hour.
 - h. The proposed site contains adequate sanitation facilities. Adequate sanitation facilities require one (1) temporary restroom facility per one hundred (100) estimated people in attendance per hour. However, no sanitation facilities ~~shall~~ will be required for Christmas tree sales lots or seasonal sale of farm produce.
3. The term of the permit ~~shall~~ will be as follows:
- a. Carnivals, circuses and fairs; tent meetings; commercial tent sales or sidewalk sales; exhibits for high-technology products – not to exceed seven (7) days.
 - b. Christmas tree sales – not to exceed sixty (60) days.
 - c. Seasonal sale of farm produce – not to exceed five (5) months.
 - d. Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities) – not to exceed four (4) months.
 - e. Temporary communication tower – not to exceed thirty (30) days. For good cause, the Planning Official may extend the permit an additional sixty (60) days.
 - f. All other temporary events not otherwise listed – not to exceed thirty (30) days.
 - g. All temporary events – no more than four (4) events per calendar year unless otherwise approved by the Planning Official.
4. Temporary commercial sale of merchandise and services from a vehicle or temporary structure is prohibited, except as provided above.”

SECTION FOURTEEN: Section 18.94.030 of the Olathe Municipal Code (Unified Development Ordinance) is hereby repealed as follows:

~~“18.94.030—Digital Applications~~

~~A.—Applicability~~

~~1.—When an application is filed with the Planning Division for final plat approval, the applicant shall submit a digital file of the plat in addition to the paper copies of the plat which are currently required.~~

~~B.—Digital Files~~

~~1.—The digital file shall be submitted no earlier than the time of application and no later than the submission of signed copies of the plat for recording.*~~

~~2.—If an applicant chooses not to submit a digital plat file, or if the digital file does not meet City standards, then the plat information shall be entered and/or modified by the Planning Division.~~

~~3.—A fee shall be charged to the applicant for this work in accordance with a fee schedule as adopted by the Planning Commission. All such fees shall be paid to the City of Olathe prior to the plat being recorded with the County Register of Deeds.~~

~~C.—Formatting Standards~~

~~1.—The Planning Division shall prescribe the formatting standards, including media types, layering, system and text styles for digital applications.~~

~~2.—The digital file shall conform to the media provided by the Planning Division formatting standards.~~

~~3.—Where a digital file contains errors, or does not fully comply with City standards, the applicant shall make corrections and resubmit the file prior to the plat being recorded.~~

~~* *Editor's Note: Errant text removed, see Ordinance 17-52.*~~


~~(Ord. 17-52 §§ 39, 41, 2017; Ord. 02-54 § 2, 2002)”~~

SECTION FIFTEEN: Existing Sections 18.10.050, 18.20.050, 18.20.500, 18.30.130.F, 18.40.030, 18.40.110.D, 18.40.120.D, 18.40.160.A, 18.40.240.B, 18.50.020.C, 18.50.025, 18.50.225 and 18.94.030 are hereby specifically repealed.

SECTION SIXTEEN: This Ordinance shall take effect from and after its publication as provided by law.

PASSED by the City Council this 3rd day of May 2022.

SIGNED by the Mayor this 3rd day of May 2022.


John W Bacon (May 4, 2022 09:29 CDT)

Mayor

ATTEST:




City Clerk

(Seal)



APPROVED AS TO FORM:



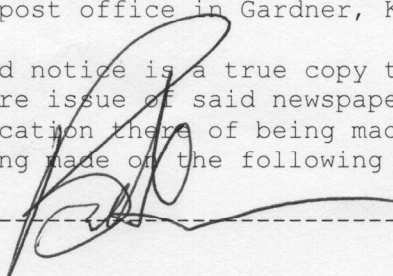
Ron Shaver (May 4, 2022 10:00 CDT)
City Attorney

STATE OF KANSAS
JOHNSON COUNTY, SS

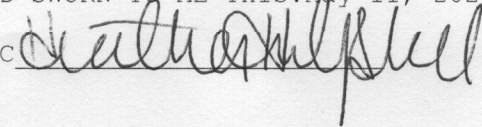
Brandon Humble, being first duly sworn, deposes and says: That he is the editor of THE GARDNER NEWS A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s), The first publication there of being made as aforesaid on May 11, 2022 Publications being made on the following .

EDITOR-----



SUBSCRIBED AND SWORN TO ME THIS: May 11, 2022

NOTARY PUBLIC 



MY COMMISSION EXPIRES 12/07/24

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

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PUBLICATION SUMMARY OF ORDINANCE NO. 22-22, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 3rd DAY OF MAY 2022.

SUMMARY

On May 3, 2022, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 22-22, amending certain sections of Title 18 of the Olathe Municipal Code pertaining to the Unified Development Ordinance and repealing the same existing sections. Section 18.20.050 was amended to address existing land uses as they annex into the City of Olathe. Section 18.30.130 was amended to identify the form of landscape guarantee required. Sections 18.40.110 and 18.40.120 were amended to remove certified notice requirement for preliminary site development plans. Section 18.40.160 was amended to provide expedited development process for final plat reviews. Section 18.40.240 was amended to remove requirement that certified notice letters be mailed for plan review waiver requests. Section 18.50.020 was amended to update the accessory structures. Section 18.50.025 was amended to provide clarity regarding where an accessory dwelling unit can be located. Section 18.50.225 was amended to clarify locations for temporary events. Section 18.94.030 was amended to remove the formatting requirement for digital plan submittals and remove the requirement for paper copies.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address, <http://www.olatheks.org/government/city-clerk/public-notice>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 4th day of May 2022.

/s/ Rachelle R. Breckenridge
Rachelle R. Breckenridge
Assistant City Attorney

Publish
to the C

Public Notice

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First published in *The Gardner News* Wednesday, May 11, 2022

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/s/ Rachelle R. Breckenridge
Rachelle R. Breckenridge
Assistant City Attorney