

## 18.20.500 Use Matrix



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

The Use Table establishes the following categories of uses:

Notation	Category	Description
<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

When a use cannot be reasonably classified into a use category or specific use type, or appears to fit into multiple categories, or specific use types, the Planning Official is authorized to determine the most similar, and thus most appropriate use category for a proposed use.

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

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

## 18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

**DRAFT**

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 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).	
Elderly Senior 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 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 non-residential use.	
Multifamily Dwellings 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	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 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.

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<b>Accommodations &amp; Group Living</b>																					
Assisted living, skilled nursing, continuing care retirement facilities	P	P	P	P	P		P	P	P	P					P	P	P	1220 1250		623110, 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	S	S		P	P	P	P					P	P	P	1310		721191	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, 6566		6244	See Chapter 18.50
Day-Care & Child Care: Child-Care Centers						P	P	P	P	P	P				P	P	P	6562, 6566		6244	See Chapter 18.50
Day-Care & Child Care: Group Day-Care Home	P	P	P	P	P													6562, 6566		6244	See Chapter 18.50
Day-Care & Child Care: Mother's Day Out -Care Home	P	P	P	P	P													6562, 6566		6244	See Chapter 18.50
Day-Care & Child Care: Preschools	S	S	S	S	S	P	P	P	P	P	P							6562, 6566		6244	See Chapter 18.50
Day-Care & Child Care: Adult Day-Care	S	S	S	S	S	P	P	P	P	P	P							6566		624120	See Chapter 18.50
Community living facility, Mental Health / Substance Abuse, with on-site staff	S	S	S	S	S													6520		623220	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		623220	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, <del>minors</del>	P S	P S	P S	P S	S										P S	P S	P S			623990	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 <del>boarding home for minors</del> day-care homes	S	S	S	S	S										S	S	S			623990	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		623220	A dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas. (Source: KSA 12-736)

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Homeless Shelter				S	S							S	S							634221	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 for adults or minors 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.
Commercial/Mixed Use																					
Adaptive re-use (see Chapter 18.50)															S	S	S		2200, 2611		Adaptive reuse of a building formerly used as a dwelling unit for commercial, service, or office use
Nursery, lawn, garden center, and farm supply store	S									P		S	S		P	P	P	2123		44422	An establishment primarily engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials, topsoil and rental of landscaping equipment. This includes accessory service facilities.
Animal care facility (see categories below):																					A commercial operation that: (1) provides food, shelter, grooming, sitting, training or care for more than four (4) animals of six (6) months of age or older for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or (2) regularly engages in the breeding of animals for sale. (Ord. 02-54 § 2, 2002). A "kennel" refers to any area where animals are boarded or kept to provide the services listed above.
Animal and pet care services							P	P	P	P		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 practitioners. Examples include animal hospitals, veterinary clinics, veterinarians' offices, and veterinary testing laboratories. This may include either enclosed or outside kennels or dog runs.
Antique shop								P	P	P					P	P	P	2145	2200	453310	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).

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Apparel and accessory stores							P	P	P	P		S	S		P	P	P	2133	2200	4481-4483	Establishments primarily engaged in retailing new clothing, shoes, luggage, or footwear.
Auto supply (parts) stores								P	P	P							P	2115		4413	Establishments that: (1) are primarily engaged in retailing new, used, and/or rebuilt automotive parts, new or used tires, and accessories (known as automotive supply stores); (2) automotive supply stores that are primarily engaged in both retailing automotive parts and accessories and repairing automobiles; and (3) establishments primarily engaged in retailing and installing automotive accessories.
Bail bonding															S			2600		812990	An establishment principally engaged in providing security to ensure compliance with the terms of an appearance bond (see KSA 22-2202).
Bait shop												P	P						2200	451110	An establishment principally engaged in selling artificial or natural lures for taking fish by hook and line.
Bakery, retail (no wholesale distribution facilities)							P	P	P	P		P	P		P	P	P	2151	2200	311811	Establishments primarily engaged in retailing bread and other bakery products not for immediate consumption made on the premises from flour, not from prepared dough.
Bars, Taverns and Drinking Establishments								P	P	P		S	S		P	P	P	2540		722410	Premises which may be open to the general public, where alcoholic liquor by the individual drink is served. (Ord. 02-54 § 2, 2002)
Beer, wine, and liquor store	-	-	-	-	-	-	P	P	P	P	-			-	P	P	P	2155	-	4453	Establishments primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor.
Bicycle sales and service							P	P	P	P		S	S		P	P	P	2113	2200	451110	An establishment principally engaged in selling and repairing bicycles and bicycle equipment.
Boat/watercraft, marine supplies, and marine/boating equipment sales and service										P		S	S	S	P	P	P	2114		441222	Establishments primarily engaged in (1) retailing new and/or used boats or retailing new boats in combination with activities, such as repair services and selling replacement parts and accessories, and/or (2) retailing new and/or used outboard motors, boat trailers, marine supplies, parts, and accessories.
Book, magazine, or stationery store							P	P	P	P					P	P	P	2135	2200	4512	Establishments primarily engaged in retailing new books, newspapers, magazines, and other periodicals.
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	2126, 2127		444190	Establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be installed. Lumber is sold only from enclosed buildings rather than unroofed spaces such as lumberyards.
Building materials sales and storage									P	P			P	P				2126, 2127		4441	Retailing, wholesaling or rental of building supplies or construction equipment. This classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments. (Note: establishments that operate from a warehouse are classified separately).
Business service centers / business support						P	P	P	P	P	S	P	P	P	P	P	P	2424	2200	56143, 5619	Includes blueprinting, printing, Photostating, copying, packaging, labeling, and similar services to other businesses.
Cafeterias and snack bars (accessory)																		2520, 2530		722514, 722515	Cafeterias and snack bars that principally serve the employees in the buildings in which they are located and their guests.
Camera and film shop; photography studio; frame shop							P	P	P	P					P	P	P	2132	2200	54192, 81292	Establishments primarily engaged in providing still, video, or digital photography services, or developing film and/or making photographic slides, prints, and enlargements.

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Candy or confectionary making (retail)							P	P	P	P		S	S		P	P	P	3100	2200	3113, 31191	Establishments that make candy or confectionaries on for retail sale on the premises.
Car Wash, Automobile Laundries, or Car Care Centers									P	P		S	S						2593	811192	Establishments that wash, wax or clean automobiles or similar light vehicles.
Catering / food service						P		P	P	P	P	S	S		P	P	P	2560, 2570		72231, 72232	A business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.
Commercial Use in Multifamily Development	-	-	-	-		-	-	-	-	-	-	-	-	-				-	-	-	A commercial use located in a building that has multifamily dwelling units, and that has no direct entry from the use to the street.
Convenience Stores, without gas sales								P	P	P		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.
Delicatessen / Limited-Service Restaurant							P	P	P	P		S	S		P	P	P	2151		722513	Establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location.
Department store, warehouse club, superstore, or general merchandise								P	P	P		S	S		P	P	P	2145	2240, 2250	452	Establishments that retail new general merchandise from fixed point-of-sale locations. Establishments in this subsector are unique in that they have the equipment and staff capable of retailing a large variety of goods from a single location. This includes a variety of display equipment and staff trained to provide information on many lines of products.
Drive-in or Drive-Through Service (for retail, restaurant)	-	-	-	-	-									-				-	2110, 2210	-	See Chapter 18.50.
Drive-Through Service (for financial institution)	-	-	-	-	-									-				-	2110, 2210	-	See Chapter 18.50.
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.
Entertainment establishment							S	P	P	P					P	P	P	2540		722410	This includes any establishment other than a restaurant where alcoholic beverages are served for consumption on the premises (such as lounges, or private clubs), or which offers live entertainment such as music or dance floors (such as nightclubs). This includes any warehouse entertainment club or teen entertainment club (see Chapter 5.10 of the Municipal Code).
Executive Suite Space (Non-retail, Non-						P	P	P	P	P	P	P	P		P		P	2200-2455,	2100	115115, 511,	A building where offices are rented either for businesses that operate from the building, or that use the building for mail

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Industrial)																		4210-4212, 4241, 4243, 5140-5160, 6200-6220, 6800-6820, 54191, 54193, 54199, 55, 6117, 4885, 7113-7115, 8132-8133, 813, 923-928		51911, 51913, 523-525, 531, 5411-5418, 5611-5616, 56192, 54191, 54193, 54199, 55, 6117, 4885, 7113-7115, 8132-8133, 813, 923-928	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.
Farm / landscape / garden supply sales	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).
Farmer's markets	S						S	S	P	P		S	S		P	P	P		2260		A structure or place where agricultural products or consumer goods are brought by individual producers for the purposes of retail sales. The structure from which produce is sold need not be portable or capable of being dismantled or removed from the site. This includes farmers markets or flea markets. 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.
Fast Casual Restaurant						P	P	P	P	P	P				P	P	P				Fast-casual restaurants are those restaurant establishments which meet all of the following: 1. Provide a healthier menu than that offered by traditional fast food; and 2. Menu items are more expensive than traditional fast food restaurants; and 3. Menu items are made to order not pre-packed; and 4. Uses nondisposable dishware and flatware when dining in.
Financial Institution (bank, credit union, or savings institution)						P	P	P	P	P	P				P	P	P	2210	2100	521-522	An establishment that provides retail banking, credit and mortgage, or insurance services to individuals and businesses. This classification includes banks and savings and loan establishments, brokerage firms, check cashing and currency exchange outlets and stand-alone automated teller machines. This does not include a Payday Loan Business or Title Loan Business.
Flex Space (office and warehouse building)										P	P	P	P		P	P	P	3600			A building that combines office with manufacturing, wholesale, warehousing, or training facilities that relate to the office uses. Retail or showroom uses that are accessory to those uses may

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Florist or floral/gift shop							P	P	P	P					P	P	P	2141		453110	occupy up to 25% of the gross floor area. 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	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.
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, 2335		5322, 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,									P			P	P					2332		532120	Establishments primarily engaged in renting or leasing, without drivers, one or more of the following: trucks, truck tractors, buses,



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Boats, Motorcycle																					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.
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.
Live-work units	P	P	P	P	P		P	P	P						P	P	P	2200-2455 5140-5160 6200-6220 6800-6820	2300 2400		A building in which offices, studios, or other commercial uses are located on the first floor and a dwelling unit is located above the first floor, or behind the areas that house the commercial activities.
Medical equipment sales, rental or leasing									P	P	P				P	P	P			44619	Establishments primarily engaged in retailing medical equipment and supplies such as Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances.
Mixed Use, Commercial (includes offices units located over storefronts)						P	P	P	P	P					P	P	P	2200-2455 5140-5160 6200-6220 6800-6820	2300, 2400, 2611		A building where retail activities occur on the ground floor, with offices or a mix of dwellings and offices located above the ground floor.
Mixed use, Vertical Residential (includes Residences located over storefronts)					P	S	P	P	P	P					P	P	P	2200-2455 5140-5160 6200-6220 6800-6820	2300, 2400, 2611		A building where retail activities occur on the ground floor, with residences located above the ground floor.
Mobile Food Services	As regulated by Municipal Code																	2550		72233	Establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts.
Monument dealers (tombstones and markers)										P		P	P		P	P	P			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, include storage and incidental maintenance.
Motor Vehicles, internet sales, no outdoor display									P	P		P	P								Motor vehicles sold online with no display of vehicles outdoors and no on-site repair or refurbishing of the vehicles
Musical Instrument and Supplies Stores							P	P	P	P					P	P	P	2135		45114	Establishments primarily engaged in retailing new musical instruments, sheet music, and related supplies; or retailing these

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																					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).
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.
Pawnshops								P	P						P	P	P	2145		4533, 522298	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

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																					cleaners (excluding dry cleaning plants), self-service laundries and photographic studios.
Pet store							P	P	P	P					P	P	P	2710		453910	Establishments primarily engaged in retailing pets, pet foods, and pet supplies.
Pharmacy and drugstore							P	P	P	P					P	P	P	2161		446110	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	2300-2335		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	8111-8114	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, diner, snack shop, hamburger shop and steak house. (Ord. 02-54 § 2, 2002)
Restaurant or snack bar, accessory	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	2520, 2530	-	-	A restaurant or snack bar, as defined below, that is subordinate to an office or retail building with no direct outside entrance.
Restaurant, Full Service						P	P	P	P	P	P				P	P	P	2510		722511, 722514	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		722513, 722515	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, 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, recreation vehicle, bus, or

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Sales and service, large vehicles										S		S	S					2114		441210, 441222, 441228, 441229, 532120	trucks, including parts, and equipment. Establishments primarily engaged in retailing new and/or used recreational vehicles (commonly referred to as RVs), boats/marine, recreational vehicle, travel trailer, or campers, or retailing these new vehicles in combination with activities, such as repair services and selling replacement parts and accessories.
Services to buildings and dwellings							P	P	P	P		P	P		P	P	P	2450-2455		5617, 561622	An establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning, upholstery, painting and paper hanging, sign painting, packing and crating, landscaping, and locksmith services.
Specialty food stores							P	P	P	P					P	P	P	2153, 2154		4452	Establishments primarily engaged in retailing specialized lines of food, such as meat markets, fish and seafood markets, fruit and vegetable markets, and gourmet food stores.
Sporting goods shop							P	P	P	P					P	P	P	2134		45111	Establishments primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; and sporting goods, equipment, and accessories.
Tailor / shoe repair							P	P	P	P					P	P	P	3130		3152	Establishments primarily engaged in manufacturing cut and sew apparel from woven fabric or purchased knit fabric.
Tattoo Parlor/Tattoo Studio and/or Body Piercing								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	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

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																					automobile, truck, and van interiors for the physically disabled or other customers with special requirements. No vehicles are sold on the premises.
Vehicle repair and restoration (generally)									P	P		P	P					2110	2280	81111	Establishments providing mechanical or electrical repair and maintenance services for motor vehicles. This includes (1) repair or replacement of mechanical and electrical systems, engines, exhaust systems, transmissions, brakes, and radiators, and (2) installing radios, stereos, or similar items. These do not include automotive wrecking or long-term disabled vehicle outdoor storage.
Vehicle Services								P	P	P								2110	2280	811191	Establishments primarily engaged in providing automotive maintenance services. Examples include oil change, engine tune-ups, diagnostics, wheel alignment, and maintenance of air conditioning, charging or starting systems, belts, brakes, radiators, and transmissions. Repair services are limited to tires. Services do not include mechanical and electrical repair and maintenance; transmission repair; and body, paint, interior, and glass repair. This includes tune-up, quick lube and auto diagnostic centers.
Video/audio sales and/or rental								P	P	P		S	S		P	P	P			532230	Establishments primarily engaged in renting prerecorded video tapes and discs for home electronic equipment.
Woodworking shops						P	P	P	P	P		P	P		P	P	P			337, 444190	Establishments that make furniture, cabinets, or similar items from logs or lumber, for sale on the premises. Processes include carpentry or wood crafting.
<b>Industrial</b>																					
Automobile storage or towing (excluding junked vehicles)												P	P					4138		488410	Establishments primarily engaged in towing light or heavy motor vehicles, along with incidental services such as storage and emergency road repair services. Includes any impound towing business subject to Chapter 5.44 of the Municipal Code.
Bottling works												P	P	P					2613, 2620, 2621	31211	Establishments primarily engaged in one or more of the following: (1) manufacturing soft drinks; (2) manufacturing ice; and (3) purifying and bottling water.
Brewery/Tasting Rooms												P	P	P	S	S	S			312120	This industry comprises establishments primarily engaged in brewing beer, ale, malt liquors, and non-alcoholic beer.
Building contractor without outdoor storage												P	P	P	P	P	P	7110-7450		236	Establishments primarily responsible for the construction of buildings. The work performed may include new work, additions, alterations, or maintenance and repairs.
Carpentry, floor, and tile contractor												P	P	P	P	P	P	7310		2383	Establishments primarily engaged in the specialty trades needed to finish buildings. The work performed may include new work, additions, alterations, maintenance, and rep.
Computer and Electronic Product Manufacturing											P	P	P	P					2613, 2614, 2620, 2621	334	Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.
Construction and contractors													P	P						236115-236117, 238	Establishments primarily engaged in the entire construction of new housing or non-residential buildings, or specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction, but that are not responsible for the entire project.
Crematories								S	S	S		S	S		S	S	S	6720	4800	8122	A building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.
Data Processing, hosting, and related						P			P	P	P	P	P	P	P	P	P	4240	2613, 2620,	518	Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized

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services																			2621		hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. An example is a data center.
Explosives manufacturing/storage														S				3320	2620, 2621	332992-332995, 32592, 325998	Establishments primarily engaged in manufacturing ammunition, ordnance, or explosives such as dynamite.
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 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.
Junk yards, salvage yards, and auto and scrap processing														S				3510		42393	An establishment or part thereof, which is maintained, operated, or used for storing, keeping, repairing, buying or selling junk, including any parts of vehicles, equipment, or machines or discarded or similar materials, or for the maintenance or operation of a salvage yard. (Ord. 02-54 § 2, 2002). "Junk" includes, but 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 the Municipal Code).
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.

## 18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

**DRAFT**

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/Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LCS Function	LCS Structure	NAICS	Definition
Laboratories-medical and diagnostic						P					P	P	P	P				6513	2614		Establishments that provide analytic or diagnostic services, and related services such as medical imaging, and forensics.
Landfill, demolition														S				6320 7000	6320	562212	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	562212	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	562212, 562219	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- 3230, 3400- 3520	2613, 2614, 2620, 2621	31-33	Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
Meat packing and poultry processing														P					2613, 2620	3116	Establishments primarily engaged in processing or preserving meat and meat byproducts from purchased meats.
Medical Equipment and Supplies Manufacturing												S	P	P					2614, 2620, 2621	3391	Establishments primarily engaged in manufacturing medical equipment and supplies. Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances.
Milling or canning of agricultural products, feed and flour mills													P	P				9240	2612, 2620	311211	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, 2620, 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, 2620, 2621		Office supply manufacturing establishments manufacture office supplies with the exception of paper. Examples of products made by these establishments are pens, pencils, felt tip markers, crayons, chalk, pencil sharpeners, staplers, hand operated stamps, modeling clay, and inked ribbons.
Oil and gas well drilling	S												S	S				8100		211, 213111	See Section 18.50.065.
Paper Manufacturing													P	P				3220	2613, 2620, 2621	322	Establishments that transform metal into intermediate or end products (other than machinery, computers and electronics) and metal furniture, or treat metals and metal formed products fabricated elsewhere.
Petroleum and coal products manufacturing														S				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	P		2613, 2614, 2620,	323111- 323120, 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



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																			2621		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		562920	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	311613	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, 3000, 6320	2614	5417, 927	An establishment primarily engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components. Includes government research such as space research and technology.
Sign makers												P	P	P				3440	2613, 2620, 2621	33995	Establishments primarily engaged in manufacturing signs and related displays of all materials (except printing paper and paperboard signs, notices, displays).
Textile, Clothing, and Leather Manufacturing													P	P				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,	321	Establishments that manufacture wood products, such as lumber,



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																		2613, 2620, 2621			plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings.
<b>Warehousing &amp; Storage</b>																					
Mini-Warehouse									P	P		P	P	P				2700	2710 2720	53113	Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
Petroleum Bulk Stations and Terminals	S												P	P				3600	2780- 2782	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, 3600	2730 2740 2760	42, 493	A facility for (1) storing goods, merchandise, or bulk goods and non-retail store items for wholesale distribution, or (2) for keeping business, personal property and office records in an enclosed and roofed building. Warehousing and distribution are permitted in the BP District areas as follows: <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). OR</li> <li>When located outside of the IRB area with a Special Use Permit.</li> </ul>
<b>Arts, Recreation &amp; Entertainment</b>																					
Adult business establishments														P							See definition in Chapter 5.50. (Ord. 02-54 § 2, 2002, Ord. 08-20 § 6, 2008)
Amphitheater, outdoor stage, bandstand, or similar structure	S							S		S		S	S		S	S	S		3130, 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.

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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. (Ord. 02-54 § 2, 2002)
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 non-profit groups that are primarily used by group members.
Entertainment establishment	----- See listing under Commercial / Mixed Use -----																				
Fairgrounds	S									S		S	S		S	S	S	5310		713990	An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment providing recreational and amusement services.
Indoor athletic facility	S						S	P	P	P	S	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	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.

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Recreational vehicle parks/campgrounds	S											S	S					5400		7032	An area of land available for the overnight or temporary parking of recreation vehicles which is in compliance with the zoning and other ordinances of the City. (Ord. 02-54 § 2, 2002)
Skating Rink - Ice Or Roller Skating										P		S	S		P	P	P	5390		713940	An establishment that provides facilities for participant skating.
Sports stadiums and arenas	S									S		S	S		S	S	S	5120	3300	711211	A large facility primarily used for professional, 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	512132	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	512131	Establishments primarily engaged in operating motion picture theaters (except drive-ins) and/or exhibiting motion pictures. Said establishment can be comprised of one-single theater or a complex structure with 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.
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	P	S	S	S	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		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

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Government facilities, other than offices	S					S	S	S	S	P	P	S			P	P	P	6221, 6310	7000-7500, 6600	92211, 928	Interment services. Crematories are classified separately. 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.
Medical Office or Clinic						P	P	P	P	P		P			P		P	6510, 6511-6512, 6514	4120	621	A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: offices for physicians, dentists, chiropractors, or other health care professionals; 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		491110	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	P				
Public Safety services	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	6400-6430	4500-4530	92212, 92216	A facility for public safety and emergency services, including police and fire protection and police and fire training facilities.
Schools, specialty						P	P	P	P	P		P	P		P	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	P	6111-6124	4200, 4210	6111	A facility for educational purposes that offers a general course of study at the elementary or middle school levels.
Schools, high schools	P	P	P	P	P		P			P		P	P		P	P	P	6111-6124	4200, 4210	6111	A facility for educational purposes that offers a general course of study at the high school level, and vocational and trade programs that are incidental to the operation of those schools.
Social Services								P	P	P								6540-6568		624	Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons,

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**DRAFT**

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/Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and, developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons). These services do not include residential or accommodation services, temporary shelters or community housing (classified separately under Transitional Housing above).
<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	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	562112, 562211	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	562213	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 services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing

## 18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

**DRAFT**

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/Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios
Parking lots, Surface, as Principal Use	S				S			S	S	P		P	P		P	P	P		5210 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.
Parking lots, underground or structure, as principal use						P		S	S	P	P	P	P		P	P	P		5230- 5250	81293	A parking lot where all spaces are provided in a covered building.
Power generation plants	S												P	P					6430- 6434		Plant facilities and equipment for the purpose of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.
Public transportation facility	S				P	P	P	P	P	P	P	P	P		P	P	P	4121, 4130- 4135	3900- 3940, 5300	485, 48211	Includes ground passenger transportation services such as bus, taxi, limousine, train or light rail depots, school bus, employee bus, charter bus, or similar service. This includes stations or dispatch facilities and any taxicab establishment subject to Chapter 5.24 of the Municipal Code.
Public utility storage and service yards	S	S										P	P								
Radio and television broadcasting or recording studio						P				P	P	P	P		P	P	P	4231	6510	5151-5152	Broadcasting and other communication services accomplished through electronic mechanisms. This classification includes radio, television or recording studios, switching centers and cable transmitting stations.
Railroad facilities	S											P	P	P				4123	5700- 5720	4882	Railroad land used for through tracks, or areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.
Solar Energy	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S		6460	221114	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
Waste collection	S	S	S	S	S					S		S	S		S	S	S	4343, 4346		562111, 562119, 562920	A facility where waste material, other than hazardous or infectious waste, is received and temporarily stored in closed containers without processing or disposition, including but not limited to: recycling drop-off point, yard waste depot, charitable drive box and other similar uses limited in volume and means of storage and posing no nuisance by reason of odor, noise, runoff, underground seepage or unsightly conditions. This includes solid waste collection centers, solid waste transfer stations, recycling centers, yard waste collection drop-offs, and similar facilities.
Solid Waste Landfill														S				4345	6320	562212,	A facility operating landfills for disposal of nonhazardous solid waste or the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
Stormwater management / flood control facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6220- 6240		237990	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, 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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4234		517311	Establishments engaged in operating wired telecommunication network facilities. Providing a variety of services, such as wired

## 18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

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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/Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LECS Function	LECS Structure	NAICS	Definition
telecommunications																					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	4310-4340, 4343, 4347	6100-6162, 6310-6314, 6350-6356	221	A facility where the distribution of gas, electricity, water, steam, hot water, chilled water, and landline communications serves as the principal use.
Water supply facilities	S	S	S	S	S					S		S	S		S	S	S		6200-6290		Includes including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities.
Wind Energy Conversion Systems (WECS)	S	S	S	S	S	S	S	S	S	S	S	S	S	S						221115	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																	9100-9155, 9230-9330, 9350-9373, 9500-9520, 9380	81008210, 8230-8300, 8600, 8800-8900	111-111339, 112-112210, 113-114115	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 apary 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																		8300-8450	112	
Forestry, Commercial	P	P																9400-9430			The growing or harvesting of forest tree species used for commercial or related purposes.
Non-commercial agriculture / community garden	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	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.
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)



### **18.30.130 Landscaping, Buffers and Screening**

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

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

#### **A. Applicability**

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

#### **B. General Requirements**

1. All land area subject to a final site development plan and issued a building permit, which are not paved or covered by buildings shall be brought to finished grade and planted with turf, native grasses, or other appropriate ground covers.
2. The American Standard for Nursery Stock (see Technical References in Chapter [18.90](#)) applies to any technical landscaping term not already defined in this title.
3. The Planning Official shall maintain/update the following preferred lists in order to meet City landscaping standards: trees and shrubs; street trees; and prohibited trees and shrubs.
4. Development constraints and conditions vary greatly among sites. The Planning Official may therefore approve landscape plans that deviate from strict compliance with this section, including the applicability of any subsection to a particular development, if the purpose and



intent of this section (including any subsection) are met. Any proposed deviation shall be clearly identified on the proposed landscape plan, which shall be accompanied by a written description of the proposed deviation(s) and an explanation of how the purpose and intent of this section (including any subsection) are met by the proposed revised landscape plan.

**5.** If landscaping is not installed, maintained and replaced as needed to comply with the approved plan and/or building permit plans, the owner and its agent or agents are considered in violation of the terms of the certificate of occupancy.

### **C. Landscape Plan**

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

### **D. Species and Installation**

#### **1. Generally**

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

#### **2. Design Principles**

- a.** Landscape design and species shall be used to create visual continuity throughout the development.
- b.** Landscape coordination shall occur among all phases of the development area.
- c.** Trees, shrubs and other landscaping materials depicted on the approved final site development plans are considered site improvements in the same manner as parking, building materials and other details.
- d.** A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance.
- e.** At least one-third ( $\frac{1}{3}$ ) of the plantings shall be evergreen species.
- f.** Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

- g.** Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of a site.
  - h.** Required landscape plantings shall be coordinated with the location of utilities, driveways and traffic site distance triangle areas.
  - i.** Trees shall not be placed within public utility easements, but within adjacent areas that do not conflict with such public easements and meet site landscaping requirements.
  - j.** Planting design shall coordinate the locations of trees to allow access to utilities with minimal disruption to the trees and their supporting root systems, while avoiding increased service costs to the utilities.
- 3.** The Planning Official may approve exceptions to the location and spacing of trees to accommodate the location of public utilities.
- 4.** Any area of a site not intended for a specific use, including a commercial pad site intended for future development, shall be seeded unless retained in its natural state. In all cases the site shall be maintained.
- 5.** Vegetative stabilization and management techniques shall be used at a site after construction is completed. The applicant shall protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites.

#### **6. Approved Species List**

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

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

#### **7. Minimum Plant Specifications**

Minimum planting specifications are:

Category	Specifications
<b>Deciduous shade trees</b>	2½- to 3-inch caliper measured 6 inches above ground
<b>Evergreen trees</b>	6 to 8 feet in height
<b>Small deciduous or ornamental trees</b>	1- to 1½-inch caliper measured 6 inches above ground. For multi-trunk clusters (3 or more trunks) the smallest trunk shall be ¾ inch.
<b>Deciduous and Evergreen Shrubs</b>	24-inch-high plant size. Spacing from 3 to 5 feet apart depending upon species. Native plants should use the largest size available in the area. The seed stock for native plants shall be grown within a 200 mile radius of the job site.
<b>Ground cover plants</b>	Ground cover shall be planted in a number as appropriate by species to provide 50 percent surface coverage.

## 8. Turf

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

## 9. Native Vegetation, Drought Resistance/Xeriscape and Irrigation

- a. Native vegetation and drought resistant plant material shall be used wherever possible.
- b. If native vegetation or drought resistant plant materials are not used, then an irrigation system shall be installed to provide water during a three (3) year establishment period.
- c. Native vegetation and xeriscape plants may exceed the height limit for vegetation provided in Section [6.09.050](#) of the municipal code.
- d. Xeriscape landscape practices are allowed as a way to minimize the need for supplemental watering. The following techniques shall be used where possible:
  - (1) Using plant materials with lower moisture requirements;
  - (2) Selecting plants on the basis of specific slope, aspect, soil and micro climate conditions;
  - (3) Using native and adapted plant species;

- (4) Minimizing the amount of irrigated turf area;
- (5) Planting and designing slopes to minimize runoff, using terracing in lieu of a consistent slope, where possible;
- (6) Separating irrigation zones according to plants' water requirements to reduce evaporation;
- (7) Emphasizing soil improvement by conserving topsoil, deeply loosening soil and incorporating organic matter and amendments based on soil tests;
- (8) Using mulch in planting areas to reduce weed growth, promote soil cooling and reduce evaporation.

#### **10. Substitute Planting Materials**

- a. After the landscape plan is approved and before planting occurs, the Planning Official may approve comparable substitute planting materials if:
  - (1) The approved plants and landscape materials are not available at the time that installation is to occur, or
  - (2) Other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan.
- b. If the substitute planting materials are on the approved species list, no new landscape plan is required.
- c. A new landscape plan is required if the substitute planting materials are not on the approved species list. The applicant is not required to resubmit any other applications related to the landscaping plan (such as a site development plan or rezoning). The Planning Official may approve, approve with conditions, or deny the landscape plan. The applicant may appeal this decision to the City Manager.

#### **E. Maintenance**

- 1. The developer, its successor and/or subsequent owners and their agents shall maintain landscaping on the property on a continuing basis for the life of the development.
- 2. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced.

3. All landscaping is subject to periodic inspection by the Planning Official or designee.
4. The property owner shall maintain landscape areas in good condition and in a way that presents a healthy, neat and orderly appearance. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices.
5. The City may cause removal of any dead or diseased trees, plants and shrubs on private property within the City, when those trees, plants and shrubs constitute a hazard to life and/or property or harbor insects or disease which constitutes a potential threat to other trees, plants or shrubs within the City. If the Planning Official determines that removal of any diseased tree, plants or shrubs is necessary; the Planning Official shall provide the property owner written notice of the required maintenance or removal.

## **F. Timing of Landscaping**

### **1. During the Development Process**

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

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

## **G. Street Trees**

### **1. Applicability**

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

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

## **2. General Requirements**

- a.** Street trees shall be spaced as uniformly as possible, with an average spacing of forty (40) linear feet between trees in all districts, resulting in at least one (1) tree per lot in residential districts.
- b.** A minimum of two (2) street trees are required on corner lots.
- c.** Street trees count toward the required number of trees within the interior of the lot only in residential districts for single-family and two-family dwellings.
- d.** Exceptions to the location and spacing of trees may be allowed to accommodate for the location of utilities, streetlights, driveways, storm drain structures, sidewalks and traffic sight distance triangle areas.
- e.** At least six (6) feet of space is required between the right-of-way or sidewalk and the back of curb for the planting of street trees.
- f.** The applicant shall coordinate adequate clearance between street trees and other infrastructure to allow for the location of street trees within the right-of-way, wherever practical, and shall promote the longevity of the street trees to avoid premature loss of the trees. The street tree plan shall coordinate the locations of street trees to allow access to utilities with minimal disruption to the street trees and their supporting root systems while avoiding increased service costs to the utilities.
- g.** See Section [18.30.220.E](#), Sight Distance.
- h.** No tree, shrub, or woody vegetation shall be planted within a distance of ten (10) feet from any fire hydrant or fire department connection (FDC) to the sprinkler system.
- i.** No trees shall be planted within fifteen (15) feet of a street light.

## **3. Procedures**

### **a. Timing**

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

#### 4. Required Species

- a. The Planning Official shall determine the botanical and common names of the street trees to be planted based on the requirements of this section.
- b. Trees to be used to meet City street tree standards are as follows:

Botanical Name	Common Name
Acer platanoides var.	Norway Maple
rubrum var.	Red Maple
saccharum var.	Sugar Maple
Carya illinoienses	Pecan
Celtis occidentalis	Hackberry
Cladrastis lutea	American Yellowwood
Ginkgo biloba	Ginkgo (male, seedless)
Gleditsia triacanthos inermis var.	Honeylocust (thornless, podless)
Gymnocladus dioicus	Kentucky Coffeetree
Liquidambar styraciflua	Sweetgum Blackgum
Liriodendron tulipifera	Tuliptree
Platanus x acerfolia	London Planetree
Quercus acutissima	Sawtooth Oak
bicolor	Swamp White Oak
borealis	Northern Red Oak
imbricaria	Shingle Oak
macrocarpa	Bur Oak
muhlenbergi	Chinquapin Oak
robur	English Oak
Tilia americana	American Linden

Botanical Name	Common Name
cordata var.	Little Leaf Linden
tomentosa	Silver Linden
Sophora japonica	Japanese Pagoda tree
Ulmus carpinus var. buisman	Buisman Elm
parvifolia	Lacebark Elm
Zelkova serrata	Zelkova

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

## 5. Prohibited Plants/Trees

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

## 6. Street Tree Specifications:

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

## 7. Right-of-Way

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



## **H. Landscaping along Arterial/Collector Streets (Master Fence/Screening Plan)**

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

### **1. Applicability**

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

### **2. Required Landscape Area**

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

### **3. Master Fence/Screening Plan Approval**

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

#### **4. Landscaping**

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

**(1)** Eight (8) evergreen trees.

**(2)** Two (2) shade trees.

**(3)** One (1) ornamental tree.

**b.** The landscape area shall not impair drainage and utility placements.

**c.** The required minimum landscape area shall not be located within a utility easement.

**d.** For each tree preserved within the landscape tract which meets or exceeds the minimum size requirements outlined in subsection [D.7](#), above, a one (1) to one (1) credit shall be given against the minimum tree requirements of this section.

**e.** The above landscaping materials may be deviated from if an alternative list of materials is approved by the City Planner which achieves comparable screening and buffering.

#### **5. Grass areas**

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

#### **6. Fences/Walls:**

**a.** Fences or walls are not required as part of the master landscape/screening plan.

**b.** In cases where the developer of the subdivision chooses to install a fence or wall, all types of fences installed by the developer, except wrought iron, split rail or similar see-through fence/wall types, must be located one (1) foot inside the boundaries of the landscape tract along the residential side of the tract. Wrought iron or similar see-through fences may be installed by the developer anywhere within the landscape tract, except they may be no closer than five (5) feet from the right-of-way line of the abutting arterial street.

## **7. Berms**

**a.** Berms are not required as part of the master fence/screening plan. In cases when the developer chooses to install a berm, the following standards apply:

- (1)** The slope of all installed berms shall not exceed three (3) to one (1);
- (2)** All berms shall be consistent with good engineering and landscape architectural design; and
- (3)** The grading plan for berms within the landscape tract shall be consistent with the approved subdivision grading plan and shall be approved by the City Engineer.

## **8. Maintenance/Irrigation:**

### **a. Maintenance**

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

### **b. Irrigation**

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

- (1)** All landscape areas shall be provided with a readily available water supply with at least one (1) outlet within one hundred (100) feet of the plants to be maintained. The use of nonpotable water for irrigation purposes shall be encouraged.
- (2)** No permanent irrigation system is required for an area set aside on approved plans for preservation of existing natural vegetation.
- (3)** Temporary irrigation systems installed pursuant to acceptable xeriscape landscape practices may be used to meet the standards of this section. Xeriscape means to landscape using vegetation that is drought tolerant or water conserving in character.

- (4)** Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones, or to water impervious areas.
- (5)** Whenever practical, irrigation systems shall be designed in zones to apply water onto shrub and tree areas on a less frequent schedule than those irrigating grass areas. When technically feasible, a rain-sensor switch shall be installed on systems with automatic controllers.
- (6)** No irrigation system shall be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
- (7)** The use of irrigation-quality effluent or reused water shall be encouraged.

## **I. Screening**

Landscape plans for all developments shall include a detailed drawing of enclosure and screening methods as provided below.

- 1.** Areas or facilities used for trash, recycling containers, service and loading are to be located out of public view from streets, adjacent residential properties, and other highly visible areas such as parking lots, access drives, and similar areas.
- 2.** Trash containers, trash compactors, and recycling containers shall be screened from public view on all four (4) sides:
  - a.** On three (3) sides with a six (6) to eight (8) foot solid wall constructed of masonry, and
  - b.** On one (1) side with a gate, and
  - c.** The container/compactor areas shall be appropriately landscaped.
- 3.** Recycling containers shall be screened from public view on the front or rear side with a six (6) to eight (8) foot solid wall constructed of masonry.
- 4.** The screening requirements of this subsection do not apply to containers used to collect clothing donations, or publicly accessible recycling containers. See Section [18.50.020.F](#) for locational requirements.
- 5.** Alternative compatible, durable materials for the screening of trash containers and trash compactors may be approved by the City through the final site development plan approval process.

**6.** Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with three-sided landscaping or with an architectural treatment compatible with the building architecture. Mechanical equipment shall be subject to the following:

**a.** Preferred locations for utility structures (cabinets), as listed in order of preference are: 1) nonresidential properties; 2) rear yards; 3) street side yards on a corner lot behind the front yard setback; 4) front yards within the required side yard setback; and 5) arterial or collector landscape easements

**b.** Size and Height – Residential: maximum height is thirty-six (36) inches above grade. Office/Commercial: limited to six (6) feet in height.

**c.** Arterial or Collector Streets

**i.** Placement – Utility structures shall be located on the interior façade of the building away from arterial or collector streets, and when possible, recessed into the wall of the structure. Utility structures shall not be placed along collector or arterial streets except when approved by the City.

**d.** Location in Public Right-of-Way – Utility structures shall be located behind the sidewalk and are subject to approval by the City Engineer. When requested within a public right-of-way a landscaping plan shall be required with the right-of-way permit.

**e.** Landscaping – Landscaping selected for screening shall be provided for on three (3) sides of the structure and shield the structure from public view.

**f.** Other Requirements – Utility structures located within public right-of-way (in front of sidewalk) require approval of an administrative review application.

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

**8.** In industrial and commercial districts, storage of materials, products or equipment outside of a fully enclosed building shall be one hundred (100) percent screened from public view, except

when adjacent to another storage area which is one hundred (100) percent screened from public view.

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

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

## **J. Buffers**

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

### **1. Applicability**

#### **a. Generally**

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

#### **b. Exemptions**

This section does not apply to:

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

*Commentary: Subsection [J.1.b\(5\)](#), above, addresses situations where a parcel is rezoned with several different zoning districts, and one of the districts acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "C-2," the other part of the parcel as "R-1." The "R-1" portion of the parcel is a strip adjoining a residential area zoned "R-1." A type "3B, 4A, or 5A" buffer is normally required between the "C-2" and "R-1" districts. No buffer is required between the portion of the parcel zoned "C-2" and "R-1" internal to the property in this situation.*

## **2. Reduction in Required Buffers**

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

## **3. Types of Buffers Required**

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

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

**b.** In order to encourage the preservation of natural vegetation, the applicant may substitute a type "N" buffer consistent with subsection [J.4](#), below, Table 18.30.130-~~23~~ for any category of required buffer.

**Table 18.30.130-1. Required Buffers**

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

<sup>1</sup> Buffers vary based upon the size of the development area adjacent to residential zoned land. [See table 18.30.130-2 for requirements.](#) Development areas less than five (5) acres in size require buffer type 3. Development areas between five (5) to ten (10) acres in size require buffer type 4A. Development areas greater than ten (10) acres in size require buffer type 5A or 6.



**Table 18.30.130-2. Variable Buffers**

<u>District ↓</u>	<u>Size of Site</u>	<u>R-1, R-2</u>	<u>R-3, R-4</u>	<u>N</u>
<b><u>C-3, C-4, BP</u></b>	<u>Less than five (5) acres</u>	<u>3</u>	<u>3</u>	<u>3</u>
	<u>Five (5) to ten (10) acres</u>	<u>4A</u>	<u>4B</u>	<u>4B</u>
	<u>More than five (5) acres</u>	<u>5A</u>	<u>5A</u>	<u>5A</u>
<b><u>M-1, M-2, M-3</u></b>	<u>More than ten (10) acres</u>	<u>3</u>	<u>3</u>	<u>3</u>
	<u>Five (5) to ten (10) acres</u>	<u>4A</u>	<u>4A</u>	<u>4A</u>
	<u>More than ten (10) acres</u>	<u>5A or 6</u>	<u>5A or 6</u>	<u>5A or 6</u>

#### 4. Buffer Types

- a. There are ~~ten (10)~~ nine (9) types of buffers. Table 18.30.130-2 shows the minimum width and number of trees and/or plants required for each one hundred (100) linear feet for each buffer.
- b. Each buffer type provides several plant material options. The applicant may either plant new trees or plants, or preserve existing trees or plants, within the required buffer which meet the requirements of this subsection.

**Table 18.30.130-23. Minimum Plant Materials Required for Each Buffer Type**

Buffer Type	Minimum Width (in Feet)	Trees <sup>1</sup>			Shrubs and Ornamental Grasses per 100 Linear Feet <sup>2</sup>	Constructed Features <sup>3</sup>
		Deciduous Shade Trees per 100 Linear Feet	Ornamental Trees per 100 Linear Feet	Evergreen Trees per 100 Linear Feet		
1	10	1	1	1	20	None
2	15	2	3	2	35	None
3	20	1.5	1	1.5	35	Min. 6-ft. high wall or berm
4A	25	4	2	3	40	Min. 9-ft. high wall and berm combination (e.g., 6-ft. wall and 3-ft. berm)
4B	60	None	None	None	None	None
5A	30	5	3	5	45	Min. 11-ft. high wall and berm combination (e.g., 6-ft. wall and 5-ft. berm)
5B	75	None	None	None	None	None
6	40	5	4	5	50	Varied berm with 4-ft. average height
N <sup>4</sup>	20% reduction with minimum of 10 feet	Any combination of trees or shrubs is acceptable where: <del>(1) the existing vegetation provides at least the number of equivalent planting units required by Table 18.30.130-2, or (2)</del> the existing vegetation provides complete visual screening from the adjoining property.				--

<sup>1</sup> See Section [18.30.130.D](#) for acceptable tree species and sizes

<sup>2</sup> See Section [18.30.130.D](#) for acceptable shrub species and sizes. A minimum one-third (1/3) of the shrubs shall be evergreen.

*3 A double row of evergreen trees may be substituted for a screening wall, but may not be counted toward minimum requirements for trees, shrubs, and ornamental grasses.*

*4 Natural areas with native vegetation may be used to meet any of the above buffer requirements if the criteria of Table 18.30.130-2 are met. The width of a buffer shall be reduced by twenty (20) percent if the minimum width is at least ten (10) feet. Irrigation requirements do not apply if no additional planting is required to meet these criteria.*

~~5. The number of **equivalent planting units** (EPUs) for purposes of applying a type "N" buffer, above, are calculated based on the following ratios: Canopy Trees = 1 EPU, Understory = 0.5 EPU, Large Shrubs = 0.25 EPU, Medium Shrubs = 0.1 EPU, and Small Shrubs = 0.05 EPU. Each buffer type "A" through "F," above, is assigned the following number of EPUs for purposes of determining whether a type "N" buffer may be substituted:~~

<b>Buffer Type</b>	<b>EPUs</b>
<del>1</del>	<del>1</del>
<del>2</del>	<del>2</del>
<del>3</del>	<del>1.5</del>
<del>4A or 4B</del>	<del>3</del>
<del>5</del>	<del>4</del>
<del>6</del>	<del>5</del>

## **6. Location of Buffer**

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

## **7. Permitted Uses Within the Buffer**

- a. The buffer may be included in the required yard or building setback.

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

#### **K. Residential Lots**

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

#### **L. Nonresidential Landscaping**

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

#### **M. Parking and Vehicular Use Areas**

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

### **1. Generally**

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

### **2. Perimeter**

a. Along street rights-of-way, parking areas shall be screened from public view in one of the methods described below:

- (1) A landscape mix of shrubs, trees and other plantings to create a visual screen of the parking and vehicular. Trees should be spaced with at least one tree per thirty (30) linear feet of landscape strip, with a width of at least ten (10) feet; or,
- (2) Shrubs that form a continuous visual screen at least three (3) feet in height; or,
- (3) A decorative wall of a material and design compatible with the architecture of the primary structure not to exceed four (4) feet in height; or,
- (4) A berm at least three (3) feet above the adjacent elevation of the street or parking area, whichever is highest, with a maximum slope of three to one (3:1) and shall have a crown of at least two (2) feet. Berms will include plantings such as shrubs, trees or other landscaping.

### **3. Interior**

a. The interior dimensions of any planting area or landscape islands shall be at least one hundred sixty-five (165) square feet in area. Landscape islands shall be at least nine (9) feet wide, as measured from back of curb to back of curb, and shall be constructed at a ratio of one (1) per each twenty (20) parking spaces. Each area shall be protected by vertical curbs or similar structures, and be designed and grouped into a parking and vehicular use area to create defined aisles and entrances for on-site traffic circulation.

b. A minimum of one (1) shade tree and turf grasses shall be provided for every parking and vehicular use landscape island. Areas where utility conflicts restrict tree plantings, other landscape plantings such as shrubs and ornamental grasses may be approved by the City.

- c.** Landscape aisles and strips between parallel parking rows shall be a minimum of ten (10) feet in width. When incorporating pedestrian walkways, the aisles and strips shall be a minimum of twenty (20) feet in width to accommodate vehicular overhangs, walks, lights, posts and other appurtenances. Landscape aisles and strips shall include medium to large deciduous trees at a minimum of one (1) tree every thirty (30) linear feet, in addition to other parking lot landscape requirements.
- d.** ~~Primary Appropriate landscape materials shall be trees which provide shade or are capable of providing shade at maturity.~~ Ornamental trees, evergreen trees, shrubbery, hedges, turf grasses, and other planting materials may be used to complement the landscaping, but shall not be the sole means of landscaping. The use of nonliving plant materials such as mulch is permitted when used around the base of vegetation for plant health and maintenance. Other nonliving materials such as rock, pebbles, and sand are not considered primary landscape material. Earth berms, existing topography and decorative walls shall be integrated with the landscape plan where feasible.
- e.** No landscaping tree, shrub, fence, wall, or similar item shall be placed in traffic zones of ingress or egress at street corners, or in the intersection of public right-of-way, which the City Engineer determines is an obstruction to visibility, or extends into a sight-distance-triangle as set forth in Section 18.30.220, or is otherwise a traffic hazard.
- f.** Landscape islands in parking lots may alternately be designed and planted to serve as dual-purpose and stormwater treatment areas. When landscaping islands are designed as a stormwater treatment area, trees are not required as the primary landscaping material if the City determines that trees are incompatible with native plantings proposed for use as a means of stormwater treatment.
- g.** Islands shall be designed in locations based on the following priorities: defining major drives and vehicle lanes, delineating the end of parking rows and at aisle intersections and internal to the parking rows.
- h.** Plantings shall anticipate foot traffic patterns, discourage foot traffic where dictated by safety concerns, and shall provide adequate visibility for the safety of pedestrians and vehicles.
- i.** If earthen berms are constructed they shall be at least to a height of two and one-half (2½) feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of three to one (3:1) and shall have a crown of at least two

(2) feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect.

#### **N. Environmentally Sustainable Design/Principles**

Landscape plans shall address:

1. The placement/arrangement of building(s) to minimize disruption to existing ecosystems and designing the building to minimize its footprint, and
2. Strategies such as stacking the building program, and sharing parking facilities with adjacent property owners, to minimize the building footprint, and
3. The relationship of open space to development footprint(s) on site biodiversity, and
4. Marking construction boundaries to minimize disturbance of the existing site and restore previously degraded areas to their natural state, and
5. If appropriate to the site, a soil/climate analysis to determine appropriate plant material and design the landscape with native or adopted plants to reduce or eliminate irrigation requirements, and
6. The feasibility of using stormwater, and/or condensate water for irrigation, and
7. Whether native plants are incorporated in lieu of planted landscaping.

#### **O. Building Façade/Foundation Landscaping**

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

##### **1. Applicability**

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

##### **2. Location**

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

### **3. Planting**

- a.** Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five (75) percent of the length of the landscape area.
  - b.** A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.
  - c.** Ornamental trees (where appropriate), or shade trees should be included in the landscape design to further buffer the building façade from the drives and parking lot areas. In areas where pedestrian circulation is anticipated, trees with a branching habit conducive to walking under shall be used. For example, Pin Oaks are not acceptable due to their descending branching habit.
  - d.** Appropriate plant species should be installed so that mature tree limbs can be maintained at a minimum eight (8) foot clearance from ground level and so that shrubs do not exceed two and one-half (2½) feet in height for areas where it is important to maintain visibility for security and safety purposes.
  - e.** Berms may be incorporated in the landscape areas if positive drainage from the building is provided.
- 4.** Planting areas shall have a minimum **width** of either six (6) feet or the equivalent of twenty (20) percent of the building façade height as measured from the ground elevation to the top of the wall or parapet, whichever is greater.

### **5. Irrigation**



Building façade and foundation landscape areas shall be irrigated.

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

No trees, shrubs, woody vegetation, or other landscape improvements over two (2) feet in height are permitted on residential traffic islands or thoroughfare rights-of-way unless approved by the City Engineer and the Planning Official. (*Ord. 17-52 §§ 10, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015; Ord. 10-57 § 2, 2010; Ord. 10-56 § 2, 2010; Ord. 09-22 §§ 1, 2, 5, 7—9, 11—13, 2009; Ord. 02-54 § 2, 2002*)

**The Olathe Unified Development Ordinance is current through Ordinance 17-52, passed September 19, 2017.**

Disclaimer: The City Clerk's Office has the official version of the Olathe Unified Development Ordinance. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited here.

[City Website: www.olatheks.org](http://www.olatheks.org)  
[Code Publishing Company](#)

## **18.30.160     Parking and Loading**

### **A.   Parking Required for All Structures**

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

### **B.   Improvement of Parking Areas**

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

### **C.   Access to Parking Areas**

See Section [18.30.050](#).

### **D.   Dimensions and Design of Parking Areas**

#### **1.   Parking Stalls**

Parking stall dimensions are as follows:

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

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

## 2. Parking Pods

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

## 3. Entrance Drives

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

## 4. Pedestrians

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

- d.** Sidewalks and crosswalks shall be designed to keep pedestrians together where they can be seen by motorists, and where they can cross most safely with the flow of vehicular traffic.
- e.** Crosswalks designated on the final site development plan shall comply with the general standards for crosswalks within the Manual of Uniform Traffic Control Devices (MUTCD). Crosswalks outside of the public right-of-way or in the D District may include:
  - (1)** Brick pavers with concrete borders;
  - (2)** Concrete with brick borders; or
  - (3)** Stamped and colored concrete.

## **5. Reserved Parking Areas**

- a.** For purposes of this subsection, “reserved parking areas” including parking stalls for customer parking, employee parking, persons with disabilities, vehicles for sale, lease, rental, or display.
- b.** Reserved parking spaces shall be designated on all final site development plans and any other plans submitted for approval to the City.
- c.** Reserved parking spaces used for sale, lease, rental or display shall not be located within a required parking/paving setback area, shall not reduce the capacity of a parking lot below that required by this section unless otherwise approved by the Planning Commission, and shall not hinder the movement of vehicles in drive aisles.
- d.** All reserved parking spaces shall be striped, maintained, and specifically used for the related purpose as identified on the plans.
- e.** Areas designated for parking shall not be used for display of vehicles for sale, lease, rental, etc.

## **E. Parking Spaces for Persons with Disabilities**

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

## **F. Parking and Paved Area Setbacks**

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

1. In Districts AG, R-1, R-2, and for single-family and two-family dwellings in any other district, no parking area shall be located within two (2) feet of a lot line, excluding nonresidential uses.
2. For multifamily dwellings not located in a planned district, no parking area shall be located within thirty (30) feet of a street right-of-way or in a required yard area.
3. No parking area for a nonresidential use in any residential district shall be located within thirty (30) feet of any street right-of-way or in a required yard area.
4. In mixed use, commercial, office, business park and industrial districts, no parking area shall be located within the applicable parking and paving setback requirements within that zoning district.
5. Parking area setbacks within planned zoning districts shall be approved with the final site development plan, and shall not occupy any portion of the required yard areas.

#### **G. Parking Lot and Building Lighting**

See section [18.30.135](#).

#### **H. Landscaping and Screening for Parking Areas**

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

#### **I. Deferred Construction of Parking Spaces**

1. A portion of the parking area required for office, business park or industrial development may remain unimproved until it must be improved to adequately serve the parking demand. Delayed construction of parking is permitted only if:
  - a. The initial occupancy of the premises is adequately served by the lesser number of spaces,

**b.** The final site development plan clearly indicates the location, pattern and circulation to and from the deferred parking spaces.

**2.** The land area delineated for future parking shall be brought to finished grade and landscaped, and shall not be used for building, storage, loading or other purposes.

#### **J. Parking Areas for Single- and Two-Family Dwellings**

**1.** No driveway serving a single- or two-family dwelling shall be located within two (2) feet of an adjoining lot line except for a driveway serving two (2) properties.

**2.** Parking is restricted to customary passenger vehicles and emergency vehicles up to a factory designated, one (1) ton, single axle, dual wheel size which is unloaded and immediately available for emergency response by an operator who is on duty or on call. However, emergency vehicles shall not be parked upon a driveway for more than twelve (12) hours during any twenty-four (24) hour period.

**3.** All passenger cars shall be parked on paved driveways or parking areas relating to the garage or carport. In areas where there are no garages or carports, passenger cars and motor vehicles may be parked on paved driveways constructed perpendicular to the street.

**4.** No parking is allowed in that portion of the street right-of-way not used for traffic movement, i.e., between the curb and the sidewalk, and between the curb and the front lot line.

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

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

**K. Off-Street Parking Schedule**

1. The minimum number of parking stalls is as indicated in Table 18.30.160-2, below. Where the parking ratio indicates "sf," the ratio is based on gross floor area excluding attics, cellars, or similar uninhabitable space.
2. The Planning Official shall determine the parking requirements for any use not listed above, based on the determination of similar uses as set out in the Use Matrix (Chapter [18.20](#)) and any documentation of parking generation for that type of use.
3. Where convention centers, conference centers, assembly halls, ballrooms or other similar facilities are built in conjunction with a hotel, office park or shopping center, the Planning Commission or Governing Body may permit up to a thirty-five (35) percent parking space reduction for each of the uses listed above when built in conjunction with the uses listed above, due to overlapping usage of a portion of the parking spaces. Request for such shared parking must be received as part of a preliminary development plan. The request shall outline the justification in reducing the number of parking spaces. In addition, a change in use to a use other than listed above shall conform to City parking standards.
4. Whenever a theater is located in a shopping center that has more than two hundred thousand (200,000) square feet of gross floor area, the number of parking spaces required for the theater may be reduced by twenty-five (25) percent; provided, that a joint parking agreement for the joint use of all parking within the shopping center is reviewed and approved by the City. The agreements shall be recorded with the Register of Deeds and a copy submitted with the application for a building permit.
5. The revised parking requirement for eating places (of all types) shall not apply to any preliminary site development plan approved in a planned district prior to August 1, 2005; provided, that a final site development plan is approved complying with the preexisting parking requirements and a building permit is issued prior to August 1, 2006.
6. The revised parking requirement for eating places (of all types) shall not apply to any final site development plan approved in a planned district prior to August 1, 2005 or to any site development plan approved in a conventional district prior to August 1, 2005; provided, that the approved plan complied with the preexisting parking requirement.

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

<i>Use</i>	<b>Parking Spaces Required (minimum)</b>
<b><i>Residential Uses</i></b>	
Accessory dwellings (carriage houses, granny flats, echo homes)	1 per dwelling unit
Cluster or conservation subdivisions	1 per dwelling unit
Elderly housing, multifamily residences	1 per dwelling unit
Elderly housing, single-family residences	1 per dwelling unit
Residence, adaptive reuse	0.5 per dwelling unit
Residence, multifamily 3 units (triplex)	1.5 per dwelling unit
Residence, multifamily 4 units (quadraplex)	1.5 per dwelling unit
Residence, multifamily, more than 4 units	1.5 per dwelling unit
Residence, single-family attached	1.5 per dwelling unit
Residence, single-family detached	2 per dwelling unit
Residence, single-family modular	2 per dwelling unit
Residence, two-family (duplex)	1.5 per dwelling unit
Residence, zero lot line	1.5 per dwelling unit
Residential design manufactured home	2 per dwelling unit
Residential property manager	1 per dwelling unit
Townhouse	1.5 per dwelling unit
Watchmen/caretakers	1 per dwelling unit
<b><i>Accommodations and Group Living</i></b>	
Bed and breakfast	1 per guest room plus 1 per 800 sf of restaurant space
Boarding and lodging house	1 per guest room plus 1 per 800 sf of restaurant or public meeting space
Community living facility, mental health convalescent	1 per 400 sf



<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Community living facility, mental health/substance abuse, on-site staff	1 per 400 sf
Day care, adult day care	1 per guest room
Dormitories	1 per 400 sf
Group home	1 per 400 sf
Group residence, general (9-15), limited (0-8), children, elderly residential services	1 per 400 sf
Hotel, motel	1 per each 2 employees on the largest shift and 1 per each guest room or 2 guest beds
Sorority and fraternity housing	1 per guest room
<b>Commercial, Services and Mixed Use</b>	
Adaptive reuse of converted buildings	1 per 500 sf
Agricultural machinery and equipment sales area and service facility	1 per 500 sf (indoor sales/service area only)
Animal care services – Veterinary clinics, animal hospitals, boarding, grooming, sitting, and training, no outside kennel, no retail	1 per 1,500 sf
Antique shop	1 per 500 sf
Apparel and accessory stores	1 per 300 sf
Bail bonding	1 per 500 sf
Bait shop	1 per 500 sf
Bakery, without wholesale distribution facilities	1 per 300 sf
Bars, taverns and drinking establishments	1 per each employee and 1 per 2 seats
Financial institution (bank, credit union, or savings institution)	1 per 400 sf
Beer, wine, and liquor store	1 per 300 sf
Bicycle sales and service	1 per 500 sf
Boat/watercraft, marine supplies, and marine/boating equipment sales and service	1 per 1,000 sf (indoor sales/service areas only)

<i>Use</i>	<b>Parking Spaces Required (minimum)</b>
Book, magazine, or stationery store	1 per 300 sf
Building materials sales – Without lumberyard	1 per 300 sf
Building materials sales and storage	1 per 300 sf
Business service centers, including blueprinting, printing, photostatting and copying	1 per 300 sf
Cafeterias and snack bars to serve the employees of office building within which they are located	1 per 800 sf
Camera and film shop; photography studio; frame shop	1 per 300 sf
Candy or confectionary making, on premises and retail only	1 per 300 sf
Car wash, automobile laundries, or car care centers	1 per 1,500 sf
Catering establishments	1 per 300 sf
Commercial uses in multifamily developments (no direct entry from the use to the street)	1 per 300 sf
Commercial buildings not specifically listed	1 per 250 sf
Convenience stores, with gas sales	1 per 250 sf
Convenience stores, without gas sales	1 per 250 sf
Courier and messenger services	1 per 800 sf
Delicatessen	1 per 100 sf
Department stores	1 per 300 sf
Drive-in facilities (for retail, restaurant or financial institution)	Parking analysis
Elderly service center, nonresidential	1 per 500 sf
Entertainment establishments, such as lounges, nightclubs, private clubs, and music or dance establishments	1 per 200 sf
Executive suite space (nonretail, nonindustrial)	1 per 800 sf
Farm/landscape/garden supply sales	1 per 300 sf
Farm supplies – Wholesale trade	1 per 300 sf
Farmer's markets	Parking analysis required
Fertilizer sales and storage	1 per 300 sf

<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Flex space (office and warehouse building); may include call centers or mail order houses	1 per 800 sf
Florist or floral/gift shop	1 per 300 sf
Food service, accessory	1 per 300 sf
Gas station	1 per 1,000 sf
Grocery, meat, dairy product and bakery sales	1 per 300 sf
Gun shops and gunsmiths	1 per 300 sf
Hardware store	1 per 300 sf
Laundry, pick-up only and garment services	1 per 300 sf
Laundry, coin operated	1 per 300 sf
Leasing office for apartment complex	1 per 300 sf
Leasing, commercial and industrial machinery and equipment	1 per 500 sf (indoor sales area only)
Leasing/rental – Accessory use, recreational goods (furniture, party supplies, sporting goods)	1 per 300 sf
Leasing/rental of trucks, trailers, RVs, boats, motorcycle	1 per 500 sf (indoor sales area only)
Leasing/rental, car and passenger vehicle	1 per 500 sf (indoor sales area only)
Light manufacturing accessory to retail use	1 per 1,500 sf
Live-work units	1 per dwelling unit
Management/services	1 per 800 sf
Medical equipment sales, rental or leasing	1 per 500 sf
Mixed use, commercial (includes offices units located over storefronts)	1 per 500 sf
Mixed use, vertical (includes residences located over storefronts)	1 per 500 sf
Monument dealers (tombstones and markers)	1 per 1,000 sf

<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Motor vehicle sales	2 per 1,000 sf of indoor sales area plus 1 per 4,500 sf of outdoor sales area
Motorcycles, ATVs, retail sales and repair	1 per 500 sf
Musical instrument and supplies stores	1 per 300 sf
Nonstore retail/commercial (mail order, catalog facility, electronic markets)	1 per 800 sf
Office supply and equipment store	1 per 300 sf
Offices for business, professional, industry and government	3.8 per 1,000 sf
Optical goods stores	1 per 300 sf
Outdoor display and storage	n/a
Packing, crating, and convention and trade show services	1 per 800 sf
Palmistry services, fortune tellers, astrologers	1 per 1,000 sf
Pawnshops and secondhand goods	1 per 300 sf
Payday loan business or title loan business (as defined in Section <a href="#">5.43.010</a> )	1 per 300 sf
Personal care service shops	1 per 300 sf
Pet care	1 per 1,500 sf
Pet store	1 per 1,500 sf
Pharmacy and drugstore	1 per 300 sf
Real estate, sales, rental and leasing	1 per 800 sf
Rental management/leasing facility (residential)	1 per 800 sf
Repair, restoration of vehicles, machinery and equipment	1 per 500 sf
Restaurant or snack bar, subordinate to an office or retail building with no direct outside entrance	1 per 3 seats
Restaurant service, carry out	1 per 3 seats
Restaurant, full service	1 per 3 seats
Retail sales, accessory	
Retail sales, generally (not otherwise listed)	1 per 300 sf

<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Sales and service, manufactured home, recreation vehicle, bus, truck, or similar large vehicles	1 per 500 sf
Sales, boats/marine, recreational vehicle, travel trailer, camper sales or leasing (including repair)	1 per 500 sf
Services to buildings and dwellings (extermination, janitorial, landscaping, carpet and upholstery cleaning, packing and crating, etc.)	1 per 800 sf
Snack or nonalcoholic bar	1 per 150 sf
Specialty food stores	1 per 300 sf
Sporting goods shop	1 per 300 sf
Tailor/shoe repair	1 per 1,000 sf
Tattoo parlor/tattoo studio and/or body piercing	1 per 500 sf
Temporary sales and events	1 per 300 sf
Travel agency	1 per 300 sf
Travel plaza/truck stop	1 per 300 sf
Upholstery and furniture refinishing	1 per 300 sf
Vehicle repair and restoration, not including automotive wrecking or long-term disabled vehicle outdoor storage	1 per 500 sf
Video/audio sales and/or rental	1 per 300 sf
Woodworking shops, cabinetmaking shops, or wood crafting services	1 per 1,500 sf
<b>Industrial Uses</b>	
Automobile storage or towing (excluding wrecked and junked vehicles)	1 per 1,500 sf
Bottling works	1 per 1,500 sf
Building contractor	1 per 1,500 sf
Carpentry, floor, and tile contractor	1 per 1,500 sf
Computer and electronic product manufacturing	1 per 1,500 sf
Crematories	1 per 1,500 sf
Explosives manufacturing/storage	1 per 1,500 sf

<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Extractive industries	1 per 1,500 sf
Food and beverage manufacturing	1 per 1,500 sf
Fuel oil distribution	1 per 1,500 sf
Industrial uses not specifically listed	2.5 per 1,000 sf (buildings < 25,000 sf); 2.5 per 1,000 sf devoted to office uses plus 1 per 1,000 sf of other floor area (buildings > 25,000 sf)
Jewelry and silverware manufacturing	1 per 1,500 sf
Junk yards, salvage yards, and auto and scrap processing	1 per 1,500 sf
Laboratories – Research and testing	1 per 1,500 sf
Laboratories – Medical and diagnostic	1 per 1,500 sf
Landfill, demolition	1 per 1,500 sf
Landfill, land clearing and inert debris	1 per 1,500 sf
Landfill, sanitary	1 per 1,500 sf
Laundry, cleaning and garment services	1 per 1,500 sf
Limited manufacturing of products sold on the premises (up to 5,000 sf or 25% of the floor area of a principal retail use, whichever is less)	1 per 1,500 sf
Manufacturing, excluding other uses listed in this table	1 per 1,500 sf
Meat packing and poultry processing	1 per 1,500 sf
Medical equipment and supplies manufacturing	1 per 1,500 sf
Milling or canning of agricultural products, feed and flour mills	1 per 1,500 sf
Motor vehicle manufacturing	1 per 1,500 sf
Motor vehicle painting and body shops, exclusive of sales	1 per 1,500 sf
Office supply, inks, etc., manufacturing (except paper)	1 per 1,500 sf
Oil and gas well drilling	Parking analysis required
Paper manufacturing	1 per 1,500 sf

<i>Use</i>	<b>Parking Spaces Required (minimum)</b>
Petroleum and coal products manufacturing	1 per 1,500 sf
Printing/publishing	1 per 1,500 sf
Process plants (chemicals, and metals, machinery, and electronics manufacturing)	1 per 1,500 sf
Quarrying and stone cutting establishment	1 per 1,500 sf
Recycling centers	1 per 1,500 sf
Rendering and meat byproduct processing	1 per 1,500 sf
Research and development offices	1 per 1,500 sf
Sign makers	1 per 1,500 sf
Textiles	1 per 1,500 sf
Welding, tinsmithing and machine shop	1 per 1,500 sf
Wood or wood products manufacturing	1 per 1,500 sf
<b><i>Warehousing and Storage Uses</i></b>	
Construction equipment storage	n/a
Express and shipment facilities	1 per 1,500 sf
Mini-storage warehouse	3 spaces
Natural gas distribution, flammable liquid, petroleum, bulk stations and terminals and above-ground storage	n/a
Outdoor storage of construction equipment, generally	n/a
Refrigerated warehouse or cold storage	1 per 1,500 sf
Solar energy facility	1 per 1,500 sf
Warehousing, storage, wholesale, and distribution facilities	Parking analysis required
Wind energy conversion systems (WECS)	n/a
<b><i>Arts, Recreation &amp; Entertainment</i></b>	
Adult business establishments	1 per 200 sf
Amphitheater, outdoor stage, bandstand, or similar structure	n/a
Amusement parks	Parking analysis required

<i>Use</i>	<b>Parking Spaces Required (minimum)</b>
Amusement, indoor	1 per 300 sf
Aquarium or planetarium	1 per 400 sf
Art gallery	1 per 400 sf
Artist studio	1 per 800 sf
Club, membership	1 per 400 sf
Community center	1 per 400 sf
Conference center	1 per 150 sf
Fairgrounds	Parking analysis required
Golf courses and clubhouses	Parking analysis required
Golf driving ranges (see outdoor recreation)	1 per 1.5 tee boxes
Golf, miniature	Parking analysis required
Historical association or society	1 per 800 sf
Indoor athletic facility	1 per 650 sf
Indoor athletic facility located in an existing building	1 per 1,000 sf
Museum/art gallery/cultural facility	1 per 400 sf
Parks and open space	n/a
Recreational vehicle parks/campgrounds	1 per 4 recreational vehicle or camping spaces
Skating rink – Ice or roller skating	1 per 500 sf
Sports stadiums and arenas	Parking analysis required
Temporary carnivals, rides, ferris wheels	Parking analysis required
Theater, drive-in	n/a
Theater, movie	1 per 4 seats
Theaters, performing arts	1 per 4 seats
Youth retreat	n/a
<b>Education, Public Administration, Health Care, and Institutional</b>	



<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Cemetery	n/a
Civic assemblies, including churches/religious assemblies, clubs, lodges, meeting halls, recreation buildings, and community centers	1 per 4 seats or building capacity calculated by building standards
Community food and personal support services, nonresidential	1 per 800 sf
Community services, counseling and intervention	1 per 800 sf
Correctional institution facility	1 per 800 sf
Correctional office, parole/probation	1 per 800 sf
Cultural facilities	1 per 400 sf
Day care	1 per 800 sf
Day care facility (accessory to institution or business)	1 per 800 sf
Day care facility, accessory to dwelling	n/a
Funeral home or mortuary	1 per each 2 employees on the largest shift and 1 space per 4 seats
Government – Post office and postal substations	1 per 400 sf
Government – Public safety services	1 per 800 sf
Government facilities, other than offices	1 per 800 sf
Hospital	1 per 4 beds and 1 per each staff member (including visiting doctors)
Library	1 per 1,000 sf
Medical office or clinic	1 per 500 sf
Postal service receptacle pods designated on a plat or approved site plan	n/a
Schools, academic, continuance, alternative, adult, and technical, trade, and other specialty schools	1 per 500 sf
Schools, colleges and universities	1 per each staff member and 1 per 2 students

<i>Use</i>	<b>Parking Spaces Required (<i>minimum</i>)</b>
Schools, elementary or secondary	1 per 1,000 sf
Elementary and secondary schools	1 per each staff member
High schools	1 per each staff member and 1 per 4 students
Schools, nursery and preschool	1 per 500 sf
Social services	1 per 800 sf
<b><i>Transportation, Communication, Information, and Utilities</i></b>	
Airport landing strip (field or strip only)	1 per 800 sf
Airport terminal	n/a
Bus, taxi, train or light rail depots, stations or dispatch facilities	n/a
Bus/truck maintenance, including repair and storage	1 per 1,500 sf
Freight terminals and truck terminals	1 per 1,500 sf
Heliport	1 per 1,500 sf
Parking lots, surface, accessory to principal use*	n/a
Parking lots, surface, as principal use	n/a
Parking lots, pervious surface, as principal use	n/a
Parking lots, underground or structure, accessory to principal use	n/a
Parking lots, underground or structure, as principal use	n/a
Public transportation facility	n/a
Railroad facilities	1 per 1,500 sf
Stormwater management/flood control facilities	n/a
<b><i>Utility Uses &amp; Structures</i></b>	
Commercial incinerator	n/a
Cable networks and distribution	1 per 800 sf
Commercial radio, television, broadcasting and/or receiving towers	n/a
Communication or telecommunication equipment attached to a building	n/a

<i>Use</i>	<b>Parking Spaces Required (minimum)</b>
Communication towers	n/a
Communication towers – Architecturally integrated	n/a
Environmental monitoring stations	n/a
Gas or electric generation distribution facilities, compressor stations, or substations	n/a
Hazardous waste storage or treatment facility	1 per 1,500 sf
Power generation plants	Parking analysis required
Public utility storage and service yards	n/a
Radio and television broadcasting or recording studio	1 per 800 sf
Solid waste collection centers, solid waste transfer stations, recyclable materials, yard waste and similar items	n/a
Solid waste landfill	n/a
Utility facilities, principal use	n/a
Utility facilities, accessory to permitted use	n/a
Water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities	n/a
<b>Agriculture</b>	
Agriculture (including raising of crops and pasturing livestock)	n/a
Animal production and support services	n/a
Concentrated animal feeding operations (CAFOs)	n/a
Farm product raw materials – Wholesale trade	n/a
Forestry, commercial	n/a
Noncommercial forestry or raising of vegetation/community garden	n/a
Grain or agricultural storage facility	n/a
Greenhouse or nursery	1 per 300 sf
Greenhouse, accessory to florist shop	n/a
Hatcheries and poultry houses	n/a

<i>Use</i>	<b>Parking Spaces Required (minimum)</b>
Livestock sales, and markets	n/a
Riding academies and/or stables (commercial)	1 per 1,500 sf
Stable, accessory to dwelling	n/a
Support functions for agriculture	n/a
<b>Miscellaneous</b>	
Accessory uses	n/a
Signs	n/a
Telecommunication tower facilities, antennae locations, repeater stations, and distribution centers.	n/a

#### **L. Off-Street Loading Schedule**

1. For purposes of this section there shall be considered to be two (2) sizes of off-street loading spaces. Each large space shall have an overhead clearance of at least fifteen (15) feet, shall be at least twelve (12) feet wide and shall be at least fifty (50) feet long, exclusive of access or maneuvering area, platform and other appurtenances. Each small space shall have an overhead clearance of at least twelve (12) feet, shall be at least twelve (12) feet wide and shall be at least thirty (30) feet long, exclusive of access or maneuvering area, platform and other appurtenances.
2. Off-street loading facilities shall be located on the same building site on which the structure for which they are provided is located. Access, maneuvering area, ramps and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not permitted to back from the property into the street. The number of required loading spaces which are adequate to serve the uses or categories of uses proposed shall be in accordance with Figure 18.30.160-3.
3. Off-street loading facilities shall be constructed, maintained and operated in accordance with City standards and shall be surfaced with concrete, asphaltic concrete or asphalt maintained in good condition, free of weeds, dust, trash and debris.
4. Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than six hundred (600) cars, provisions shall be made to maintain separate circulation routes within such facilities.

5. Any off-street loading facility shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
6. For the purpose of determining the amount of off-street loading, or if the number of berths to be provided by such use is not readily determinable, the number of loading areas shall be fixed by the Planning Commission.
7. When off-street loading facilities are gated, fenced or secured by any other means, parking for tractor trailers, trucks, or other such delivery vehicles must be accommodated within a designated parking area on-site.

**Table 18.30.160-3. Loading Spaces Required**

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

Loading Category	Gross Floor Area in Square Feet	Required Number
	For each additional 200,000 or fraction thereof	1
<b>Service/Miscellaneous</b>	5,000 to 25,000	1
	25,001 to 200,000	2
	200,001 to 400,000	3
	For each additional 100,000 over 400,000 or fraction thereof	1
<b>Industrial Uses</b>		
	5,000 to 10,000	1
	10,001 to 40,000	2
	40,001 to 100,000	3
	For each additional 100,000 or fraction thereof.	1 – Additional

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

See Chapter [18.50](#) (drive-up/drive-through).

#### **N. Parking Lot Permit**

1. No person shall initiate construction of a new parking lot or expansion of an existing parking lot without first obtaining a permit from the Public Works Department and reviewed by the Planning Division.
2. A parking lot permit is not required for the resurfacing or re-striping (painting) of an existing parking lot consistent with the current striping.
3. Application for a parking lot permit shall be made on a form provided by the Public Works Department and shall be accompanied by a site plan depicting:

- a.** The parking lot layout, including proposed striping;
- b.** Number and location of parking spaces, including handicapped spaces;
- c.** Structures on the same property;
- d.** Structures and parking areas on adjacent property;
- e.** Ingress and egress for the property;
- f.** Existing and proposed landscaping;
- g.** Grading, drainage and erosion and sedimentation control;
- h.** Parking lot lighting; and
- i.** All other information required by the Public Works Department and/or Development Services Department. (*Ord. 17-52 §§ 11, 41, 2017; Ord. 15-16 § 3, 2015; Ord. 09-37 §§ 1, 3, 7, 10—12, 2009; Ord. 09-22 § 9, 2009; Ord. 08-105 § 2, 2008; Ord. 05-101 § 2, 2005; Ord. 02-54 § 2, 2002*)

## 18.30.240 Tree Preservation

*Purpose: these regulations recognize the need to alter the landscape during site development activities, while setting out standards necessary to ensure tree preservation and protection of environmentally sensitive areas to the greatest extent possible. (Ord. 09-22 § 14, 2009) This section balances the City's tree preservation goals with market and permit streamlining objectives by giving applicants the option to survey individual trees to protect tree stands, and to provide off-site mitigation in lieu of preserving trees onsite.*

### A. Applicability

1. This section applies to ~~applications for subdivision plat or site development plan approval~~ all land in the City's zoning jurisdiction, except for land areas with the following:

~~2. This subsection does not apply to:~~

~~a. the "D" (Downtown), "N" (Neighborhood), "TOD" (Transit-Oriented Development), or "PR" (Planned Redevelopment) zoning districts;~~

a. Single-family and two-family residential lots of less than one (1) acre when:

- a. constructing a residential addition or deck less than 1,000 square feet in area;  
or
- b. no groupings of 3 or more intertwined significant trees are disturbed; or
- c. when removing dead, damaged or diseased trees.

b. Routine maintenance of existing trees outside the public right-of-way.

c. Land surveying provided no trees greater than six (6) inches in diameter at breast height (dbh) are damaged or removed.

d. Eradication of noxious or invasive plant species.



**B. Minimum Requirements****1. Protected Tree Designations**

This subsection designates the types of trees that are subject to protection under this section, and establishes a threshold trunk size, measured in diameter at breast height (DBH), for various tree species.

- a. A significant tree means a tree of eight (8) inches [in diameter](#) or greater, as measured four and one-half (4½) feet above the ground, for all tree species except for non-native invasive species.
- b. The applicant may omit trees that are not considered significant from the tree survey.

**2. Tree Designation Alternative**

- a. The table below establishes the minimum percentage of all diameter inches or percent tree canopy of significant trees that must be preserved or mitigated. For single-family dwellings, developers and builders may elect to preserve trees at the platting or building permit stage. If a developer or builder elects to preserve at the platting stage, this method must be used throughout completion of the project.

Table 18.30.240-3.

	<b>Single-Family Dwellings</b>	<b>Multi-family and Nonresidential Uses</b>
<b>Significant Trees</b>	25% within each platted lot, excluding street right-of-way and easements.	30% within the entire site excluding the street rights-of-way and easements.
<b>100-year floodplain</b>	50% of all the trees within the floodplain. This applies toward preservation requirements on the remainder of the lot.	50% of the trees within the floodplain. This applies toward preservation requirements on the remainder of the site.
<b>Mitigation Maximum</b>	Up to 90% of significant may be mitigated rather than preserved.	Up to 90% of significant trees may be mitigated rather than preserved.

**b. Calculation of Preservation Ratios**

All percentages relating to preservation stated within this section are based on the tree survey. Any subsequent redevelopment of property must minimally preserve the applicable percentage of the total diameter inches of protected trees as indicated by the tree survey.

### 3. Tree Stand Delineation **Alternative**

#### a. Standards

As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements section 18.90). In order to use this provision, the site must have area(s) of tree canopy that meet the woodlands criteria as set forth ~~in~~ below and must contain existing native understory vegetation.

#### b. Woodlands

A "woodland" is an area of contiguous wooded vegetation where trees are at a density of at least one (1) significant tree per 500 square feet of land and where the branches and leaves form a continuous canopy. A woodland shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet and with any dimension being at least 35 feet. A woodland may be delineated through an aerial photograph or a ground survey. A woodland shall include both understory and protected trees.

#### c. **Delineation Criteria**

A tree stand delineation shall meet the following standards:

- (1) A tree preservation plan submitted at the master development plan stage must preserve a minimum of 20 percent of contiguous tree canopy with the understory.
- (2) Tree save areas must be designated as such when the area is platted or in a preliminary site development plan.
- (3) Tree canopy area(s) to be preserved as tree save area(s) must include environmentally sensitive areas that are present on site; including steep slopes, drainage areas, riparian buffers, or corridors along arterial and collector streets.

### C. Tree Survey and Photogrammetric Documentation

1. An applicant who selects the Tree Designation Alternative shall submit a tree survey and photogrammetric documentation indicating the size and common name of trees within the application area. The survey shall identify by common name and indicate by caliper size each Significant Tree.
2. The tree survey shall be prepared on a topographic survey of the site to establish the tree elevation at the trunk and the drip line for individual trees and at the edge of the drip line for wooded areas. (*Ord. 09-22 § 14, 2009*)

**D. Permitting Tree Removal and Tree Preservation Plan Requirements**

1. Provisions of this Section will apply to all work impacting trees within the City's zoning jurisdiction for vacant or undeveloped land and all property to be redeveloped, including additions and modifications with five thousand (5,000) square feet or more of wooded area of any site containing significant trees and tree stands.

~~12.~~ The ~~developer~~ applicant shall prepare and present a tree preservation ~~conservation~~ plan and statement of intent at the time of a pre-application meeting or submittal of this information with application for a plat, rezoning or final site development plan.

3. Tree removal requests not associated with a plat, rezoning, or plan application shall submit the following for administrative approval by the Planning Official:

a. A list of species, size, quantity and location of the tree(s) proposed to be removed; and

b. A statement of reason for the proposed tree removal.

~~24.~~ The ~~conservation~~ tree preservation plan shall:

~~a.~~ i. Identify the general location and massing of wooded areas, areas with dense shrubbery, and isolated individual mature hardwood trees.

b. Plan must be at the same scale as the site plan or grading plan.

c. Signed and sealed by a landscape architect licensed to practice in the state of Kansas.

~~b d.~~ d. Designate which areas or trees are to be preserved and which are to be removed.

~~c e.~~ e. Identify the location of all site improvements, buildings, general utility locations, and preliminary site grading.

~~d f.~~ f. Indicate which trees and wooded areas are to be protected and the measures proposed to protect them during the construction phase. (*Ord. 09-22 § 14, 2009*)

g. Include the limits of disturbance line.

h. Determine the number of trees, vegetation, and soil protection and management that will be used before, during, and after all construction activities to promote the survival or retention of such elements.

**E. Protection of Existing Trees**

- 1.** Existing trees and their root zones that are to be saved shall be protected from all construction activities, including earthwork operations, movement and storage of equipment and vehicles and placement of construction materials and debris. No structure shall encroach within/over a tree preservation easement.
- 2.** Erosion protection measures may be required to prevent siltation of the tree preservation areas during construction.
- 3.** Every effort shall be made to locate utility easements away from tree preservation areas. However, utility easements may be located adjacent to tree preservation areas as long as adequate clearance and protection is provided for the tree preservation area during the installation of the utilities adjacent to the tree preservation easement. When utilities or infrastructure systems must cross tree preservation areas, every effort shall be made to minimize tree removal in such areas. If the removal of trees within these areas is determined to be excessive, the Planning Official may require the developer to replace the trees or pay into a Tree Preservation Escrow. (*Ord. 09-22 § 14, 2009*)
- 4.** To ensure protection of tree preservation areas, protection zones shall be delineated on plats, rezoning and final site development plans. During the construction process, the protection zones shall be identified on the property using standard orange barricade fencing or comparable fencing material. The fencing shall be four (4) feet in height and supported by metal channel posts spaced at a minimum of ten (10) feet on center. The fencing shall be placed around all trees or wooded areas to be protected and shall remain erect and secure throughout all construction phases. (*Ord. 09-22 § 14, 2009*)

**F. Exceptions**

A credit may be granted for all existing hardwood and evergreen trees indicated to be preserved. Trees that measure from two and one-half (2½) to eight (8) inches in caliper, as measured four and one-half (4½) feet above ground level, may be credited on a one tree for one tree basis. Trees that measure greater than eight (8) inches in caliper may be credited on a two tree for one tree basis. Credited trees may only be located in that portion of the development project where new tree plantings are otherwise required, or in a Type "N" buffer as designated in Section [18.30.130](#). Tree credits shall not be granted if one of the following conditions exists:

- 1.** Trees posing imminent danger to the public health, welfare or safety of the residents of the City of Olathe. In those instances, the Planning Official may give verbal authorization to remove the trees. (*Ord. 09-22 § 14, 2009*)

2. Trees that are diseased injured, in danger of falling, or too close to existing or proposed structures.
3. Trees interfering with existing utility service, or creating unsafe vision clearance.
4. Trees that would impede the rescue of life or property from immediate danger or the repair or the repair of utilities in the event of emergencies such as wind storms, ice storms, tornadoes, or other natural disasters. Emergency work shall follow as closely as possible the standards outlined in the City's landscape standards and specifications.

#### **G. Mitigation**

1. Any tree or trees removed from within an approved tree preservation area shall be replaced with similar species or other hardwood species.
2. Replacement trees shall meet the minimum requirements for trees as defined in Section in subsection [B](#) above at the rate of one and one-half (1.5) inch caliper of replacement tree for every one (1) inch caliper of tree removed.
3. In lieu of protecting trees on-site, the applicant may provide a cash escrow equivalent to one and one-half (1½) times the monetary value of the tree or topsoil removed or destroyed up to a maximum of ten thousand dollars (\$10,000) per occurrence. Monetary value is to be determined by referring to current tables and formulas produced by the Council of Tree and Landscape Appraisers. The developer or owner shall incur the cost for the appraisal to be completed by a certified arborist using the International Society of Arboriculture Manual of Plant Appraisal. The Tree Preservation Escrow Account shall be used to install new trees on City-owned and publicly accessible property or rights-of-way. (Ord. 09-22 § 14, 2009)

#### **H. Removal of Trees Within Existing Tree Preservation Areas:**

Property owners may not remove trees meeting the minimum requirements for tree preservation unless mitigation is provided (see subsection [G](#), above). (Ord. 15-16 §3, 2015; Ord. 09-22 § 14, 2009; Ord. 02-54 § 2, 2002)

## **18.50.040 Drive-Through**

### **A. Applicability**

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

- 1. 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*)
- 2. Drive-through service** area ~~Service~~ Location 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 be developed in accordance with the following criteria:

- 1.** Order boxes shall 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 be directed away from property zoned AG, any residential zoning district, or the residential portion of any Planned Development.
- 3.** Solid screening shall 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 not face public streets.

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

- 1.** A **stacking lane** is the space specifically identified for vehicles queueing for the drive-through service to be provided.
- 2.** Drive-in and drive-through facilities shall provide a minimum stacking length as illustrated ~~provided~~ in Table 18.50.40-1 Drive-Through Stacking Length, ~~below~~. A stacking lane is measured

[as the area between the stacking lane entrance and the drive through service area.](#) The stacking lengths provided below are in addition to any aisle or parking space.

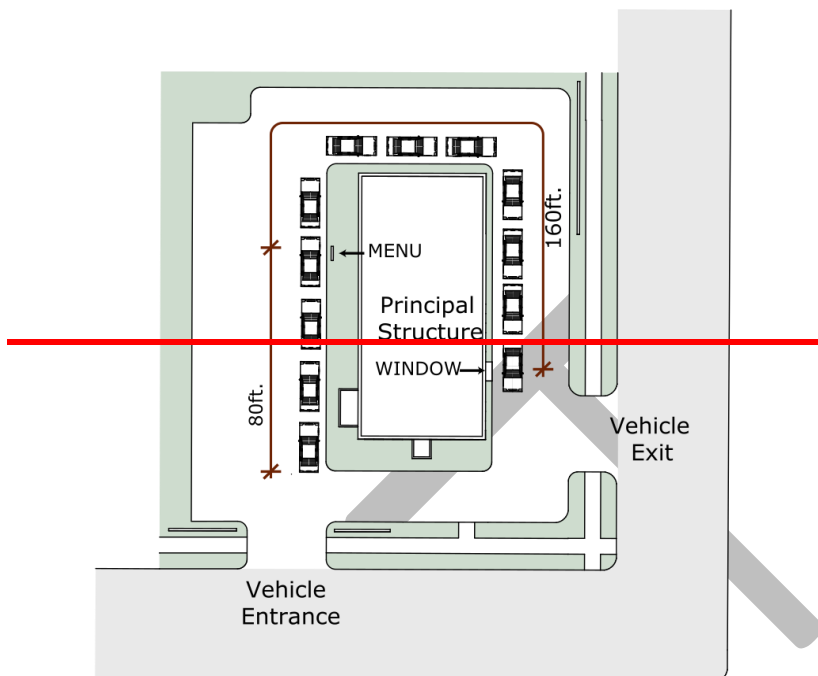
**Table 18.50.40-1. Drive-Through Stacking Length**

<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 <a href="#">from point of access into the stacking lane</a> to <a href="#">the</a> 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
<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

[New drive-through graphic \(being drafted\)](#)

#### [Vehicle Stacking for Eating Places with Drive-Through Service](#)

2. Minimum pavement lane width shall be twelve (12) feet. This length is in addition to any curb.
3. These minimum vehicle stacking requirements shall 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 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**

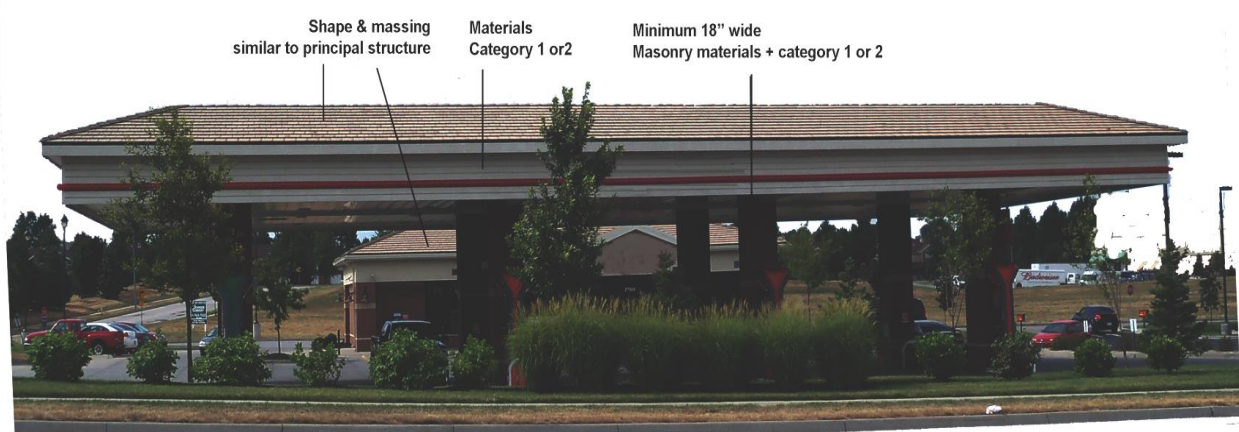
A freestanding canopy covering a drive-through service or gas pumps shall be developed in accordance with the following criteria:

1. The canopy shall 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 1 or 2 (see § [18.15.020.B](#)) 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 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



## 18.50.180 Satellite Dish Antennas

### A. Applicability

This section applies to any satellite dish antenna, defined as a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device is used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition includes but is not limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and microwave antennas.

### B. Ground-mounted

1. In **residential** districts, ground-mounted satellite dish antennas are subject to the following performance standards:
  - a. The maximum height shall not exceed fifteen (15) feet from the established grade where it is mounted.
  - b. The antenna shall be located within the rear yard and set back a minimum of ten (10) feet from all property lines.
  - c. All cables and lines serving the antenna shall be located underground.
2. In commercial and industrial districts, ground-mounted satellite dish antennas are subject to the following performance standards:
  - a. The maximum height is ~~fifteen (15)~~ thirty (30) feet from the grade where it is mounted.
  - b. The antenna shall not be located within a required yard setback.
  - c. No antenna shall be placed in the front yard.

### C. Wall and Roof-mounted

1. In **residential** districts, the maximum height (measured from the highest point) of any wall or roof-mounted satellite dish antenna shall not extend more than five (5) feet above the peak of the roof surface. The antenna shall not be located on the front side of the house or roof.
2. In **commercial and industrial** districts, wall or roof-mounted satellite dish antenna are subject to the following performance standards:

- a.** The maximum height (measured from the highest point) is fifteen (15) feet above the roofline.
- b.** The antenna shall be screened in accordance with Section [18.30.130.H.4.](#)

DRAFT

## 18.20.020 Districts Established

### A. Categories

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

**Table 18.20-1. Zoning District Categories**

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

### B. Districts

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

**Table 18.20-2. Zoning Districts Established**

	Conventional (C=Composite)	Overlay	Planned
<b>Residential &amp; Agricultural Districts</b>			
AG (Agricultural)	✓		
R-1 (Single-Family)	✓		
R-2 (Two-Family)	✓		

	Conventional (C=Composite)	Overlay	Planned
R-3 (Low-Density Multifamily)	✓		
R-4 (Medium-Density Multifamily)	✓		
<b>Mixed Use &amp; Commercial Districts</b>			
N (Neighborhood)	✓		
O (Office)	✓		
C-1 (Commercial Neighborhood)	✓		
C-2 (Community Center)	✓		
C-3 (Regional Center)	✓		
C-4 (Commercial Corridor)	✓		
D (Downtown)	✓		
TOD (Transit Oriented Development)			✓
PR (Planned Redevelopment)			✓
<b>Employment &amp; Industrial Districts</b>			
BP (Business Park)			✓
M-1 (Light Industrial)	✓		
M-2 & M-3 (Heavy Industrial)	✓		
<b>Miscellaneous Districts</b>			

	Conventional (C=Composite)	Overlay	Planned
PD (Planned Development)			✓
North Ridgeview Road Overlay		✓	
Cedar Creek Overlay		✓	

(Ord. 17-52 §§ 2, 41, 2017)

## 18.20.50 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:*

- LUC-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

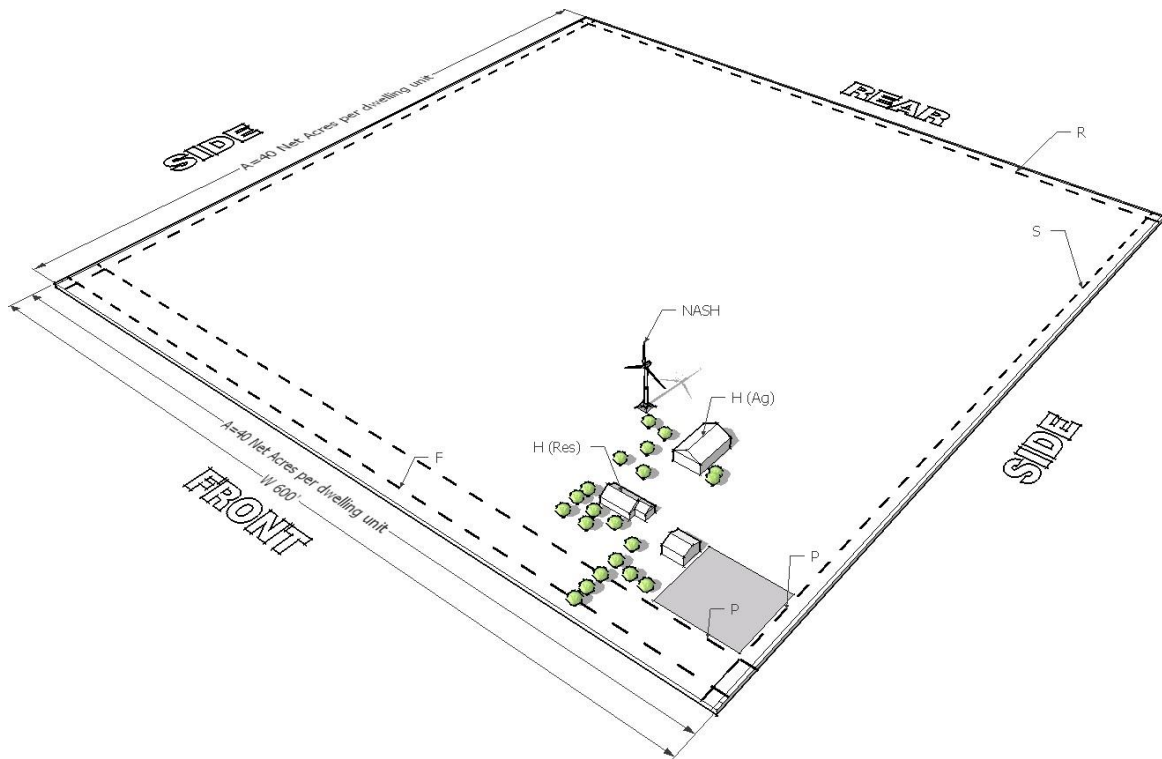


### A. Permitted Uses

See § [18.20.500](#) (Use Matrix)

### B. Dimensional Standards

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



<b>Lot area</b>	• 40 acres
<b>(minimum-residences only)</b>	
<b>Lot width (minimum)</b>	• 600 feet
<b>Height (maximum– minimum)</b>	<ul style="list-style-type: none"> <li>• 2½ stories, <del>not to exceed</del> 35 feet</li> <li>• 35 feet, or 50 feet for agricultural structures.</li> <li>• 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.</li> </ul>
<b>Residences</b>	
<b>Agricultural and Nonresidential structures/uses</b>	<ul style="list-style-type: none"> <li>• 50 feet:</li> </ul>
<b>Front, side and rear yards</b>	
<b>(minimum)</b>	<ul style="list-style-type: none"> <li>• 30 feet from street right-of-way:</li> <li>• 10 feet from property lines other than street right-of-way</li> </ul>
<b>Setbacks for parking/paving</b>	
<b>(minimum-nonagricultural uses):</b>	



**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 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 submit a septic tank suitability study in accordance with Section [18.30.260](#) at the time of filing the application for agricultural zoning.

**18.20.70 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:*

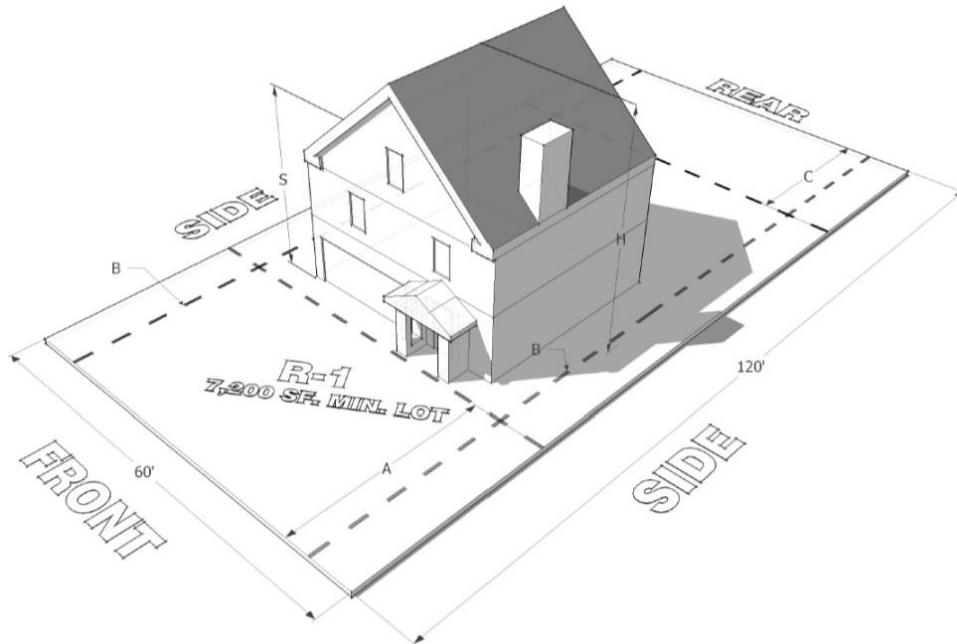
- *LUCC-3.3: allow for a variety of home types and lot sizes.*
- *HN-1.4: minimize spill-over impacts from adjacent commercial areas and incremental expansion of business activities into residential areas.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *HN-2.1, 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:



Composite Standards	Site 1 Building - none	Site 1 Building A	Site 2 Building - none	Site 2 Building A
→				
<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, not to exceed 35 feet	• 2½ stories, not to exceed 35 feet	• 2½ stories, not to exceed 35 feet	• 2½ stories, not to exceed 35 feet
<b>Residences</b>				
<b>Nonresidential</b>	• 75 feet	• 75 feet	• 75 feet	• 75 feet
<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
<b>Common open space (minimum % / minimum % of total that is active open space)</b>	• n/a	• 15% total / 50% 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 be located outside the front, side and rear yards, except for driveway access. (Ord. 16-20 §4, 2016; Ord. 15-16 §3, 2015)

**18.20.80 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:*

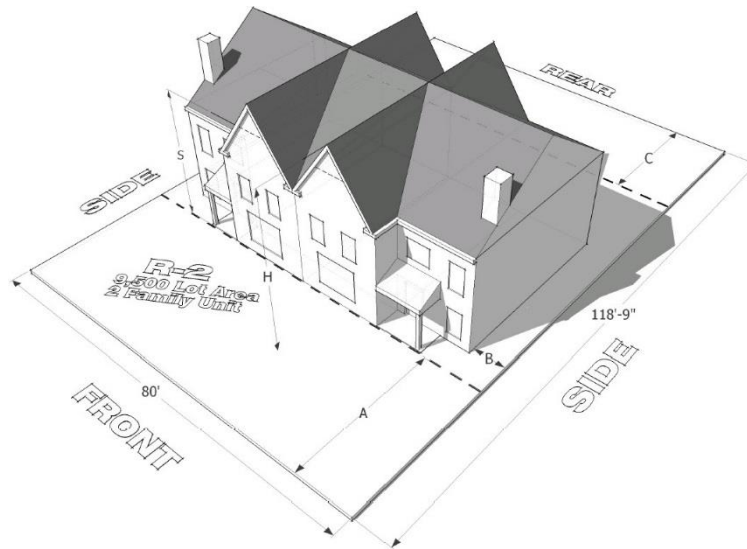
- *LUCC-3.3: Residential Zoning Standards. Ensure that zoning allows for a variety of home types and lot sizes.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *HN-2.1, HN-2.5, HN-4.1, and HN-4.2: provide a full range of housing choices, affordable housing, and 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:



Composite Standards	Site 1 Building A	Site 2 Building A	Site 2 Building B	Site 3 Building 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, <del>not</del> to exceed 35 feet	• 2½ stories, <del>not</del> to exceed 35 feet	• 2½ stories, <del>not</del> to exceed 35 feet	• 2½ stories, <del>not</del> to exceed 35 feet
<b>Nonresidential structures and uses</b>	• 75 feet.	• 75 feet.	• 75 feet.	• 75 feet.
<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) • 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)*

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### **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 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 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 boats, campers, recreational vehicles, trucks or inoperable vehicles be parked or stored in any guest parking islands. Any guest-parking island shall be provided with landscaped areas at each end of the parking island. The landscaped areas shall direct traffic and be provided with Portland cement concrete curbs. (*Ord. 16-20 §4, 2016; Ord. 15-16 §3, 2015*)

### 18.20.90 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:





Composite Standards →	Site 1 Building A	Site 2 Building A	Site 2 Building B
Density ( <i>maximum</i> )	• 12 du/ac	• 15 du/ac	• 17 du/ac
Coverage ( <i>minimum</i> )	• 60%	• 65%	• n/a
Height ( <i>maximum</i> )	• 2½ stories <del>not to</del> exceed 35 feet	• 3 stories <del>not to</del> exceed 40 feet	• 3 stories <del>not to</del> exceed 40 feet
Residences			
Nonresidential structures and uses	• 75 feet	• 5 feet	• 75 feet
Front yard ( <i>minimum</i> )	• 30 feet	• 5 feet	• n/a
Front yard ( <i>maximum</i> )	• n/a	• n/a	• 15 feet
Side yard ( <i>minimum</i> )	• 15 feet	• n/a	• n/a
Corner side yard ( <i>minimum</i> )	• 20 feet	• 20 feet	• 20 feet
Rear yard ( <i>minimum</i> )	• 25 feet	• 15 feet	• 5 feet
Common open space ( <i>minimum % / minimum % of total that is active open space or civic space</i> )	• 10% / 50%	• 15% / 50%	• 5% / 50% (Site 3)

\* 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 be located outside the front, side and rear yards, except for driveway access. (*Ord. 15-16 §3, 2015*)

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**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:*

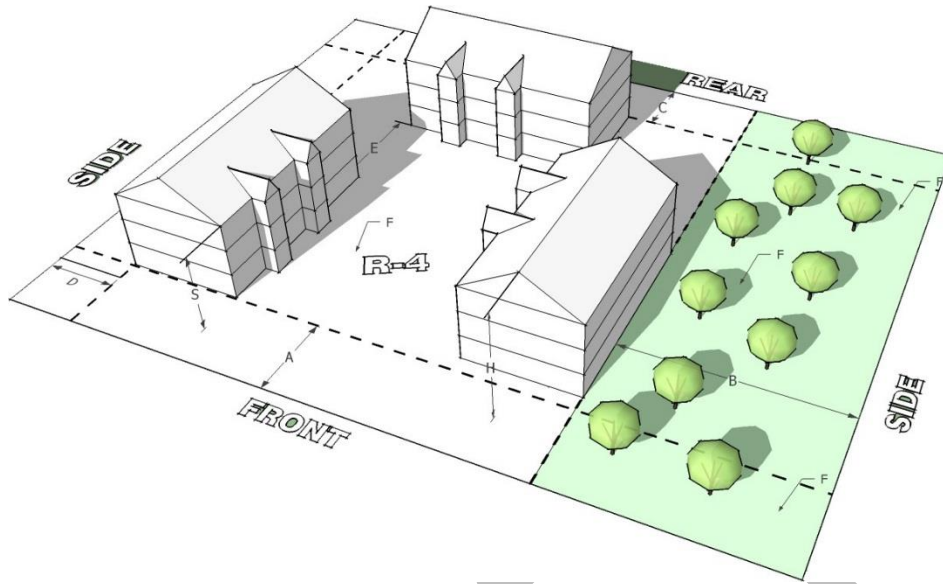
- *LUCC 3.1: Encourage housing near services*
- *LUCC-3.3: Ensure that zoning allows for a variety of home types and lot sizes.*
- *LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses*
- *HN-2.1, HN-2.5, HN-4.1, and HN-4.2: provide a full range of housing choices, affordable 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:



Composite Standards	Site 1 Building A	Site 2 Building A	Site 2 Building 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> Residences	• 3 stories, <del>not to</del> exceed 40 feet	• 4 stories, <del>not to</del> exceed 50 feet	• 4 stories, <del>not to</del> exceed 50 feet
<b>Nonresidential structures and uses</b>	• 75 feet	• 75 feet	• 75 feet
<b>Front yard (minimum)</b>	• 20 feet	• 20 feet • 5 feet from collector or local streets	• n/a
<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 of 40 feet	• n/a
<b>Corner side yard (minimum)</b>	• 20 feet	• 20 feet	• 20 feet
<b>Rear yard (minimum)</b>	• 25 feet	• 10 feet	• 5 feet
<b>Common open space (minimum % / minimum % of total that is active open space or civic)</b>	• 10% / 50%	• 15% / 50%	• 5% / 50% (Site 3)

**Space)**

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 be located outside the front, side and rear yards, except for driveway access. (*Ord. 15-16 §3, 2015*)

**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:*

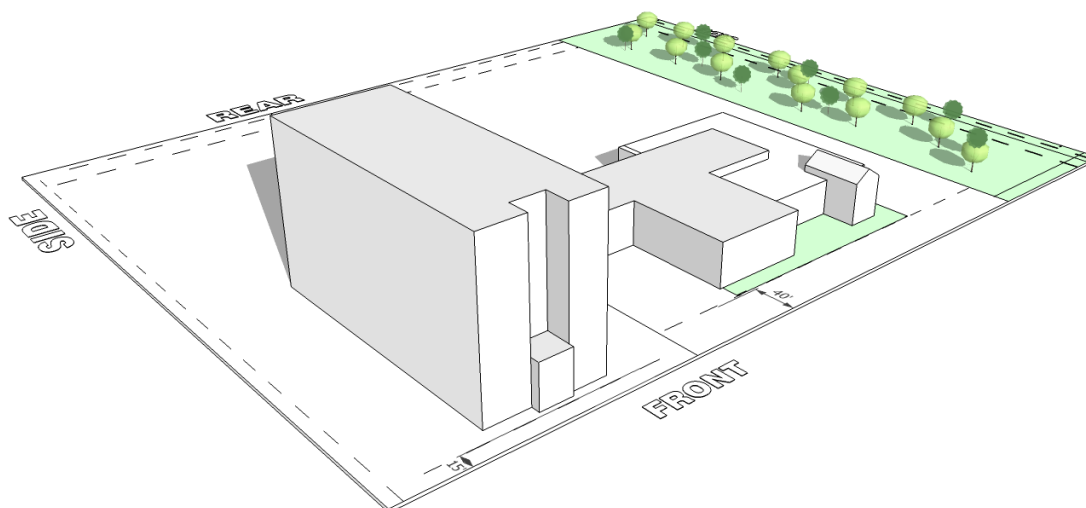
- LUCC-6.2: Santa Fe Commercial Corridor
- LUCC-8.2: Use zoning as a tool to avoid or minimize conflicts between land uses

**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:



Composite Standards →	Site 4-Building C, D or E Site 3, 5-Building D or E	Site 3 or 5-Building C
<b>Height (<i>maximum</i>)</b>	• 3 stories <del>/</del> , not to exceed 40 feet	• 12 stories <del>/</del> , not to exceed 144 feet
<b>Front yard (<i>minimum</i>)</b>	• 40 feet from arterial street right-of-way • 15 feet from other street right-of-way	• 15 feet
<b>Side yard (<i>minimum</i>)</b>	• 10 feet	• 7½ feet
<b>Rear yard (<i>minimum</i>)</b>	• 10 feet	• 7½ feet
<b>Parking/paving location</b>	• 15 feet from street right-of-way • 10 feet from property lines	• 7½ feet
<b>Open space</b> (see §18.30.170)	• 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 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. No merchandise shall be stored or displayed outside a building, and no equipment or vehicle other than passenger vehicles, shall be stored outside a building.
2. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by temporary sales and events permit or catering or food trucks as licensed by the City Clerk. (Ord. 16-20 §4, 2016; Ord. 15-16 §3, 2015)

### 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*



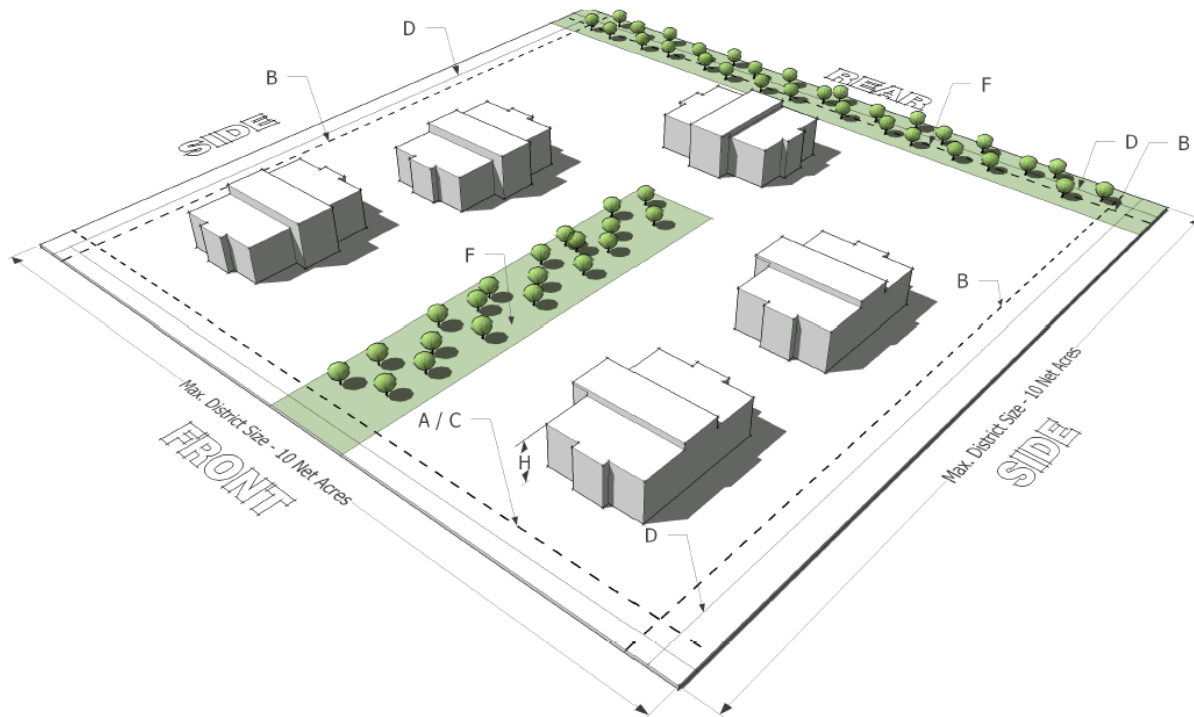
#### A. Permitted Uses

See § [18.20.500](#) (Use Matrix).

#### B. Dimensional Standards

Development in the M-~~2~~ [and M-3](#) 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-Building D

Site 6-Building C or E

Site 3 or 5-Building C or E

**Height (maximum)**

- Buildings: 55 feet 12 stories, not to exceed 144
- Other Structures (including signs): 100 feet. The structure must be set back from all property lines a distance at least equal to its height

**Front yard (minimum)**

- 30 feet 20 feet

**Side yard (minimum)**

- 10 feet 10 feet

**Rear yard (minimum)**

- 10 feet 10 feet

**Parking/paving location**

- 30 feet from street right-of-way 20 feet from street right-of-way

Composite Standards →	Site 6-Building D, F	
	Site 5-Building D, E, F	Site 6-Building C or E
	Site 4 -Building C, D or E	Site 3 or 5-Building C or E
	Site 3-Building D	
	• 10 feet from property lines	7½ feet from property lines
<b>Open space</b>	15% of net site area	n/a
<b>(see §18.30.170)</b>		

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

(Ord. 15-16 §3, 2015)

**~~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*)~~

## 18.40.190 Vacating Plats, Streets or Reservations

*Purpose: this section establishes a process to bring land dedicated or reserved for public use back to private ownership.*

### A. Applicability

1. This section applies to the vacation of all or part of any street, alley or public reservation. This includes, but is not limited to, public utility or drainage easements, dedicated building setback lines and access control. For purposes of this section, "vacation" or "vacate" means to the act of reverting land that is dedicated or reserved for public use to private ownership. All vacations must be approved by the Governing Body or Planning Commission in accordance with this title and Kansas law.
2. This section provides 3 ways to vacate property:
  - a. by plat,
  - b. by ordinance, or
  - c. by petition.

### B. Initiation

1. An application to vacate **by plat** is filed with the Planning Official.  
(⇒ Note: the application is online at <http://www.olatheks.org/Development/Forms>)
2. An application for vacation **by ordinance** is filed both in the office of the City Clerk and with the Planning Official.  
(⇒ Note: the application is online at <http://www.olatheks.org/Development/Forms>)
3. A **Petition for Vacation** may be filed by the City at the direction of the Planning Commission or Governing Body or by any owner of property on which the street, alley or public reservation lies or adjoins. A petition to vacate is filed with the City Clerk and a copy of the petition given to the Planning Official. The petition shall include the information required for a Lot Split application (see Chapter [18.94](#)) and K.S.A. [12-504](#) to 506, as amended.
4. Where this section requires public notice, the applicant shall mail (at its cost) a notice to all owners of record of lands, easements or other property rights located within the area subject to the application. The mailed notice shall be given by certified mail, return receipt requested, and

shall be in letter form. The notice shall state the time and place of the hearing, a general description of the proposal, the legal description and general street location of the property subject to the vacation, a statement explaining that the public may be heard at the public hearing, and a map of the property.

### **C. Completeness Review**

See § [18.40.040](#) Completeness Review.

### **D. Decision**

#### **1. Vacation by Platting or Replatting**

A vacation by platting or replatting is approved by the Planning Commission, following mailed notice (see subsection [B.4](#) above) and hearing as provided in Section [18.40.060](#) and K.S.A. [12-512b](#). The following language, or language substantially similar to the following language, shall appear on the face of the plat:

"The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Olathe, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement."

*(Ord. 02-54 § 2, 2002)*

#### **2. Vacation by Ordinance**

- a.** All or part of a street, alley or public reservation may be vacated by ordinance adopted by the Governing Body, following public notice (see subsection [B.4](#) above) and hearing as provided in Section [18.40.060](#) of this chapter.
- b.** Following the adoption of the ordinance, the City Clerk shall file a copy of the ordinance certified by the City Clerk as a true and correct copy, in the office of the ~~County~~ [City](#) Clerk and in the office of the Register of Deeds.

- c. The City may reserve rights-of-way and easements as provided in KSA [12-512a](#).

### **3. Vacation by Petition**

- a. The Planning Commission and Governing Body shall approve a Petition to Vacate after public notice and hearing as provided K.S.A. [12-504](#) and [12-505](#) and the procedures set out below.
- b. The Planning Commission shall consider the Petition at a public hearing, following notice as provided in K.S.A. [12-504](#). The Planning Commission shall then make and submit a recommendation to the Governing Body. At the conclusion of any the hearing, the Planning Commission shall submit its recommendation on the application to the Governing Body.
- c. Prior to the hearing before the Governing Body, notice of the hearing shall be published for two (2) consecutive weeks, containing a full description of the property and stating that a petition has been filed in the office of the City Clerk praying for the vacation and that on a certain date the petition will be presented to the Governing Body for a hearing and that all persons interested can appear and be heard under the petition. The Governing Body shall approve the petition and shall order by ordinance that the vacation be made, if it determines from the evidence that the criteria in subsection [E](#) of this section apply.
- d. A petition shall not be granted if, at the time of or before the hearing, a written objection is filed with the Governing Body by any owner or adjoining owner who would be a proper party to the application but has not joined.
- e. A Petition to Vacate lot frontage is processed by the Governing Body as provided in KSA [12-513](#) to [12-516](#).
- f. The City may reserve rights-of-way and easements as provided in KSA [12-512a](#).

### **4. Vacation of Undeveloped Subdivision**

When no lots of a platted subdivision have been sold, the subdivider may request the vacation of the plat in accordance with Kansas statutes prior to the time that public improvements are installed. Where a plat is vacated for a subdivision for which bonds or other surety have been filed assuring the construction of public improvements, the surety shall be returned to the subdivider. (*Ord. 06-85 § 1, 2006; Ord. 02-54 § 2, 2002*)

### **E. Approval Criteria**

Refer to KSA [12-505](#) or to KSA [12-514](#) for the vacation of lot frontage.

**F. Subsequent Applications**

The rules for final plats apply (see Section [18.40.160.F](#)).

**G. Scope of Approval**

If a petition, plat or ordinance of vacation is approved, ownership of the vacated area reverts as provided in KSA [12-506](#).

**H. Recordkeeping**

A petition or ordinance of vacation is recorded as provided by law (refer to KSA Chapter [12](#), Article [5](#)).

[IMAGE]

*(Ord. 15-16 §3, 2015)*

## 18.40.220 Appeals

*Purpose: this section provides a way for applicants to request the review and correction of decisions by approving agencies that they believe are in error.*

### A. Applicability

This section applies to the appeal of decisions by approving agencies, where permitted by this chapter. There are two types of appeals, as provided below:

Type of Appeal	Description	Appellate Agency
Development design appeals	City Staff (such as the Planning Official, City Engineer) decisions applying adopted policies, design guidelines, design manuals, and site design and building design stipulations or conditions of approval of site development plans. Decisions of the Planning Commission are final unless appealed to the Governing Body. Decisions of the Governing Body are final.	<ul style="list-style-type: none"> <li>• Planning Commission</li> <li>• Governing Body, on appeal from the Planning Commission</li> <li>• City Manager, where specifically provided</li> </ul>
All other appeals	<p>Appeal of any decision of the Planning Official, building official, or other official that applies or interprets this title, except as provided above. These include but are not limited to items such as:</p> <ul style="list-style-type: none"> <li>• definitions,</li> <li>• permitted uses,</li> <li>• height and area regulations,</li> <li>• development and performance standards,</li> <li>• parking and loading,</li> <li>• signs,</li> <li>• landscaping and screening,</li> <li>• storage,</li> <li>• accessory uses,</li> <li>• nonconforming situation and vested rights,</li> </ul>	Board of Zoning Appeals (BZA)



Type of Appeal	Description	Appellate Agency
	• subdivision regulations.	

## B. Initiation

### 1. Development Design Appeal

- a. A notice of appeal from the Planning Official's decision shall be filed with the Planning Official within thirty (30) days of the date of that decision.
- b. An application for appeal of a Planning Commission decision shall be filed with the Planning Official within fifteen (15) days of the date of their decision.

### 2. All Other Appeals

A notice of appeal to the Board of Zoning Appeals may be filed by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of an official administering this title. The notice of appeal shall be filed with the Planning Official within thirty (30) days of the date of the decision by the officer administering this title which is being appealed. A copy of the notice of appeal shall be served on the official or agency whose decision is being appealed.

↔ Cross-Reference: 18.40.020 (Preapplication)

## C. Completeness Review

See § [18.40.040](#) Completeness Review.

## D. Decision

### 1. Development Design Appeal

- a. The Planning Official shall prepare and transmit to the Planning Commission a complete record of all proceedings related to the appeal of development design issues. The Planning Commission shall consider the appeal without a public hearing, unless the applicant requests a public hearing. The Planning Commission may:
  - (i) Reverse the ~~Development Service Director~~ Planning Official's decision, or
  - (ii) Affirm the Planning Official's decision, or
  - (iii) Render its own decision, with~~out~~ or without conditions, or

(iv) Remand the application to the Planning Official.

b. If the applicant, Planning Official, or an aggrieved party appeals the Planning Commission's decision, the Planning Official shall prepare and transmit to the Governing Body a complete record of all proceedings related to the appeal of the Planning Commission's decision. The Governing Body shall consider the appeal without a public hearing, unless the applicant requests a public hearing. The Governing Body may:

- (i) Reverse the Planning Commission's decision, or
- (ii) Affirm the Planning Commission's decision, or
- (iii) Render its own decision, without or without conditions, or
- (iv) Remand the application to the Planning Commission or the Planning Official.

## **2. All Other Appeals (Board of Zoning Appeals (BZA))**

a. The officer whose decision is being appealed shall prepare and transmit to the secretary of the Board of Zoning Appeals a complete record of all proceedings related to the appeal of the provisions of this ordinance.

b. The Board of Zoning Appeals shall consider the appeal at a public hearing, following publication and notice to surrounding property owners.

(↔ Note: see Sections [18.40.050](#) for notice provisions and 18.40.060 for public hearing procedures.)

c. The Board of Appeals may:

- (i) reverse the decision in whole or in part;
- (ii) affirm in whole or in part;
- (iii) modify the order, requirement, decision, or determination,
- (iv) attach appropriate conditions to its decision, and
- (v) issue or direct the issuance of a permit.

## **E. Approval Criteria**

The appellate agency may approve the appeal if the decision subject to the appeal:

1. Is the result of an incorrect interpretation of this title, or

2. Would violate Kansas or federal statutes, or
3. Would violate the applicant's state or federal constitutional rights.

#### **F. Subsequent Applications**

There is no limit on subsequent appeals. However, findings of fact from prior appeals for the same application that were not reversed by a higher tribunal (such as on appeal to a court with subject matter jurisdiction) are binding on successive appeals.

#### **G. Scope of Approval**

If the appeal is approved, the applicant may apply for any permits or approvals required for development or establishment of the use, as provided in this chapter.

#### **H. Appeal to Courts**

Except where this title provides for an appeal to another quasi-judicial or administrative body, any person, official or agency aggrieved by a final decision on an application provided for in this ordinance desiring to appeal said decision shall file the appeal in the district court of Johnson County with thirty (30) days of the making of the decision.

#### **I. Recordkeeping**

The Planning Official will maintain a file of the final decision on appeal. The applicant must maintain a copy of the final decision on appeal, including any attachments. (*Ord. 15-16 §3, 2015*)

## **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](#), ~~the Olathe Municipal Code, Chapter 5.05 – Special Event Permit.\*~~

- a.** Christmas tree sales.
- b.** Seasonal sale of farm produce.
- c.** Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities).
- d.** Carnivals, circuses, fairs.
- e.** Commercial tent sales or sidewalk sales.
- 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](#).

**2.** The temporary sales and events permit may be issued without publication or posted notice and without referral to the Planning Commission if the following conditions are met:

- a.** The applicant shall submit an application containing:
  - (1)** A description of the land proposed to be used.
  - (2)** A site plan showing setbacks, property lines and adjoining structures and the proposed location of the temporary sales and event.
  - (3)** A description of the proposed use.
  - (4)** Hours of operation.

- (5)** Estimates of accumulated automobiles and persons per hour.
    - (6)** Proposed sanitary facilities.
    - (7)** Proposed parking facilities.
  - b.** The proposed use shall be only located on property zoned AG, O, C-1, N, C-2, C-3, C-4, any Downtown district D, 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 use not be operated after 12:00 midnight and before 8:00AM.
  - e.** The proposed use not be located closer than two hundred fifty (250) feet from property zoned for residential use.
  - f.** The location of any proposed driveway entrance not create a traffic hazard.
  - g.** The proposed site shall contain adequate parking. Adequate parking shall be determined on the basis of one (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 be required for Christmas tree sales lots or seasonal sale of farm produce.
- 3.** The term of the permit shall be as follows:
- a.** Carnivals, circuses and fairs; tent meetings; commercial tent sales or sidewalk sales; exhibits for high technology products – not to exceed seven (7) days.
  - b.** Christmas tree sales – not to exceed sixty (60) days.
  - c.** Seasonal sale of farm produce – not to exceed five (5) months.
  - d.** Seasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities) – not to exceed four (4) months.

- e. Temporary communication tower – not to exceed thirty (30) days. For good cause, the Planning Official may extend the permit an additional sixty (60) days.
- f. All other temporary events not otherwise listed – not to exceed thirty (30) days.
- g. All temporary events – no more than four (4) events per calendar year.

### **C. Temporary Commercial Sales**

Sale of merchandise and services from a vehicle or temporary structure is prohibited, except as provided above.

### **D. Temporary Offices at Construction Sites**

1. Temporary offices for construction may be used on the site of a construction project, if they are removed upon completion of the project. A building permit is required.
2. In residential districts, any temporary offices may only be located in a model home and must cease upon the issuance of a certificate of occupancy for the last residential dwelling unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last dwelling unit for that phase.
3. Temporary construction trailers may be used for temporary construction offices, but only until a model home is completed. These trailers shall only be used by the contractor and subcontractors, and shall not be used as a real estate sales trailer. All trailers shall be removed once the model home is completed and ready for use.

### **E. Temporary Modular Structures**

1. This section applies to temporary modular structures, except as provided in subsections [B](#) through [C](#), above. A “temporary modular structure” means any structure that:
  - a. Is assembled at a factory and transported over the road to its destination, or
  - b. Is equipped with wheels and normally towed over the road behind an automobile or truck, or
  - c. Is otherwise composed of materials or construction that are customarily associated with temporary activities.
2. Temporary modular structures are not permitted for use for commercial or service uses (see the Use Matrix, Section [18.20.500](#), for a list of commercial and service uses).

**F. Temporary Buildings Prohibited for Residential Purposes**

No temporary or incomplete building, and no automotive equipment, trailer, recreational vehicle, garage or other use or building accessory to a family dwelling shall be erected, maintained or used for residential purposes.

**G. Portable Storage Containers**

Portable storage containers for temporary on-site storage shall comply with the following:

- 1.** Up to two (2) portable storage containers may be located in all residential zoning districts, if the container is placed on the drive or personal parking area and does not obstruct any City right-of-way or interfere with any vehicular or pedestrian circulation.
- 2.** Portable storage containers shall not be used as permanent accessory structures in any residential district.
- 3.** Portable storage containers are permitted for up to sixty (60) days in a calendar year and on no more than two (2) separate occurrences. The Planning Official may grant additional time if needed to avoid hardship, and if the applicant has no other alternative for storage.

*\* Editor's Note: Incorrect cross-references removed.*

*(Ord. 17-52 §§ 32, 41, 2017; Ord. 08-105 § 2, 2008; Ord. 02-54 § 2, 2002)*

## **18.90.020 Definitions**

### **A. Generally**

- 1.** Where a word or term is not defined in this chapter, but is defined elsewhere in this ordinance or in the Municipal Code, that definition applies unless the context indicates that a standard dictionary definition is more appropriate.
- 2.** Where a word or term is defined in this chapter and also defined elsewhere in this ordinance, the definition contained in this chapter generally applies except in the chapter or section to which the other definition applies.
- 3.** Where a word or term is neither defined in this chapter nor defined elsewhere in this ordinance or in the Municipal Code, the definition found in the most current edition of A Glossary of Zoning, Development, and Planning Terms dated December 1999, by the Planning Advisory Service applies unless the context indicates that a standard dictionary definition is more appropriate.

### **B. Words and Phrases Defined**

#### **Abutting or Adjoining**

Joined contiguous to, having common district boundaries or lot lines or being immediately adjacent.

#### **Access**

A means of vehicle, bicycle, or pedestrian approach, entry to, or exit from property.

#### **Access/Private Drive**

A paved surface which provides access to a public street for a maximum of four (4) dwelling units.

#### **Accessory Building**

A subordinate building having a use customarily incidental to and located on the lot occupied by the main building. A building housing an accessory use is considered to be an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building. Portable storage containers are not considered as an accessory building.

#### **Accessory Use**

A use of a building or land which serves an incidental function to and is customarily associated with, and located on the same lot or premises as, the main use of the premises.

#### **Adaptive Reuse**



The occupancy and use of an existing, abandoned building that was formerly used as a commercial, service, or other nonresidential use.

**Adjacent**

Lying near or close to; sometimes, contiguous; or neighboring.

**Administrative Approval**

A written approval that the Planning Official is authorized to grant after administrative review.

**Administrative Review**

The procedures established in Chapter [18.40](#).

**Adult Business Establishment**

See definition in Chapter [5.50](#).

**Advertising Trailer**

A trailer carrying or having attached thereto a sign, billboard or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

**Aggrieved Party**

Any person, property owner or entity with standing to challenge a decision taken under Chapter [18.40](#) under Kansas or federal law.

**Agricultural Purposes**

Land, including necessary buildings and structures, is considered used for agriculture if the zoning lot contains at least forty (40) acres of land area, and if the principal use is the raising or keeping of livestock and/or the growing of crops in the open.

**Agricultural Use**

The use of land where that is devoted to the production of plants, animals or horticultural products, including but not limited to:

Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use does not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though the properties may produce or maintain some of those plants or animals listed in the foregoing definition.

**Airport-Heliport**

An area of land or water that is used or designed for the landing and take-off of aircraft, of any type, and includes its buildings and facilities, for the shelter, servicing or repair of aircraft.

**Alley**

A minor way, dedicated for public use, which is used primarily for secondary means of access to the sides or rear of lots.

**Alteration**

Any addition, removal, extension or change in location of any exterior wall of the main building or accessory building.

**Aluminum Siding**

Long pieces of aluminum that are used to cover the outside walls of a building.

**Amendment**

Any addition, deletion, or revision of the text of the Unified Development Ordinance (UDO), or any addition, deletion, or revision of the Official Zoning Map or the Municipal Code adopted by the Governing Body after public hearings.

**Amenity**

The characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may include such things as recreational facilities (e.g., a swimming pool, sports courts, play equipment for children, ball fields, walking trails, etc.), clubhouses, picnic tables, and natural landscape preserves.

**Amusement Device**

Any machine, game, table or device which is designed, intended or used as entertainment, and may be operated by the public upon the insertion of a coin or token. Amusement device includes, but is not limited to, devices commonly known as pinball machines, pool tables, video games, electronic games, kiddie rides, mini-theaters-projection devices and video screens, and all games or operations similar thereto, whether or not registering a score. Not included within the definition of amusement device are such devices as food, televisions, phonographs, soft drink and cigarette vending machines.

**Apartment Building**

A building arranged, intended or designed for residence by more than two (2) families.

**Applicant**

The subdivider, developer or owner of any area subject to an application for a rezoning, site plan, subdivision plat, special use permit, building permit, certificate of occupancy, or any other approval required by this title (see Chapter [18.40](#)).

**Application**

Any application for a text amendment, rezoning, site development plan, special use permit, variance, building permit, certificate of occupancy, variance, appeal, or any other approval required by this title.

**Approving Authority**

The official or agency with authority to approve, approve with conditions, or deny any application.

**Architectural Block**

A glass architectural material commonly used in wall and floor applications, consisting of one (1) or more blocks or bricks, typically at least two (2) inches thick, which may be solid glass or hollow in the center. Architectural blocks are commonly textured clear glass formed into a square shape, but are available in a variety of other shapes, colors, and textures. For purposes of this document, transparent glass architectural block may be subject to different regulations than opaque glass architectural block or mirror glass architectural block.

**Architectural Features**

Physical additions to a structure that allow the creation of different styles including, but not limited to, porches, balconies, dormers, bay windows, shutters, belvederes, chimneys, colonnades, towers, cupolas, cornices, eaves, soldier courses, lintels, and decorative ornaments.

**Architectural Metal**

Metals used as structural features such as trusses, or decorative features such as cladding, balustrades, handrails or detailed/customized panels. Architectural metal may be finished or weathered.

**Architectural Panels**

A transparent sheet or panel of glass used as wall cladding, typically as part of a curtain wall system. Architectural panels may be transparent from one (1) or both directions, may come in a variety of colors and levels of translucence, and may be smooth, etched, or otherwise textured. For purposes of this document, transparent glass architectural panels may be subject to different regulations than opaque glass architectural panels or mirror glass architectural panels.

**Attached**

Having a wall, roof or other structural member with building materials and architectural design in common with or in contact with another building.

**Awning**

A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

**Berm**

A manmade mound of earth used to shield, buffer, or screen properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

**Block**

A tract or parcel of land entirely surrounded by public highways or streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainageways, municipal boundary lines, township lines or county lines.

**Block Face**

The properties abutting on one (1) side of a street situated between intersecting public highways or streets, or by a combination of such street and public parks, cemeteries, railroad rights-of-way,

public park, exterior boundary of a subdivision or any other physical barrier to the continuity of development.

**Boat**

A vehicle for traveling in or on water, including all types of personal watercraft. The definition of boat includes the trailer, if the vehicle(s) is mounted on a single trailer.

**Brick**

Ceramic products manufactured primarily from clay, shale, or similar naturally occurring earthy substances and subjected to a heat treatment at elevated temperatures (firing), and that are shaped during manufacture by molding, pressing, or extrusion. Brick may include additives or recycled materials.

**Brick Imprint or Overlay System**

A concrete veneer product that is patterned and colored to resemble traditional brick.

**Brick, Modular**

Solid brick or brick panel/veneer whose dimensions are based on a standard eight (8) inch length.

**Brick, Panel/Veneer**

Brick that is installed on the exterior of a steel or wood frame, and that is not used to provide structural support for the building.

**Brick, Solid**

A wall composed of either two (2) layers of brick, or a layer of concrete block with a brick exterior. The wall provides structural support for the building in compliance with the building code.

**Buffer**

An area of land separating two (2) distinct land uses that acts to soften or mitigate the effects of one (1) land use on the other.

**Building**

Any structure with a permanent roof, separated on all sides from adjacent open space by walls, built for the shelter or enclosure of persons, animals, chattels or property of any kind, not including portable storage containers.

**Building Coverage**

That portion of the net site area which is covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.

**Building Elevation**

A flat, scale drawing of the front, rear, or side of a building.

**Building Front**

The side of a building with the main entrance door.

**Building Official**

The duly appointed Building Official of the City, or his or her designee.

**Building, Principal**

See "main building."

**Camper**

A separate vehicle designed for temporary recreational human habitation and which can be attached to or detached from a pickup truck.

**Campground**

An area of land available for the overnight or temporary parking of recreation vehicles which is in compliance with the zoning and other ordinances of the City.

**Capital Improvement Program (CIP)**

A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

**Cement Fiber Board or GRFC**

A cementitious matrix composed of cement, sand, water, and admixtures, in which short length glass fibers are dispersed. GRFC is concrete that uses glass fibers for reinforcement instead of steel. It is typically used for nonstructural façade panels.

**Certificate of Occupancy**

A document issued by the proper authority allowing for the occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances of the City of Olathe.

**Child-Care**

Regulations for licensing various day-care homes and group day-care homes for children in accordance with requirements of KSA [65-501](#) through [65-516](#), KAR [28-4-123](#) through [28-4-132](#) and amendments thereto.

**City**

The City of Olathe, Kansas.

**Civic Space**

A type of open space designed and designated for public or semi-public active use, located in an area visible and easily accessible to the public, and including a combination of pedestrian amenities and aesthetic elements such as plazas, benches, fountains, landscaping, art, clocks, towers, or recreational amenities. Civic spaces typically have a high percentage of impervious or semi-pervious surface area when compared to other types of open space, which generally have a low percentage of impervious surface area.

**Civic Use**

Includes governmental administrative and business offices, colleges and universities (public or private), child-care, elementary and secondary schools (public or private), postal facilities, religious assembly, safety services, and transportation terminals.

**Commercial Districts**

Districts O, C-1, C-2, C-3, C-4, D, and BP.

**Commercial Vehicle**

A vehicle with or without its own motive power; with a chassis rated at one (1) ton or more; dimensions exceeding twenty (20) feet in total length, eight (8) feet in width, or seven (7) feet in height; and used primarily for the carrying of equipment, livestock, minerals, liquids or other commodities, or the carrying of persons in the performance of a transportation service.

Commercial vehicles include hauling and advertising trailers if the total length of the bed or box exceeds eight (8) feet.

**Community Parking Facility**

An off-site parking lot or garage that provides required parking for some or all of the uses within the D District or a Center Area (CA) of an N District.

**Compatible**

Any properties, uses, designs or services capable of existing together without conflict or adverse effects while considering the Comprehensive Plan, corridor studies, design manuals, design guidelines, and other applicable studies, plans, and policies as approved by the Planning Commission and the Governing Body.

**Complex**

A group of freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into three (3) or more separate offices, businesses or apartments; provided, that the building is not part of a large complex. A complex is limited to apartment complexes, office or business complexes, shopping centers and industrial parks.

**Comprehensive Plan**

The Comprehensive Plan for the City adopted pursuant to KSA [12-747](#) et seq.

**Concrete, Detailed**

Precast (using custom molds) or cast-on-site concrete that includes special finishes or design details such as geometric shapes or artistic designs.

**Concrete Masonry Unit or "CMU"**

Large, rectangular blocks from cast concrete. Depending on the specific concrete materials or application, CMU may also be called concrete block, cement block, cinder block or foundation block.

**Concrete Masonry Unit, Burnished**

A type of CMU that is polished after manufacture to highlight cement that includes naturally colored aggregates.

**Concrete Masonry Unit, Flush/Plain**

CMU that has a plain, flush surface that has not been burnished to highlight naturally colored aggregates.

**Concrete Masonry Unit, Split Faced**

A type of CMU that has a factory-produced stone-like texture produced by molding two (2) units together and splitting them apart to create a fractured appearance. Split-faced CMU is also sometimes called split-rib CMU.

**Concrete, Plain Finish**

Precast or cast-on-site concrete that does not include special finishes or design details on visible surfaces.

**Concrete, Precast**

Concrete cast in a reusable off-site mold or form and cured in a controlled environment before being transported to the construction site.

**Corner Lot**

A lot on the junction of and abutting two (2) or more intersecting streets.

**Corrugated Metal**

Sheet metal which has been drawn or rolled into parallel ridges and furrows to provide additional mechanical strength.

**Crosswalk**

A designated pedestrian crossing on a drive or parking lot with some means employed to assist pedestrians wishing to cross from public connections to the development's amenities and to such primary structures, as identified by the applicant and staff, as indicated on the final site development plan.

**Cul-de-Sac**

A street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

**Curb Level**

The mean level of the curb in front of the lot or, in the case of a corner lot, along the abutting street, where the mean curb level is the highest.

**Customary Passenger Vehicle**

A vehicle with its own motive power; not exceeding twenty (20) feet in overall length, eight (8) feet in width or seven (7) feet in overall height; and primarily designed to carry persons. Small pickup trucks, conversion vans, and sport utility vehicles shall be considered as customary passenger vehicles.

**Day-Care**

The provision of supervision, training, food, lodging or medical services to persons for less than twenty-four (24) hours a day. The supplemental use regulations define specific types of day-care facilities (⇒ See Section [18.50.035](#)).

**Dedication**

The conveyance by a property owner or developer of private land for public use.

**Deed**

A written instrument whereby property or property rights is conveyed.

**Deed Restriction**

A private restriction on the use of land, attached in the deed to a property.

**Density**

The number of dwelling units permitted per net acre of land.

**Detached**

A building that does not have a wall, roof or other structural member in common with or in contact with another building.

**Detention Basin**

A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate.

**Developer**

A person, firm or corporation undertaking the subdividing of land or the development of land, and shall include the person, firm or corporation who is responsible for installing the public improvements on the land.

**Development**

A manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Display Area or Lot**

An off-street paved area designated for the advertisement or display of customary passenger cars, motor vehicles, recreational vehicles, boats, tractors and other motorized machinery except large construction equipment.

**Drive-in Service**

See Section [18.50.040](#).

**Drive-through Service**

See Section [18.50.040](#).

**Dwelling**

A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels or motels.

**Dwelling Unit**

An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

**Dwelling Unit, Multi-Family**

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)



**Easement**

A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

**Elevation**

The horizontal alignment of a surface, as it exists or as it is made by cut and/or fill.

**Emergency Vehicle**

A vehicle used for the purpose of recovering and/or towing of disabled vehicles; that is used by a business, with an office and tow lot within the Olathe City limits, in the business of towing and recovery or wrecker service; that is registered with the Police Department of the City, Johnson County Sheriff or the Kansas Highway Patrol as being available for on-call vehicles recovery twenty-four (24) hours a day; that displays on the driver and passenger doors of the vehicle the towing business name, location and phone number.

**Façade or Face**

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Façade, Primary**

Any façade that:

- A.** Faces or is visible from a public street, or a private drive or parking area that serves customers, residents or employees of the building's occupants, or
- B.** Has the primary customer entrance.

**Façade, Secondary**

Any façade other than a primary façade.

**Family**

One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than four (4) adult persons (excluding servants), living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis; or a group of eight (8) or fewer unrelated disabled persons including two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the disabled persons in residence.

**Fence**

See Section [18.50.050](#).

**Floodplain, Floodway and Floodway Fringe**

See Section [18.30.100](#), floodplain zoning.

**Floor Area**

To determine the floor area and size of an establishment, "floor area" means the sum of the gross horizontal area of the several floors of the building measured from the exterior face of the exterior walls, or from the centerline of walls separating two (2) buildings. The floor area of a building includes basement floor area but not cellar floor with a headroom of seven (7) feet or less, penthouses for mechanical equipment, or attic space having headroom of seven (7) feet or less, interior balconies, mezzanines, and enclosed porches. However, any space devoted to off-street parking or loading is not included in floor area. The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

**Food Truck**

See Mobile Food Vendors, Chapter [5.30](#).

**Frontage**

Means the length of all property fronting on a public street right-of-way.

**Frontage Buildout**

The length of a front building façade compared to the length of the front lot line, expressed as a percentage.

**Future Land Use Plan**

Means the map portion of the Comprehensive Plan which is the graphic representation of the City's land use goals, objectives and policies.

**Garage**

An accessory building or portion of a main building primarily used for storage of motor vehicles.

**Gas Extraction**

See Section [18.50.065](#).

**Glass, Clear or Transparent**

Glass that is primarily transparent, without reflective coatings, that is used to visually link indoor and outdoor spaces. Transparent glass does not include faux windows that are not related to indoor spaces.

**Glass, Spandrel**

Durable glass that is used to cover construction materials. It is often tinted or colored, and used to cover the space between building floors or other areas where the use of transparent glass is not possible. Spandrel glass may include faux windows.

**Governing Body**

The Mayor and City Council of the City.

**Grade**

A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference

plane shall be established by the lowest point(s) within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point located six (6) feet from the building.

**Green**

An open space available for unstructured recreation consisting of grassy areas and trees.

**Greenway**

A series of connected natural areas for recreation and conservation that follows natural features such as ravines, creeks, streams, and other watercourses. Greenways may also consist of manmade linkages to provide connections between natural areas.

**Gross Land Area**

All land contained within the boundaries of a particular lot or tract of legally described property, including all existing and proposed public and private streets and one-half of any abutting street rights-of-way, excluding state and federal highway rights-of-way.

**Ground Cover**

Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

**Hauling Trailer**

A trailer designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation. Hauling trailers are those trailers having a bed or box that does not exceed eight (8) feet.

**Height of a Building or Structure**

See Section [18.30.110](#).

**Highway**

A thoroughfare controlled and/or maintained by the Kansas Department of Transportation (KDOT).

**Hobby Activity**

See Section [18.50.020.C](#).

**Home Occupation**

See Section [18.50.070](#).

**Improvements**

Any structure, grading, street surfacing, curbs and gutters, sidewalks, bikeways, crosswalks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees and other additions or deletions from the natural state of land which increase its utility or habitability.

**Indoor**

Within a building which has a roof composed of weatherproof material, and which is enclosed on its perimeter with exterior walls composed of weatherproof materials.

**Industrial Districts**

Districts M-1, M-2, and M-3.

**Inoperable Equipment or Parts**

Any equipment or machine which is not in condition to be operated in a normal or customary manner. This is to include all manner of equipment or machines, or any major parts thereof such as body, chassis, engine, frame, wheels, tires or trailer portion of a tractor-trailer rig.

**Junk**

Includes, but is not limited to: older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or parts thereof; iron; steel; or other old or scrap materials.

**Junkyard**

An establishment or part thereof, which is maintained, operated, or used for storing, keeping, repairing, buying or selling junk, including any parts of vehicles, equipment, or machines or discarded or similar materials, or for the maintenance or operation of a salvage yard.

**Landowner**

The legal or beneficial owner or owners of a lot or tract, or the holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract. For purposes of Chapter [18.40](#), "landowner" includes any agent of the landowner.

**Landscape Material**

Living materials such as trees, shrubs, ground cover, vines, turf grasses, and nonliving materials such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

**Landscaped Open Space**

That part of the net land area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, the space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

**Landscaping**

Bringing the soil surface to a smooth finished grade and installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

**Limits of Disturbance**

[The boundary between the area of minimum protection around a tree and the allowable site disturbance.](#)

**Loading Area**

An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Loading Dock**

A platform, pier, or fixed hydraulic lift from which loading and unloading of commercial vehicles takes place.

**Lot**

A parcel of land occupied, or to be occupied, by one (1) main building or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public or private street. A lot as used in this ordinance may consist of one (1) or more platted lots or tracts, or parts thereof.

- A.** Platted lot means a portion of a subdivision intended as a unit for transfer of ownership or for development.
- B.** Corner lot means a lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the City Planner, except that a lot made up of more than one (1) platted lot shall be deemed to front on the street upon which the platted lots front.
- C.** Double-frontage lot means a lot abutting upon two (2) or more streets, at least two (2) of which do not intersect.
- D.** Interior lot means a lot whose side lot lines do not abut upon any street.
- E.** Through lot means an interior, double-frontage lot.

**Lot Coverage**

That portion of the net site area which is covered by the ground floor of any structure, parking lots, and private streets and drives. Pools, tennis courts, sidewalks and plazas are not counted toward lot coverage.

**Lot Depth**

The mean horizontal distance from the front lot line to the rear lot line.

**Lot Line**

The boundary line of a lot.

- A.** Front lot line means that lot line abutting a street or private drive.  
In the case of a corner lot where there are two (2) lot lines abutting intersecting streets, the front lot line shall normally be the one with the shortest length.
- B.** Side lot line means any lot line which intersects the front lot line.
- C.** Rear lot line means any lot line which is not a front lot line or a side lot line.

**Lot Width**

The horizontal distance between the side lot lines, measured at the front setback line or the front platted building line, whichever is greater.

**Lot-Split**

The division of a platted lot into two (2) or more lots or portions thereof.

**Main Building or Main Structure**

The primary building or structure on a lot or a building or structure that houses a principal use.

**Major Street Map**

The current official map adopted by the Governing Body in OMC Section [10.08.010](#) pursuant to KSA [12-765](#).

**Manufactured Home**

See Section [18.50.100](#).

**Manufactured Home Park**

A tract of land meeting the requirements of this ordinance containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes or manufactured homes on a permanent or a semi-permanent basis.

**Manufactured Home Space**

That area of land within a manufactured home park set aside for use as a site for one (1) manufactured home, including the open spaces around said home.

**Masonry**

Stone, brick, stucco, concrete (painted aggregate, exposed aggregate, split-face concrete units or decorative pattern), cement fiber board, or equivalent, permanent architecturally finished materials.

**Mirror Glass**

Glass with a reflective metallic coating, as used for mirrors.

**Mixed Use**

A tract of land, building or structure developed for two (2) or more different uses including but not limited to, residential, office, manufacturing, retail, or public.

**Mobile Home**

A vehicle used, or so constructed as to permit being used, as a conveyance upon the public streets and highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one (1) or more persons; provided further, that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle.

**Motel or Motor Hotel**

A building or group of buildings containing one (1) undivided tract or parcel of land with a group of individual private units, each provided with separate sleeping room or rooms, having bath, lavatory and toilet facilities, designed and to be used primarily for transient guests traveling by automobile.

**Motor Vehicle**

A motorized vehicle for use on streets or highways, including customary passenger vehicles and motor homes. Does not include trailers.

**Motor Vehicle, Dismantled**

That a number of useful parts, including but not limited to tires, batteries, doors, hoods, or windows have been removed from the motor vehicle as to render the motor vehicle unsafe to operate.

**Motor Vehicle, Inoperable**

A motor vehicle which cannot be driven away in a safe condition, other than wrecked, scrapped, ruined or dismantled vehicles.

**Motor Vehicle, Ruined**

A motor vehicle which is substantially damaged to the extent that it is valueless or useless as an operable motor vehicle.

**Motor Vehicle, Scrapped**

Has no value as an operable motor vehicle or parts thereof and most of the motor vehicle and parts thereof to be useful only as materials for reprocessing, remelting, remanufacturing, or disposal for salvage or scrap material.

**Motor Vehicle, Wrecked**

Those motor vehicles which have more than twenty-five (25) percent of the vehicle in damaged condition externally as to render it unsafe to operate.

**Native Vegetation**

Plant types historically located in the Olathe geographic area as part of the tall grass prairie ecosystem.

**Natural Features**

The physical characteristics of properties that are not manmade (e.g., soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife).

**Neighborhood**

A subarea of the City in which the residents share a common identity focused around public facilities and social institutions or other common features, and generally within walking distance of their homes.

**Net Acre**

An acre within the perimeter of a development tract after excluding all dedicated arterial street rights-of-way.

**Net Site Area**

The land area of a lot, tract or property, excluding all areas dedicated to the City, such as open space, park and greenways, and public street and alley rights-of-way, as are required by this

ordinance. Easements which remain under private ownership are calculated as part of the net site area.

**Nonconforming Use**

A nonconforming situation that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or development and performance standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

**Official Zoning Map**

The zoning map adopted by the City pursuant to KSA [12-753](#).

**Opaque Glass**

Not transparent or translucent.

**Open Space**

Any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include common, active and landscaped areas, as well as, areas of natural preservation. Includes squares, plazas, greens, preserves, parks, and greenways.

**Open Space, Active**

That part of the net site area of a development that may be improved or set aside, dedicated, designated or reserved for recreational use such as swimming pools, play equipment for children, ball fields, picnic tables, sports courts, etc.

**Open Space, Common**

That part of the net site area of a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of a development.

**Open Space Improvements:**

Includes swimming pools, tennis courts, basketball courts, sports fields, recreation centers, and community meeting halls.

**Open Space, Landscaped**

That part of the net site area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

**Ordinance**

The Unified Development Ordinance.



**Other Motorized Machinery and Equipment**

A vehicle or equipment not generally used on streets or highways and designed for use during construction, landscaping, farming and similar activities. Examples include tractors, combines, backhoes, graders, cranes, etc.

**Overhead Door**

A door that allows passenger vehicles or trucks to enter or exit a building.

**Overlay District**

A district which acts in conjunction with the underlying zoning district or districts.

**Park**

An open space, available for recreation, consisting of paved paths and trails, some open lawn, trees, open shelters, or recreational facilities.

**Parking Area or Lot**

Any portion of a parcel of land used for parking or storage of operable motor vehicles on a temporary (less than twenty-four [24] hour) basis which is connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

**Parking Area or Lot, Pervious Surface**

A parking lot where the spaces are not in a covered building and where the surface is composed of porous pavement or similar surface that complies with Chapter [18.30](#).

**Parking Space**

An enclosed or unenclosed paved area permanently reserved for the temporary (less than twenty-four [24] hour) storage of motor vehicles and connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

**Permit, Building**

A permit issued by the Building Official which authorizes the construction, reconstruction, alteration, enlargement, conversion, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

**Permit, Special Use**

A specific approval for a use that has been determined to be more intense or to have a potentially greater impact than a permitted or conditional use within the same zoning district.

**Planned Zoning District**

The zoning of a lot or tract to permit that development as specifically depicted on plans approved in the process of zoning that lot or tract.

**Planning Official**

The City Official with responsibility to administer this title as provided in Chapter [18.80](#). This includes the Planning Official or designee.

**Plastic (Columns, Details, Etc.)**

A durable, synthetic fiberglass or vinyl material used for architectural elements such as columns or details.

**Plat**

A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, units or other portions thereof.

- A.** "Plat, final" means a drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.
- B.** "Plat, preliminary" means a drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

**Plaza**

An open space at the intersection of important streets, set aside for civic purposes and commercial activity, including parking; consisting of durable pavement and formal tree plantings.

**Portable Storage Container**

Any container designed for the storage of personal property, including but not limited to metal or steel boxes, shipping containers, intermodal containers, converted semi-truck trailers and box truck beds, used to store or transport household goods, building materials, wares, or merchandise that is typically delivered and removed by a vehicle. This does not include accessory buildings, sheds, or trailers utilized on construction sites.

**Preserve**

Open space that preserves or protects a critical environmental feature or other natural feature.

**Recreational Vehicle**

See OMC Sections [6.06.030](#) and [10.01.001](#).

**Recycling Collection Point**

An accessory use or structure that serves as a drop-off point for recyclable materials. The temporary storage of such items would be permitted, but no processing would be allowed.

**Redevelopment**

The redesign or rehabilitation of existing properties.

**Regulatory Flood Elevation**

The elevation indicated in the Flood Insurance Study as the elevation of the one hundred (100) year flood.

**Residence**

See "dwelling unit."

**Residential Districts**

Refers to zoning districts A, R-1, R-2, R-3, and R-4.

**Resubdivision**

A change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption date of this ordinance.

**Retail Sales, Accessory**

An establishment engaged in sales of goods, such as: furniture and home furnishings, electronics and appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationery, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. This classification includes the retail sales or rental of merchandise not specifically listed under another use or classification.

**Retention Basin**

A reservoir designed to retain storm water runoff on a relatively permanent basis with the primary release of water being through evaporation or infiltration into the ground.

**Rezoning**

An application for amendment of the zoning district classification applicable to one (1) or more specific lots or tracts.

**Right-of-Way or Rights-of-Way**

The total width of any land reserved or dedicated as a street, alley, sidewalk, or for other public or private use.

**Rule Exception**

The allowing of a subdivision to deviate from one (1) or more specific standards and requirements of these rules and regulations.

**Runoff**

The surface water discharge and rate of discharge of a given watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

**Salvage Yard**

Any establishment or part thereof, which is maintained, used or operated for storing, keeping, buying, repairing, or selling any wrecked, scrapped, ruined, and/or dismantled motor vehicles or parts thereof.

**Satellite Dish Antenna**

See Section [18.50.180](#).

**Screening**

A method of visually shielding or obscuring one abutting or nearby structure or use from another by the use of berms, densely planted vegetation, fencing, or walls.

**Sedimentation**

The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.

**Setback Line**

A line, parallel to the respective lot line and internal to the lot, which defines the required building setback as specified in the district regulations.

- A.** Front setback line shall be parallel to the front lot line and shall extend from side lot line to side lot line.
- B.** Rear setback line shall be parallel to all rear lot lines and shall extend from side lot line to side lot line.
- C.** Side setback lines are parallel to any side lot line and extend from the front setback line to the rear setback line.
- D.** See Section [18.30.220.I](#) for private street setback requirements.

#### **Setback or Building Setback or Yard Setback**

That area between a lot line and the respective setback line which shall remain unobstructed by buildings or structures from the ground to the sky, except as may be specifically permitted by other provisions of the Unified Development Ordinance (UDO).

#### **Shopping Center**

A group of commercial establishments planned, developed, owned or managed as a unit, related in size (gross floor area) and type of shops to the trade area that the unit serves, and with off-street parking provided on the property.

#### **Side Path**

A shared path located immediately adjacent and parallel to a roadway.

#### **Sight Distance**

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection.

#### **Sign**

Any framed, bracketed, free-formed, or engraved surface which is fabricated to create words, numerals, figures, devices, designs, trademarks or logos, which is mounted on or affixed to a building or the ground, and which is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them. Sign includes sign supports.

#### **Site**

The existing lot of record proposed for land development, including subdivision.

#### **Site Development Plan**

- A. Site development plan, preliminary** means a plan showing design of streets, driveways, entrances, limits if no access lines, major/minor drainage area, utility layouts, proposed uses (residential, commercial, industrial, or comparable uses), open areas, parks, tree preservation, and other significant features of the tract.

**B. Site development plan, final** means a detailed drawing (to scale) showing the proposed development of a specified parcel of land, including the location and design of building, easements, utility layouts, parking arrangements, public access, street patterns, drainage controls, existing vegetation and natural features, landscaping, lighting and other similar features.

**Square**

An open space consisting of paved walks, lawns, trees, and civic buildings that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes.

**Stable**

A structure or premises for the keeping of horses, ponies or mules.

**Standard Metal Lap Siding**

Metal building siding consisting of beveled boards wider and longer than clapboards.

**Stone, Modular**

A panelized system of individual natural stone components assembled in panels for use as a cladding material.

**Stone, Synthetic**

An architectural concrete building unit manufactured to simulate natural cut stone.

**Stone, Veneer**

A decorative building material composed of thin natural stone components, which may be laid individually or assembled in panels.

**Storage Area or Lot**

Any off-street area designated and used for the placement, keeping, holding and storage of inoperable vehicles, vehicles awaiting repair, and parts thereof; building materials, supplies and equipment; trailers; heavy construction equipment and other motorized vehicles and equipment, but not for junkyard or salvage yard purposes.

**Storage or Stored**

The keeping of items, equipment, vehicles, trailers or materials for a period of time longer than would be involved in the normal day-to-day use or consumption of the same.

**Story**

That part of a building included between the surface of one (1) floor and the surface of the floor above or, if there is no floor above, that part of the building which is between the surface of the floor and the ceiling next above. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between fifty (50) and seventy-five (75) percent of the area of its exterior walls is exposed to outside light and air entirely above grade in which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than fifty (50) percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story

shall be classed as a basement and in the case of multifamily dwellings may not be occupied as a residence by other than a caretaker or manager.

**Street**

A right-of-way or easement affording vehicular access to abutting properties designated as a street, avenue, highway, road, boulevard, lane or throughway. The following are street types:

- A.** Collector street means a street which provides traffic circulation within residential areas. Land access is a secondary function of the collector. The collector distributes trips from the arterials to the local street network.
- B.** Local street means a street which provides direct traffic access to abutting land in residential areas.
- C.** Major arterial means a street or highway that provides for rapid and efficient movement of large volumes of through traffic between sections of the City and across the urbanized area. It is not primarily intended to provide land access service.
- D.** Minor arterial means a street which provides for the through traffic movement between areas and across the City. A minor arterial accommodates trips of moderate length at a somewhat lower level of service and lower operating speeds than the major arterial.
- E.** Private street means an easement which affords principal access to property abutting thereon, which easement is owned, controlled and maintained by persons other than the public.
- F.** Public street means a right-of-way which affords the principal means of vehicular access to property abutting thereon which right-of-way has been dedicated to the public for such use.
- G.** Service street means a street which provides traffic circulation within commercial and industrial developments and complexes from the arterial street system.

**Street Line**

The dividing line between the street right-of-way and the abutting property commonly known as the property line.

**Streetscape**

The area within street right-of-way that contains sidewalks, street furniture, landscaping, or trees.

**Structural Alteration**

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Structure**

Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, not including portable storage containers.

**Stucco, Genuine, Detailed**

A mortar mixture (usually composed of cement, sand and hydrated lime) used for siding, which is scored to appear as panels or to create design effects to provide visual interest and a sense of scale.

**Stucco, Synthetic /EIFS**

A siding composed of foam insulation board or cement panels secured to walls and finished to appear similar to genuine stucco.

**Stucco, Synthetic /EIFS (Detail Only)**

An architectural detail such as an accent, trim, cornice, sill, band, molding, column, pilaster or ornament that has a synthetic stucco exterior.

**Stucco, Synthetic (Panels)**

A flat, plane surface with a synthetic stucco exterior, and surrounded by moldings, channels, or other surfaces in different planes.

**Subdivider**

A person, firm or corporation undertaking the subdividing of land.

**Subdivision**

Except for lot-split as defined below, means the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites or other division of less than twenty (20) acres, including a resubdivision of land and vacation of streets, lots or alleys. The creation of a street, alley or other public way by dedication shall be deemed a subdivision.

**Technical Specifications and Design Criteria (TSDC)**

Public improvement specifications and criteria as established in the City's Technical Specifications and Design Criteria, February 1990, and as amended.

**Temporary Structure**

A structure that is to be removed within a designated time period, or after an activity or use for which the temporary structure was erected has ended.

**Tract**

A single unit of real property under one (1) ownership, which may be platted or unplatted.

**Trailer**

A vehicle equipped with wheels and normally towed over the road behind a motor vehicle. A trailer including any advertising trailer or hauling trailer.

**Transient Merchant**

Any person, principal or agent who engages in a merchandise business or services from a temporary location or structure in the city, and for the purpose of carrying on such a business or service hires, leases or occupies any land, structure or trailer or truck for the exhibition and sale of such goods, wares or merchandise and including the sale of any article, food, beverage, fruit, vegetable or farm product.

**Understory**

Underlying layer of vegetation in a forest or wooded areas, especially the trees and shrubs growing between the tree canopy and tree floor.

**Unified Development Ordinance (UDO)**

Ordinance No. [14-39](#), as amended, that adopted and amended this document by reference.

**Up To**

Has the same meaning as “not exceeding.” For example, a height of “up to” seventy-five (75) feet has the same meaning as a height “not exceeding” seventy-five (75) feet.

**Use**

The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

**Use, Permitted**

A use permitted by right without the need for special administrative review and approval.

**Use, Principal**

The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permitted or a special use.

**Use, Special**

A use either public or private, which, because of its characteristics, cannot be classified as a permitted use in a particular district or districts.

**Use, Temporary**

Any use designed, built, erected or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for business, storage, industrial, institutional, assembly, educational or recreational purposes.

**Utility Facility, Accessory to Permitted Use**

A facility for the distribution of gas, electricity, water, steam, hot water, chilled water and landline communication to a principal building or structure on the same lot or property.

**Variance**

A variation from a specific requirement in this ordinance applicable to a specific piece of property.

**Vinyl Siding**

Plastic exterior siding for a house, used for decoration and weatherproofing, imitating wood clapboard.

**Waiver**

A process for alleviating a specific requirement in this ordinance.

**Watercourse**

A channel in which a flow of water occurs, either continuously or intermittently, and in the latter, with some degree of regularity. Such flow must be in a definite direction and cover a prescribed



area. Watercourses may be either natural or artificial, and both may occur either on the surface or underground.

**Watershed**

A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

**Woodlands**

[See Section 18.30.240.](#)

**Yard**

An open space at grade between a building and the adjoining lot lines. See Section [18.30.270](#).

**Zero-Lot Line Dwelling**

A dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.

**Zoning**

The division of the City by legislative regulations into areas, or zones, which specify allowable uses for real property and size and density restrictions for buildings within these areas.

**Zoning Amendment**

An application to change or remove stipulations approved with a rezoning ordinance.

**Zoning Certificate**

A certificate issued by the City Planner, certifying that any proposed use, building, or structure to be located on a lot is in accordance with all of the regulations of this ordinance.

**Zoning District**

Section or sections of the City for which the regulations governing the use of buildings and lands are uniform for each class or use permitted therein. (*Ord. 17-52 §§ 37, 41, 2017; Ord. 15-16 § 3, 2015; Ord. 08-113 § 1, 2008; Ord. 08-104 §§ 1—17, 2008; Ord. 08-20 § 6, 2008; Ord. 02-54 § 2, 2002*)

### **18.94.010 Generally**

This section establishes the information that applications must include in order to be considered complete.

### **18.94.020 Technical Studies**

#### **A. Applicability**

1. The Planning Official or designee, Planning Commission or Governing Body may require applicants for rezonings, special use permits, preliminary site development plans, land use allocation maps or preliminary plats to submit technical studies that are necessary to enable the Planning Commission or Governing Body to comply with the standards for approving an application.
2. These studies are listed in Section [18.94.040](#).

#### **B. General Requirements**

1. The persons or firms preparing the studies are subject to the approval of the Planning Official or designee.
2. The applicant shall bear the costs of all studies. Any decision of the Planning Official or designee to require any such study or to disapprove the person or firm selected by the applicant to perform the study may be appealed to the Planning Commission.

#### **C. Procedures**

1. The decision of the Planning Commission on any such appeal can be appealed to the Governing Body. If the applicant appeals the Planning Official's requirement for a study to the Planning Commission, the rezoning, special use permit, preliminary plat or preliminary site development plan shall also be scheduled for Planning Commission consideration.

2. Upon the submission of any technical or related studies and/or upon any further determination by City staff, certain easements and related improvements such as streets, drainage, water courses, creek erosion control, utilities, tree preservation, open areas, or recreational amenities may be required as a condition for approval of the rezoning, site development plan, preliminary plat or final plat.
3. Performance and maintenance bonds or other approved surety for said improvements shall be approved by City staff prior to the issuance of a building permit, and said improvements shall be completed prior to the issuance of a certificate of occupancy.
4. Notwithstanding the fact that the Planning Official or designee did not require submission of any such technical study in support of the application, either the Planning Commission or the Governing Body may require the submission of such study prior to taking action on the application. In such case, the persons or firms selected to perform the studies shall be subject to the approval of the entity requesting that the study be performed. Any decision of the Planning Commission or the Governing Body to require that a study be performed or to disapprove the person or firm selected by the applicant to perform the study is final.

### **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)

## **18.94.040 Submittal Requirements**

### **A. Proof of Ownership and/or Authorization of Agent**

1. Where an application has been filed by a landowner, an affidavit of ownership shall be submitted to the City.
2. Where an application has been filed by an agent of a landowner, an affidavit of the landowner establishing the agent's authorization to act on behalf of the landowner shall be submitted to the City.
3. The affidavits required by this section shall be on forms prescribed by the City or in such form as is acceptable to the Planning Official or designee, and shall be submitted at the time of filing the application.

**B. Submittal Checklists**

Applications for land use or building permits shall be filed upon forms prescribed by the City. The following information is required for each application listed below:

	<b>Material / Information</b> <b>■ required</b> <b>○ approving agency may require the information on a case-by-case basis</b>							
		<b>Rezoning</b>	<b>Special Use Permit</b>	<b>Planned Development</b>	<b>Site Development Plan-Preliminary</b>	<b>Site Development Plan-Final</b>	<b>Plat-Preliminary</b>	<b>Plat-Final</b>
	<b>General</b>							
1	Legal description of the property.	■	■				■	■
2	Names and addresses of owner, applicant and agent.	■	■					
3	Names and addresses of landowners and engineer or land surveyor preparing the plan.							
4	A statement of the reasons why the application is being requested.	■	■					
5	An affidavit certifying the date and contents of any required notice to surrounding property owners or neighborhood associations.	■	■		■	■		
6	The minutes of the meeting(s) between the applicant and the property owners and homes associations within the notification area, if determined to be required during the preapplication meeting.	■	■		■	■		
7	In the case of an application for special use permit rezoning, a preliminary site development plan with technical studies as determined by the Planning	■	■					

	Official (see category listed below).							
8*	North arrow and scale (standard engineer for site development plan and standard architectural for building elevations/details).				■	■	■	■
9	Legend and controlling physical features such as watercourses, highways and railroads.							■
10	A small key map indicating the location of the property within the City.				■	■		
11	Vicinity map, drawn to a scale of one (1) inch equals two thousand (2,000) feet, showing the location of the proposed subdivision in relation to the section of land in which it is situated.						■	■
12	Signature blocks for certification of Planning Commission approval of the plat and Governing Body acceptance of dedication. The typewritten or printed names of all such City officials shall appear below the signature of that person when executed.							■
	<b>Boundaries</b>							
13	The boundary lines of the tract with approximate dimensions.						■	
14	The boundary lines of the area included in the application, including bearings, dimensions and reference to a section corner, quarter corner or point on a recorded plat.				■	■		
15	Location, elevation and description of the benchmark						■	

	controlling the vertical survey.							
16	Name and address of the architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.				■	■		
17	Date of preparation.	■	■	■	■	■	■	■
18	A statement clearly identifying the type of application (e.g., a preliminary plat).						■	
19	Name and address of landowner, architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plat.						■	
20	The proposed name of the subdivision, which shall not duplicate or closely resemble the name of any subdivision within Johnson County.						■	■
21	Traverse data for the plat, including the coordinate of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distance having a length of ten thousand (10,000) feet or more shall not be more than one (1) in twenty thousand (20,000). For perimeter distances less than ten thousand (10,000) feet in length, the error of closure shall be not more than one (1) in ten thousand (10,000).							■
22	The computation of all distances, angles and courses that are shown on the final plat unless measured in the field.							■

23	All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.							■
24	Reference ties to government corners or previous surveys or plats as follows: (1) Distance and direction to the monuments used to locate the land described in the certificate of survey. (2) The location of all other monuments required to be installed by the provisions of these regulations. (3) A reference to the quarter section in which the plat is located.							■
25	Tract boundary, block boundary, street and other right-of-way lines with distances and angles and/or bearings. Where these lines follow a curve, the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.							■
26	Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.							
27	Easements showing width and purpose.				■		■	
28	Easement and right-of-way				■	■	■	■



	information including drainage easements required for off-site drainageways.						
29	<p>All easements denoted by fine dashed lines, clearly identified, and if already on record, their recorded reference by book and page number shall be indicated. If an easement is not definitely located of record, a statement of such easement shall be included.</p> <p>The width of the easement, with sufficient ties to locate it definitely with respect to the subdivision, must be shown. If the easement is being dedicated through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.</p>						■
	<b>Ownership</b>						
30	A title report by an abstracting or title insurance company, or an attorney's opinion of title, showing the name(s) of the landowner(s) and all other persons who have an interest in or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.						■
	<b>Approvals</b>						
31	Evidence showing that all taxes and special assessments due and payable have been paid in full. In the case of taxes which have been protested as provided by						■

	law, monies or other sufficient escrows guaranteeing the payment of such taxes in the event the protest is not upheld shall be placed on deposit with such officials or governing bodies to meet this requirement.							
	<b>Legal</b>							
32	Deeds of dedication for all rights-of-way or easements required as a result of preliminary site-development plan approval.					■		
33	A copy of any applicable covenants or deed restrictions applicable to the property. The restrictions may appear on the face of the plat or site plan, or may be submitted separately.						■	■
34	Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency required pursuant to approval of the preliminary site development plan, if required by the terms of the approved preliminary site development plan.					■		
35	Evidence of satisfaction of any stipulations of the preliminary site-development plan approval which were conditions precedent to consideration of the final development plan.					■		
	<b>Existing Conditions (Site and within Two Hundred (200) Feet</b>							

	<b>for a Site Plan, Four Hundred (400) Feet for a Preliminary Plat)</b>							
36	Existing uses				■	■	■	
37	Existing zoning and land use of site and surrounding properties.				■	■		
38	The names of all adjacent subdivisions or, in the case of unplatted land, the names of the landowners of adjacent property.						■	
39	Existing and proposed finished grades or contours at two (2) foot intervals.				■	■		
40	Contour lines or spot elevations based on U.S. Geological Survey (USGS) data having the following intervals: two (2) foot contour intervals for ground slopes less than ten (10) percent; five (5) foot contour intervals for ground slopes exceeding ten (10) percent; and spot elevations where the ground is too flat for contours. The date and source of the topographic survey shall be indicated.				■	■	■	
41	Contours of existing grades at intervals not more than five (5) feet. Intervals less than five (5) feet may be required dependent on the character of the topography.							
42	Final grading contours drawn at sufficient intervals of not more than two (2) feet to depict major drainage patterns.				■	■		
43	The location, width and names of				■	■	■	

	all existing public or private streets and sidewalks within or adjacent to the tract, together with easements, railroad rights-of-way, and other important features such as section lines and corners, municipal boundary lines and monuments.							
44	All platted or existing streets and property lines.				■	■	■	
45	Description of any existing streets or roads which abut, touch upon or extend through the subdivision. The description shall include types and widths of existing surfaces, rights-of-way widths, and dimensions of any bridges or culverts.				■	■	■	
46	Zoning classifications for the tract and adjacent tracts.				■		■	
47	Location of the one hundred (100) year floodplain and all watercourses.				■	■	■	
48	One hundred (100) year floodplain line with elevations.				■	■	■	
49	Land areas within the one hundred (100) year floodplain.				■	■	■	
50	Existing streams, drainage channels and other bodies of water.				■	■	■	
51	Natural features such as rock outcroppings, marshes, lakes, wooded areas and isolated preservable trees.						■	
52	Existing and proposed slopes in excess of ten (10) percent.				■	■		
53	The location, size, cross-section				■	■		

	and calculation of any drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.							
54	Location, massing and pattern of existing vegetation. Indicate proposed on-site preservation.				■	■	■	
55	Location and size of all trees with a caliper of eight (8) inches or greater (measured at four and one-half (4½) feet above the ground).				■	■	■	
	<b>Site Development</b>							
56	Land use allocation map, including a general designation of all mixed-use, residential, commercial, industrial, or other areas by general land use description.	■		■	■	■		
57	The proposed use of land, whether for single-family, multifamily, commercial, industrial, parks, schools or other uses.						■	
58	Intended use of land or buildings.							
59	A general description of any building or structure proposed to be constructed, erected or structurally altered thereon.							
60	Approximate height, bulk and shape, gross and net square footage of buildings and structures.							
61	Lots showing approximate dimensions, minimum lot sizes and proposed lot and block						■	

	numbers.							
62	Proposed location of buildings and other structures, parking areas, driveways, walks, noise generation sources (refrigeration units, mechanical equipment, loading docks, etc.), screening, drainage control, landscaping and proposed utility connection layouts for water and sewer.				■	■		
63	Location of buildings or structures upon the lot, tract or parcel.							
64	Sufficient dimensions to indicate setbacks, relationship between buildings, property lines, intersections, easements, parking areas and other elements of the plan.				■	■		
65	If applicable, indicate focal points, site amenities, views within and vistas from the site which are to be emphasized.				■	■		
66	A schedule indicating total floor area, dwelling units, land area, parking spaces, land use intensity and all other quantities relative to the submitted plan that are required to determine compliance with this title.				■	■		
67	Proposed neighborhood amenities, if required, and construction phasing.				■	■	■	
68	General extent and character of all proposed landscaping noting common and botanical names and planting size.				■	■		

69	Proposed utility connection layouts.				■	■	■	
70	Landscaping plan (see subsection <a href="#">L</a> below).		■	■	■	■		
71	Location of all required building and parking setbacks.					■		
72	Building setback lines.						■	■
73	Location, dimensions, number of stories, and gross floor area in square feet of all proposed buildings.					■		
74	Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.					■		
75	Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.					■		
76	Location, size, type of material and message of all proposed monument or detached signs.					■		
77	For residential subdivisions in Districts R-1 through R-4 inclusive and N, a master fence/screening plan if required by Chapter <a href="#">18.30</a> .							
78	Documentation assuring permanent responsibility for the maintenance and liability of the fence/screening tracts or easements; or private greenways, parks, or common open space areas.							■
79	Block numbers or letters continuing consecutively without omission or duplication							■

	throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as to not obliterate any figure.						
80	Lot numbers beginning with the number one (1), and numbered consecutively in each block.						■
81	Land parcels to be dedicated for any purpose, public or private, as distinguished from lots or tracts intended for sale.						■
82	"Limits of no access" shall be designated as a solid line in the right-of-way of arterial streets or highways. "Limits of no access" or "LNA" shall appear above this line. Access points shall be designated as a break in this line and a label of "access" or "ACC." Access points shall conform with the design standards of this ordinance.				■	■	■
83	The name of each street shown on the subdivision plat. Street names shall conform to the existing street naming system.						■
84	Location and elevation of permanent benchmark, if required.						■
85	Elevation and location of the nearest benchmark.						
86	Location and elevations of the one hundred (100) year floodplain for all lots thereby affected shall be shown and shall include calculations.				■	■	■



87	Tracts designating location of fencing and screening for R-1 through R-5 inclusive and residential portions of planned mixed-use district subdivisions adjacent to thoroughfares consistent with the approved fence/screening plan.							■
88	Methods of controlling erosion and sedimentation.							
	<b>Building Design</b>							
89	Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. One (1) and two (2) family residential buildings may be shown in approximate location and general size and shape.				■	■		
90	Status of structures on the site (i.e., vacant, to be removed; good condition, interior remodel only; new, as is; etc.).				■	■		
91	Style, type and construction materials of buildings on adjoining properties (i.e., two (2) story, brown brick ranch residence; twenty (20) foot tall tinted concrete panel industrial building; etc.).				■	■		
92	Principal materials of construction.							
93	Color building elevations (may be conceptual at rezoning stage).				■	■		
94	Where several building types are proposed, such as, one (1) and two (2) unit dwellings,				■	■		

	apartments and commercial buildings, a separate sketch for each type.							
95	If an architectural theme is planned, describe the intent and extent of the scheme and provide details, focal points, etc. (i.e., material rustification, period lighting, pavement patterns).				■	■		
96	Color renderings/building perspectives.				■	■		■
	<b>Infrastructure</b>							
97	Assurances of adequate public facilities as required by Section <a href="#">18.30.040</a> .	■	■			■	■	■
98	All public streets and easements which are of record. Sufficient dimensions and information to indicate existing and proposed rights-of-way, pavement width and type, number of lanes, medians and median breaks, sidewalks, existing and proposed driveways <i>(to the degree that they appear on plans on file with the City)</i> .				■	■	■	
99	Calculation sheets containing the length and radii of all curved street and lot lines, bearings, length of all straight streets and lot lines, and the area in square feet of each lot.							■
100	All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition and width.				■	■	■	

101	Location, size and radii of all existing and proposed median breaks and turning lanes.				■	■	■	
102	All existing and proposed drive locations, widths, curb cuts and radii.				■	■	■	
103	Approximate gradients of proposed streets within the plat.						■	
104	Location and type of utilities to be installed.				■	■	■	
105	Proposed utility layouts for water and sewer. Under certain circumstances the proposed utility layout for multifamily residential, commercial or industrial subdivisions may be deferred until site or preliminary development plan submittal.				■	■	■	
106	Certificates of execution, dedication, etc. (see subsection <a href="#">H.6</a> below).							■
	<b>Technical Studies</b>							
107	Traffic studies (see Access Management Plan for required information).	○	○					
108	Engineering studies.	○	○					
109	Geologic or hydrologic studies.	○	○					
110	Environmental impact assessments.	○	○					
111	Noise studies.	○	○					
112	Market studies.	○	○					
113	Economic impact reports.	○	○					
114	Architectural surveys.	○	○					

## C. Building Elevations

1. If required, building elevations shall:

- a. Be in color and drawn to a standard architectural scale. Include dimensions sufficient to determine relationship between various elements, building height, proportion, adequate screening of mechanical equipment, etc.,
- b. Depict the architectural style, size, exterior construction materials, and colors of the proposed buildings,
- c. Depict the elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs,
- d. Depict the size, location, color and materials of all signs to be attached to building exteriors, unless the site is subject to an approved master sign plan,
- e. Depict the location, size and materials to be used in all screening of rooftop mechanical equipment.

2. The Planning Official may also require color rendering.

#### **D. Rezoning and Special Use Permit Applications**

See subsection [B](#), above.

#### **E. Preliminary Site Development Plans**

All site development plans are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Planning Official. ~~Nine (9)~~ [Two \(2\)](#) copies of the site development plan shall be submitted in support of the application. In addition, one (1) copy of the proposed site plan and one (1) copy of the proposed color building elevations, reduced onto eight and one-half (8½) inch by eleven (11) inch paper and one (1) digital file shall be submitted with the application.

#### **F. Final Site Development Plans**

All final site development plans are to be drawn at the same scale as the preliminary site development plan. ~~Nine (9)~~ [Two \(2\)](#) copies of the final site development plan shall be submitted in support of the application. In addition, one (1) copy of the development plan and one (1) copy of all

color building elevations, reduced onto eight and one-half (8½) inch by eleven (11) inch paper, and one (1) digital file shall be submitted with the application.

### **G. Preliminary Plats**

Preliminary plats shall be drawn to a scale of one (1) inch to one hundred (100) feet; however, plats of areas in excess of one hundred (100) acres may be drawn to a scale of one (1) inch to two hundred (200) feet. ~~Nine (9)~~ Two (2) copies, one (1) digital file (Section 18.94.030\*\*) and one (1) copy reduced onto eight and one-half (8½) by eleven (11) inch paper, and one (1) digital file of the preliminary plat shall be submitted in support of the application.

### **H. Final Plats**

- 1.** After a preliminary plat is approved by the Planning Commission, the applicant may submit a final plat for the Planning Commission's consideration.
- 2.** The final plat may contain all or part of the area contained in the preliminary plat. For properties developed in phases:
  - a.** The final plat shall include all open space areas adjacent to the lots being platted, including the open space between those lots and arterial or collector streets, existing platted lots, or the perimeter property lines of the development.
  - b.** Plat numbers shall be tied to the phase of development designated in the preliminary plat.
  - c.** No unplatted remnants shall remain by the final phase. The Governing Body may waive these requirements.
- 3.** Page sizes for final plats shall be as required by the Register of Deeds office. When more than one (1) sheet is used for any plat, each sheet shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets).
- 4.** Final plats shall be prepared with the accuracy required for traverse data.

**5.** Final plats shall be drawn to a scale of one (1) inch to one hundred (100) feet, or at another scale acceptable to the Planning Official or designee. ~~Nine (9)~~ Two (2) copies, one (1) digital file (Section 18.94.030\*\*\*), and one (1) copy reduced onto eight and one-half (8½) inch by eleven (11) inch paper of the final plat shall be submitted in support of the application.

**6.** A final plat must include the following certificates, which may be combined where appropriate:

**a.** A certificate of execution signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of the plat.

**b.** A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors or tenants.

**c.** A certificate granting utility easements as follows:

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E," is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

**d.** A certificate that all prior existing easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use.

**e.** A certificate signed by the licensed professional engineer or surveyor responsible for the survey and final plat. The engineer or surveyor shall not sign the plat until all monuments, irons or benchmarks have been set as required by this ordinance. Said signature shall be accompanied by the engineer's or surveyor's seal and shall state the month and year such survey was made.

**f.** The typewritten or printed names of all persons required by this subsection shall appear below the signature of that person.

7. A final plat for a condominium development shall include the information required by the Apartment Ownership Act (KSA Chapter [58](#), Article [31](#)) and Township Ownership Act (KSA Chapter [58](#), Article [37](#)).
8. After the final plat is filed of record with the Register of Deeds Office, a final and/or revised digital plat in conformance with Section [18.94.030](#) shall be submitted.
9. Final plats including stormwater treatment facilities shall provide the following statement:

**Notice:** This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code (Section [17.16.080](#)). Restrictions on the use or alteration of the said facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City of Olathe, Kansas.
10. Final plats including stream corridors shall include the following statement:

**Notice:** This subdivision's home owners (business) association is responsible for perpetual maintenance of a protected Stream Corridor, as defined and regulated in the Olathe Municipal Code (Section [17.06.090](#)). This property is also subject to the obligations and requirements of a Stream Corridor Maintenance Agreement approved by the City of Olathe, Kansas and recorded with the Johnson County Office of Register of Deeds. Restrictions on the use or alteration of the Stream Corridor apply.

## **I. Lot Splits**

1. The lot split application shall be accompanied by two (2) copies of a drawing to scale depicting the lots, structures and existing utility easements located on any part of the lot being split, together with the precise nature, location, dimensions and legal descriptions of the new lots to be created.
2. Prior to being submitted to the Planning Official or designee, lot split applications shall be signed by the various public or private utilities, the City Engineer and Municipal Services Department, to establish the existence of adequate public easements and facilities to serve the resulting lots.
3. A lot split application for a two (2) family residence (duplex) or a townhouse shall include:

- a. A signed and notarized Fire Wall Affidavit; and
- b. If the property is serviced by one (1) sewer service lateral line, a shared responsibility affidavit; and
- c. Verification of the location of electrical service meters to each unit.

#### **J. Minor Plats**

Minor plats shall contain the same information as identified for final plats in subsections [B](#) and [H](#) of this section.

#### **K. Required Engineering Plans**

1. Whenever the construction of new improvements is required by this ordinance, a registered professional engineer in the State of Kansas shall prepare all plans and specifications.
2. Engineering plans shall include, but not be limited to:
  - a. Detailed site grading plans;
  - b. Road construction and parking lot plans;
  - c. Plans for storm drainage facilities and street lights;
  - d. Water and sanitary; and
  - e. Traffic signal.
3. Such plans shall be drawn in accordance with the technical specifications.

#### **L. Landscaping Plans**

All landscaping plans shall include the following information:

1. North arrow and scale.
2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.



3. The location, size and type of all above-ground and underground utility easements and structures with proper easement notation, where appropriate, as to any safety hazards to avoid during installation of landscaping.
4. The location and size and surface of materials of all existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, recreational facilities, and other freestanding structural features as determined necessary by the City.
5. The location, size, spread (at the time of planting), type and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to The American Standard for Nursery Stock, as published by the American Association of Nurserymen.
6. Mature sizes of plant materials shall be drawn to scale and identified on the plan by their common and botanical names.
7. Location and identification of hose connections and other watering sources.
8. Location of the boundaries of any required tree preservation area, traffic sight-distance triangle, buffer, and/or landscape easement and/or area.
9. The location of all existing trees, eight (8) inch caliper or larger, measured at four and one-half (4½) feet above ground level, that are proposed for removal and/or to be preserved.
10. All screening required by this chapter.
11. The plan shall identify how the City's Crime Prevention through Environmental Design (CPTED) techniques have been incorporated into the layout and design of the landscape plan. Such techniques are optional, but encouraged, and are site specific.

#### **M. Telecommunications**

An application for a telecommunications facility, as defined in Section [18.50.220](#), shall include the following information in addition to the information normally required for the application:

1. Names/signatures of applicants, owners of land and/or facilities if different, and agents if any.

2. Written statement acknowledging and agreeing to the responsibilities under the zoning code (e.g., allowing modification/rebuilding of support structures; removal upon abandonment, etc.).
3. A one (1) inch equals two hundred (200) feet vicinity plan, dimensioned and identifying existing buildings, trees, and other features within two hundred (200) feet of the telecommunications facility.
4. A one (1) inch equals two hundred (200) feet site plan, dimensioned.
5. Typical elevations of all facility elements, dimensioned.
6. Specification of all exterior materials and colors, with drawings, photos or samples as appropriate.
7. Landscape/screening plan, with all materials and sizes specified.
8. Appearance shown by at least two (2) photo-simulations for proposed facilities that do not adhere to the location/design guidelines or facilities located in designated visually/environmentally sensitive\*\*\*\* locations.

#### **N. Vacation**

1. Where an application for the vacation of any street, alley, utility easement or other public reservation by ordinance is not made by the owners of lands adjoining on both sides of the street, alley or public reservation to be vacated, the application shall be accompanied by affidavits of all such owners not joining in the application indicating their consent to the vacation.
2. Copies of the application shall be filed with the Planning Official.
3. The application shall be accompanied by a legal description and survey or other drawing acceptable to the Planning Official depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding the street, alley or public reservation.

4. The applicant shall obtain letters from representatives of any affected utility companies stating that the street, alley, utility easement or other public reservation will not be needed by the service provider. These letters shall be submitted to the Planning Division prior to scheduling a public hearing regarding the proposed vacation.

#### **O. Wind Energy Conversion Systems (Micro-WECS)**

The following items shall be submitted in support of an application for a micro-WECS:

1. Name of the project applicant(s), facility owner(s) and operator(s).
2. Legal description and address of the project.
3. A plot plan utilizing a standard engineering scale not to exceed one to one hundred (1:100), indicating the placement of the wind turbine(s) and distances from the proposed turbine location to existing buildings including purpose (e.g., residence, garages, barns, etc.), any above-ground utilities, the nearest tree(s), and all property lines.

#### **4. Turbine Information**

Specific information on the type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.

5. A noise compliance summary statement to demonstrate that the wind turbine will not exceed noise standards of these regulations, except for during short-term events such as utility outages and severe windstorms.
6. Drawings of the electrical components in sufficient detail to allow for a determination that the manner of electrical wiring is in compliance with the manufacturer's specifications.
7. Any other data that the City may require of the applicant for the proposed wind turbine structure, including the tower, base, and footings in sufficient detail to allow for a determination that the proposed micro-WECS complies with these standards. The City may require an engineering analysis of the tower showing compliance with the manufacturer's specifications.

\* **Editor's Note:** Gap in numbering in Ordinance [17-01](#). Error corrected June 28, 2017.

**\*\* Editor's Note:** *Incorrect section number was used in Ordinance [17-01](#). Error corrected June 28, 2017.*

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**\*\*\*\* Editor's Note:** *Incorrect word was used in Ordinance [17-01](#). Error corrected June 28, 2017.*

*(Ord. 17-52 §§ 40, 41, 2017; Ord. 17-01 § 4, 2017; Ord. 09-23 § 1, 2009; Ord. 09-22 § 3, 2009)*

## **18.94.050 Filing Fees**

Filing fees for all applications shall be established by resolution of the Governing Body. Filing fees may be reviewed on an annual basis and revised as necessary by adoption of a new resolution.

Copies of the current resolution establishing filing fees shall be on file in the offices of the City Clerk and the Planning Official or designee. *(Ord. 10-68 § 2, 2010)*