

ORDINANCE NO. 19-12

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 19-XX OF THE CITY OF OLATHE, KANSAS PERTAINING TO RZ-19-0002.

WHEREAS, Rezoning Application No. RZ19-0002 requesting an amendment to Ordinance 01-21 was filed with the City of Olathe, Kansas, on the 1st day of February, 2019; and

WHEREAS, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Section 18.40 of the Unified Development Ordinance; and

WHEREAS, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 25th day of March, 2019; and

WHEREAS, said Planning Commission has recommended that such rezoning application be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That Section Two of Ordinance No. 01-21 is hereby amended to read as follows:

SECTION TWO: That this rezoning is approved subject to the following stipulations:

- (1) An amendment shall be granted for the RP-3 zoning ordinance to allow a reduced building setback of 65 feet from the west property line as shown on the submitted site plan.
- (2) A waiver shall be granted to permit the landscape buffer along the west property line to range from 65 feet to 71 feet as shown on the submitted site plan.
- (3) Prior to obtaining building permits, the property shall be replatted to show the adjusted building setback line.
- (4) A landscape plan showing the size and type of trees to be planted along the west property line shall be submitted and approved with the building permits.

Stipulations from RZ-31-00:

- (5) The combined overall maximum density for the R-1 and RP-3 development area shall be limited to 4.6 dwelling units per acre.
- (6) All RP-3 zoned areas shall be subject to the following design requirements:

- a) Apartment buildings shall be prohibited.
- b) All buildings shall be designed with an appearance of individuality between dwelling units. Such design shall include varied rooflines, varied facade depths to create variety and individuality, and front porches. "Mirror image" structures in which the same design is repeated for all units in a structure with no variety shall be prohibited.
- c) A variety of building exterior designs shall be used, with no building design plan to account for more than one-third of the development area.
- d) Building facades facing the public or private streets shall be designed with street orientation to include entrances, porches, windows and other design elements to create the appearance of a front facade. A predominant front entry shall be provided on all facades facing the street.
- e) Each dwelling unit shall be provided with an attached garage. No freestanding garages, carports or surface parking lots shall be permitted. However, small areas for guest parking may be permitted if entirely screened from view from the streets/drives.
- f) Buildings shall be oriented and designed so no garages or parking lots are visible from any public or private streets, or access drives, unless otherwise approved by the Planning Commission with final site development plans.
- g) If the Planning Commission permits a structure(s) with garages oriented toward a public or private street, a minimum thirty-(30) foot setback shall be maintained for the garage portion of the structure.
- h) Exterior building facades shall be finished with high quality building materials and architectural detailing. Exterior walls shall be finished with a minimum of seventy-five (75) percent decorative masonry materials such as stone, brick/masonry or a comparable masonry material, EIFS, stucco and siding (fiber cement board) may be permitted as a minor accent

material. Vinyl siding, wood siding, or other synthetic or imitation materials with a false or "tacked on" appearance shall be prohibited.

- i) Roofing materials shall be the heaviest grade of 'Timberline' or comparable shingles, concrete or clay tile, or slate.
- j) An open space area of a minimum 3.3 contiguous acres shall be maintained in a central location for use by all persons who reside within the townhouse area. Such open space area shall include neighborhood amenities such as i.e., swimming pool/clubhouse, playground, tennis court, exercise path, cabana, etc. Detention areas may be included as part of the open space calculation if designed and maintained as a wet-bottom facility with spray fountain(s).
- k) All fences shall be wrought iron, picket fencing (not exceeding 4 feet in height) or a similar decorative fencing material. Solid wood fencing and chain-link fencing shall not be permitted. Except, chain-link fencing may be permitted around sports courts.
- l) Sidewalks shall be provided on both sides of all public and private streets and drives.
- m) A staggered double row of evergreen trees shall be installed and maintained along the west and south property lines. However, credit shall be given for existing trees located along the west property line. The number of evergreen trees to be installed by the developer along the west property line may be reduced by the Planning Commission with approval of the final site development plan upon submission of a tree survey.

SECTION THREE: Existing Section Two of Ordinance No. 01-21 is hereby specifically repealed.

SECTION FOUR: That this Ordinance shall take effect from and after its passage and publication as provided by law.

PASSED by the City Council this 16th day of April, 2019.

SIGNED by the Mayor this 16th day of April, 2019.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney