

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer

SUBJECT: UDO19-0003A Amendments to Chapters 18.20., 18.30., 18.40., 18.50., 18.90., and 18.94.

ITEM DESCRIPTION:

Discussion regarding Proposed Amendments to Chapters 18.20, 18.30, 18.40, 18.50, 18.90, and 18.94 of the Unified Development Ordinance (UDO19-0003A). Planning Commission recommends approval 7-0.

SUMMARY:

Earlier this year, staff identified several chapters of the Unified Development Ordinance (UDO) which needed updating. The updates pertained to items such as 1) improving the graphic and the language clarity for drive-through requirements; 2) improving the use matrix readability for several land use categories; 3) updating the satellite dish antenna requirements and several housekeeping items. Staff is also recommending a new accessory land use called "Crisis Care Network, Religious or Faith-Based." Updates for UDO19-0003A will improve the customer experience and process efficiency through increased clarity, improving readability for the public as they navigate the use matrix.

PUBLIC HEARING DISCUSSION:

On July 22, 2019 a public hearing was held for UDO19-0003A before the Planning Commission. At that time staff requested that the proposed update to Section 18.30.160 pertaining to truck trailer parking be held to a later date. In addition, after receiving feedback on Section 18.50.020, we realized this update created some confusion, so we recommended it be removed from consideration.

During the public hearing several speakers addressed the Planning Commission on Section 18.20.500 pertaining to religious institutions. These speakers requested that the religious institution use be expanded into the BP Business Park district. Currently, the UDO allows religious institutions in all residential, commercial, and industrial districts but not in the Business Park district or the Downtown districts. The speakers were requesting allowance in the BP district to accommodate a proposed new development at 157th and Pflumm. After listening to the request, the Planning Commission did not recommend that update.

Speakers also addressed the Planning Commission on the new land use for "Crisis Care Networks, Religious or Faith-Based". This use is being added to provide an option for groups if they choose to use it. This addition does not remove any existing use nor is any group required to adhere to it; it simply allows groups an opportunity to provide these important services to those in need (and any new/future groups who would like to).

Staff communicated with individuals on this update before the public hearing and afterward to discuss the new use and answer questions. As a result of these discussions as well as hearing concerns expressed during the public hearing, Staff is recommending that Section 18.50.033.D.1 pertaining to restrictions on individuals who may seek overnight accommodations be removed based on the concerns expressed by the individuals during and after the public hearing.

HOUSEKEEPING UPDATES:

Staff is recommending two minor updates to the use matrix as part of the housekeeping portion of this report. The first update is removing the land use category “Delicatessen, Limited Service” as this definition is a duplication of the existing “Restaurant, Limited Service or Carry Out” category. The second involves moving section references for Drive In and Drive Through services for restaurants and financial institution requirements to their associated land use categories. These section references serve no purpose as their own line item in the matrix section. Neither of these updates are changing development standards, use requirements or where the use is permitted.

The updates for consideration are provided below. Full descriptions of the updates, the recommendation, and explanation are contained in the attached Planning Commission report from July 22, 2019.

UDO AMENDMENTS – SECTION ONE: UDO UPDATES PERTAINING TO USES AND DEVELOPMENT CRITERIA

The following updates are those addressing land uses and development standards.

1. Section 18.20.200 Zoning Districts – Industrial

The purpose statement for industrial zoning (M-2 and M-3) is in the same section, however the purpose statement only addressed M-3 zoning. Staff is recommending separating the purpose statement into two distinct statements for M-2 (General Industrial) and M-3 (Heavy Industrial) zoning districts.

2. Section 18.20.500 Zoning Districts – Use Matrix

- A. Restaurant, Limited Service or Carry-Out: The land use matrix has multiple use categories for the sale of food and its services, yet the terminology does not reflect what is commonly used in practice and the industry, which leads to difficulty in discerning between the categories. No development standards, criteria, nor requirements are changing.
- B. Religious Institutions: Churches are currently included in the land use category Civic Assemblies and the definition does not clearly define what constitutes as a church or place of worship. Staff is recommending adding the use “Religious Institution” and its definition to the Use Matrix to clearly

define this use and where it is permitted. There is no change being proposed or made to the development standards, criteria, nor to the location where permitted. Providing a recognizable and easy to locate land use category benefits the public, property owners, and applicants. Property owners have requested that this use be expanded for allowance into the BP district.

- C. Group Boarding Homes: The category names for “Group Boarding Homes for Adults, Minors” and “Group Daycare Homes” are being updated to accurately reflect their definitions. No changes to location, development standards, nor criteria are proposed. This simply clarifies the use category it falls under and corrects existing errors.

3. Section 18.50.033 Supplemental Use Regulations – Crisis Care Network, Religious or Faith-Based

An opportunity exists to provide a clear category and definition for this operation so that existing groups and future groups who would like to fall under this category have a clear ability to do so. This assists religious networks who operate as an accessory use to religious institutions to focus on providing emergency services to families in crisis through a holistic approach to comprehensive care and support.

4. Section 18.50.040 Supplemental Use Regulations – Drive-Through

Current language and illustration for drive-through lane length minimums is difficult to understand. Staff is recommending updating the current drive-through graphic and defining what a stacking lane is and where the point of measurement begins.

5. Section 18.50.180 Supplemental Use Regulations – Satellite Dish Antennas

This has not been updated in many years and increasing the allowance from fifteen feet to thirty feet in height will align more with typical standards as well as with Overland Park and Lenexa.

6. Section 18.50.225 Supplemental Use Regulations – Temporary Uses (Temporary Sales and Events)

Temporary events are not permitted in the C-4 district and the commercial portion of the Planned Development (PD) district. Staff is recommending adding these zoning districts for where temporary events are permitted. Also clarifying that all Downtown districts allow events because the UDO separates downtown into three potential districts when zoning.

UDO AMENDMENTS – SECTION TWO: HOUSEKEEPING UPDATES

The following updates are considered housekeeping items as they correct verbiage or inconsistencies to reflect existing practice. The items below do not create new standards or requirements.

7. **Section 18.20 Zoning Districts**

Recommendation: Update verbiage regarding building height and composite standards to improve readability and ensure consistency with current practice.

8. **Section 18.20.500 Zoning Districts – Use Matrix (Miscellaneous)**

Recommendation: Format the Use Matrix and update inconsistent headings and use types.

9. **Section 18.40.190 Procedures – Vacating Plats, Streets or Reservations**

Recommendation: Update language to reference correct city title.

10. **Section 18.40.220 Procedures – Appeals**

Recommendation: Remove code reference to Development Service's Director

11. **Section 18.50.050 Supplemental Use Regulations – Fences, Walls or Hedges**

Recommendation: Update code reference to reflect the accurate section of code.

12. **Section 18.90.020 Definitions**

Recommendation: Add industry terms to the Definitions chapter to reflect UDO section updates.

13. **Section 18.94.040 Submittal – Submittal Requirements**

Recommendation: Clarify when Technical Studies may be required based upon the application type.

Recommendation: Reduce the required number of paper submittal copies.

Attachment A contains all the proposed updates for Chapters 18.20, 18.30, 18.40, 18.50, 18.90, and 18.94. Attachment B and C contain the July 22, 2019 Planning Commission Meeting Packet and Minutes. The Planning Commission recommended approval of all proposed UDO updates associated with UDO19-003A on July 22, 2019 with the following sections stricken: 18.30.160 and 18.50.020.G by a vote of 7-0.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Discuss the proposed amendments. Unless otherwise directed, staff will place Ordinance No. 19-XX (UDO19-0003A), on the September 3, 2019 City Council agenda for formal consideration.

ATTACHMENT(S):

- A. Updated (redline) Amendments
- B. July 22, 2019 Planning Commission Packet
- C. July 22, 2019 Planning Commission Meeting Minutes

UDO AMENDMENTS EXHIBIT

SECTION ONE: UDO UPDATES PERTAINING TO USES AND DEVELOPMENT CRITERIA

1. Section 18.20.200 Zoning Districts - Industrial
2. Section 18.20.500 Zoning Districts - Use Matrix
3. Section 18.50.033 Supplemental Use Regulations - Crisis Care Network, Religious or Faith-Based
4. Section 18.50.040 Supplemental Use Regulations - Drive-Through
5. Section 18.50.180 Supplemental Use Regulations - Satellite Dish Antennas
6. Section 18.50.225 Supplemental Use Regulations - Temporary Uses (Temporary Sales and Events)

SECTION TWO: HOUSEKEEPING UPDATES

1. Section 18.20. Zoning Districts
2. Section 18.20.500 Zoning Districts - Use Matrix (Miscellaneous)
3. Section 18.40.190 Procedures - Vacating Plats, Streets or Reservations
4. Section 18.40.220 Procedures - Appeals
5. Section 18.50.050 Supplemental Use Regulations - Fences, Walls or Hedges
6. Section 18.90.020 Definitions
7. Section 18.94.040 Submittal - Submittal Requirements

18.20.200 M-2 (General Industrial) and M-3 (Heavy Industrial)

Purpose: The M-2 (General Industrial) district is intended to provide for the development of a wide variety of light industrial uses, including warehousing, manufacture and assembly and some limited commercial uses. Most activities shall occur inside a building; however, outdoor storage is permitted. Due to the proximity of this district to residential areas or environmentally sensitive land, additional buffering, setbacks, and limitation of uses will be required.

The M-3 (Heavy Industrial) district manages the development of heavy and intensive industrial uses, including asphalt plants, feed lots, extractive industries and scrap and waste materials. Most activities will consist of manufacturing or outdoor storage yards. ~~These~~ This district ~~Districts~~ encourages 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

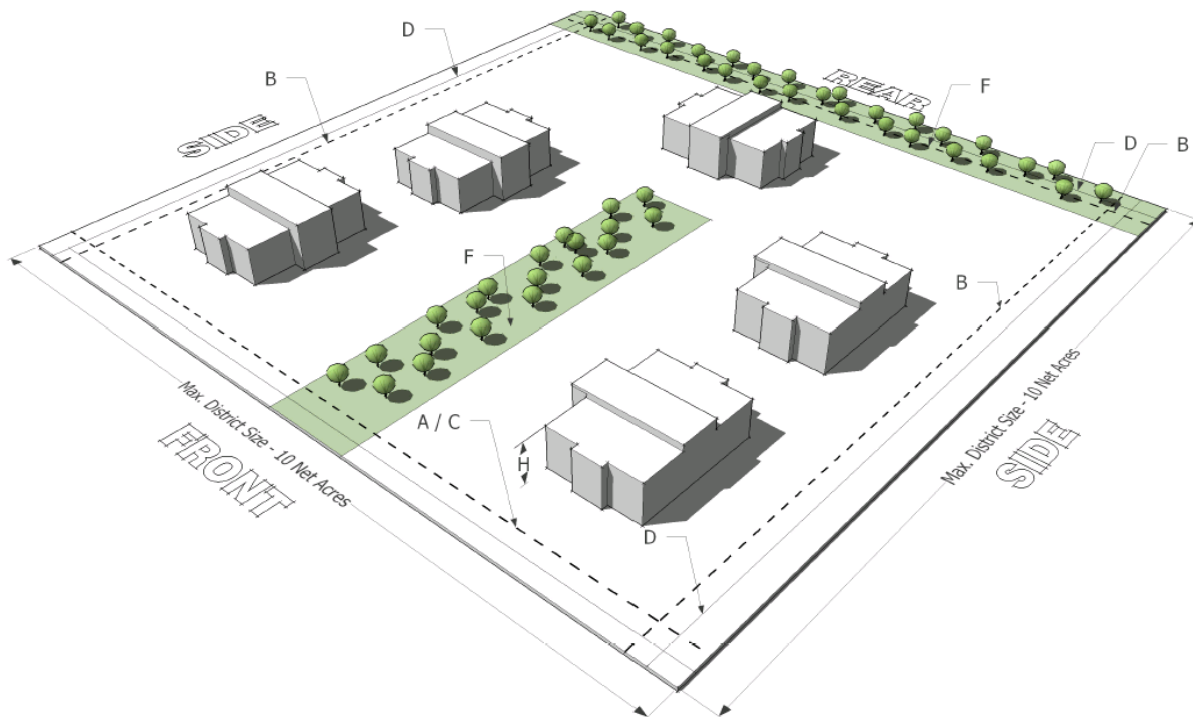


A. Permitted Uses

See § [18.20.500](#) (Use Matrix).

B. Dimensional Standards

Development in the M-~~12~~ [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 6-Building C or E
	Site 4 -Building C, D or E	Site 3 or 5-Building C or E
	Site 3-Building D	

Height (*maximum*)

- Buildings: 55 feet 12 stories/144 feet
- Other Structures (including signs): 100 feet. The structure must be set back from all property lines a distance at least equal

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	
	to its height	
Front yard (<i>minimum</i>)	• 30 feet	20 feet
Side yard (<i>minimum</i>)	• 10 feet	10 feet
Rear yard (<i>minimum</i>)	• 10 feet	10 feet
Parking/paving location	• 30 feet from street right-of-way	20 feet from street right-of-way
	• 10 feet from property lines	7½ feet from property lines
Open space	15% of net site area	n/a
(see §18.30.170)		

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

18.20.500 Use Matrix



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

The Use Table establishes the following categories of uses:

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

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

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 General 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 5 or more 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	1100	1140	814	A building that has dwelling units erected in a row as a single building, each being separated from the adjoining unit or units by a fire wall constructed in accordance with the City's building code. A Townhouse is separated from other buildings by space on all sides.	
Watchmen / caretakers																			1300			A dwelling located on premises with a principal nonresidential use and occupied only by a caretaker or guard employed on the premises.

Use	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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Accommodations & Group Living																					
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		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, minors	P	P	P	P	P										P	P	P			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 boarding home for minors day-care homes	S P	S P	S P	S P	S P										S P	S P	S P			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)

18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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 and 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).

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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	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, Photostatting, 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.

18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Industrial)																		4210-4212, 4241, 4243, 5140-5160, 6200-6220, 6800-6820, 9210		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. See Chapter 18.50 for Drive-through requirements.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Flex Space (office and warehouse building)										P	P	P	P		P	P	P	3600			A building that combines office with manufacturing, wholesale, warehousing, or training facilities that relate to the office uses. Retail or showroom uses that are accessory to those uses may occupy up to 25% of the gross floor area.
Florist or floral/gift shop							P	P	P	P					P	P	P	2141		453110	Establishments known as florists primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others. These establishments usually prepare the arrangements they sell.
Furniture Stores									P	P	P							2121		442110	This industry comprises establishments primarily engaged in retailing new furniture, such as household furniture (e.g. baby furniture, box springs and mattresses) and outdoor furniture; office furniture (except those sold in combination with office supplies and equipment); and/or furniture sold in combination with major appliances, home electronics, home furnishings, or floor coverings.
Gas Station								P	P	P	S	P	P	S	S	S	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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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, Boats, Motorcycle										P		P	P					2332		532120	Establishments primarily engaged in renting or leasing, without drivers, one or more of the following: trucks, truck tractors, buses, semitrailers, utility trailers, or RVs (recreational vehicles).
Leasing/Rental, Car and Passenger Vehicle									S	S		S	S					2331		53211	Establishments primarily engaged in renting or leasing passenger cars without drivers.
Light manufacturing accessory to retail use												S	S		P	P	P				The production of goods or products as a subordinate function of a retail establishment, where the activities generate no offsite noise, vibrations, odors, or other nuisance impacts.
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 (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 RV's, boats and similar equipment, include storage and incidental maintenance.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Motor Vehicles, internet sales, no outdoor display									P	P		P	P								Motor vehicles sold online with no display of vehicles outdoors and no on-site repair or refurbishing of the vehicles
Musical Instrument and Supplies Stores							P	P	P	P					P	P	P	2135		45114	Establishments primarily engaged in retailing new musical instruments, sheet music, and related supplies; or retailing these new products in combination with musical instrument repair, rental, or music instruction.
Nonstore retail / Internet Retail						P	P	P	P	P	P	P	P		P	P	P	2144, 2580		454, 425110	Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and sales through portable stalls (e.g., street vendors).
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, 236118, 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).

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Payday Loan Business or Title Loan Business									P	P											See Municipal Code § 5.43.010.
Personal services						P	P	P	P	P					P	P	P	2600		8121	The provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, nail salons, tanning salons, massage therapy (see Chapter 5.36 of the Municipal Code), electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), self-service laundries and photographic studios.
Pet store							P	P	P	P					P	P	P	2710		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, 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 restaurants; and 2. Menu items are more expensive than traditional fast food restaurants; and 3. Menu items are made to order not pre-racked; and 4. Uses nondisposable dishware and flatware when dining in.
Restaurant, Full-Service Sit-Down						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, or fast food							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

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					the customer's location), (2) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn, or (3) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. See Chapter 18.50 for Drive-through requirements.
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 trucks, including parts, and equipment.
Sales and service, large vehicles										S		S	S					2114		441210, 441222, 441228, 441229, 532120	Establishments primarily engaged in retailing new and/or used recreational vehicles (commonly referred to as RVs), boats/marine, 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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Travel Plaza/Truck Stop										P										447190	A facility that provides services to the trucking industry, including but not limited to the following: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.
Upholstery and furniture refinishing							P	P	P	P	P	P			P	P	P			811420	Establishments primarily engaged in one of more of the following: (1) reupholstering furniture; (2) refinishing furniture; (3) repairing furniture; and (4) repairing and restoring furniture (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).
Used merchandise stores (e.g., books, clothes, etc.)							P	P	P	P	P				P	P	P	2145		453310	Establishments primarily engaged in retailing or wholesaling used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes) from an enclosed building/storefront. Examples include antique stores, used book stores, and used clothing stores.
Vehicle painting and body shops									P	P			P	P				2110	2280	81112	Establishments primarily engaged in: (1) repairing or customizing bodies or interiors of automotive vehicles, such as passenger cars, trucks, and vans, and all trailer bodies and interiors; (2) painting automotive vehicle and trailer bodies; (3) replacing, repairing, and/or tinting automotive vehicle glass; or (4) customizing automobile, truck, and van interiors for the physically disabled or other customers with special requirements. No vehicles are sold on the premises.
Vehicle repair and restoration (generally)									P	P		P	P					2110	2280	81111	Establishments providing mechanical or electrical repair and maintenance services for motor vehicles. This includes (1) 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.
Industrial																					
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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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 services						P			P	P	P	P	P	P	P	P	P	4240	2613, 2620, 2621	518	Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. An example is a data center.
Explosives manufacturing/storage														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

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					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.
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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Milling or canning of agricultural products, feed and flour mills													P	P				9240	2612, 2620	31211	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	2613, 2614, 2620, 2621	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 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

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Rendering and Meat Byproduct Processing												P	P					3110	2613, 2620	311613	commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories. 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, 2613, 2620, 2621	321	Establishments that manufacture wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings.
Warehousing & Storage																					
Mini-Warehouse									P	P		P	P	P				2700	2710 2720	53113	Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
Petroleum Bulk Stations and Terminals	S												P	P				3600	2780-2782	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">When located within the Industrial Revenue Bond

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					(IRB) Target Areas according to City Council Policy F-5. OR • When located outside the IRB area and containing an existing building intended for a warehouse use, prior to the effective date of this ordinance (August 2017). OR • When located outside of the IRB area with a Special Use Permit.
Arts, Recreation & Entertainment																					
Adult business establishments														P							See definition in Chapter 5.50. (Ord. 02-54 § 2, 2002, Ord. 08-20 § 6, 2008)
Amphitheater, outdoor stage, bandstand, or similar structure	S							S		S		S	S		S	S	S		3130, 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	4410	712110	Establishments primarily engaged in preservation and exhibition of objects of historical, cultural, and/or educational value.
Art gallery							P	P	P	P		S	S		P	P	P	2142	4410	453920	An establishment primarily engaged in retailing original and limited edition art works. Included in this category are establishments primarily engaged in displaying works of art for retail sale.
Artist Studio					P		S	P	P	P		S	S		P	P	P	5160	4410	711510	A facility used for independent individuals primarily engaged in performing in artistic productions, in creating artistic and cultural works or productions, or in providing technical expertise necessary for these productions. Examples include: actors/actresses, producers, art restorers, recording technicians, artists (except musical, commercial or medical), cartoonists, theatrical costume designers, dancers, theatrical lighting technicians, journalists, and technical writers.
Club or Lodge, Membership	P	P	P				S	S	S	P		S	S		P	P	P	6830	3800	8134, 81399	A Class A or Class B Club. Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B club means premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. (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.

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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, 5500	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			712190	A park, playground, recreation facility and open space. This classification includes community centers, playing fields, courts, gymnasiums, swimming pools, wave pools, picnic facilities, golf courses and country clubs, zoos and botanical gardens, and related food concessions.
Recreation, indoor	S					S	S	P	P	P		P	P					5300, 5380	3200	71395, 71399	Uses not specifically listed.
Recreation, outdoor	S						S	S	S	S		S	S		S	S	S	5120, 5130, 5310, 5340-5350	3110-3140, 3300	7112, 7131, 711212, 71391-71392, 71399, 721211	Large, generally outdoor facilities primarily used for recreational or sports activities. Examples include: sports stadiums and arenas, amusement and theme parks, racetracks, driving ranges, swimming or wave pools, drive-in theaters, archery or shooting ranges, riding stables or academies, campgrounds, recreational vehicle parks, miniature golf, golf courses and country clubs, batting cages, driving ranges, go cart tracks, skiing, public or commercial swimming pools, or tennis courts.
Recreational vehicle parks/campgrounds	S											S	S					5400		7032	An area of land available for the overnight or temporary parking of 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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Education, Public Administration, Health Care, & Institutional																					
Cemetery	S	S							P										4700	812220	Land used as a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services. Crematories are classified separately.
Civic Assemblies, including churches/religious assemblies	P	P	P	P	P	S	P	P	P	P		S	S	S				6600	3500	813	Includes religious assemblies such as churches or synagogues, clubs, lodges, meeting halls, recreation buildings, and community centers.
Community food and personal support services, non-residential	S	S	S	S	S		S	S	S	P					S	S	S	6563		624210	Establishments primarily engaged in collection, preparation, and delivery of food for the needy. These establishments may also distribute clothing and blankets. Food banks, meal delivery programs, and soup kitchens are included in this category.
Community Services, Counseling and Intervention							S	S	P	P		S	S		P	P	P	6512		624190	Includes family planning and outpatient care centers.
Correctional Facility												S	S		S	S	S	6222	4600	922140	A facility where persons are detained pending adjudication or confined under sentences of two years or less provided that the facility is operated by a Johnson County law enforcement agency or under contract with the Board of County Commissioners of Johnson County. Includes community correctional facilities, correctional facilities or juvenile detention facilities.
Correctional office, parole / probation												S	S		S	S	S			922150	A government facility engaged primarily in providing parole, probation, and pardon services.
Cultural facilities	S	S	S	S	S		S	S	P	P		S	S		P	P	P	5210, 5230	4300, 4400, 4450	71211, 71213	A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, zoos, aquariums and observatories.
Funeral home or mortuary	S	S						P		P		S	S		P	P	P	6710	4800	81221	An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, mortuaries or columbaria. A "cemetery" means a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services. Crematories are classified separately.
Government facilities, other than offices	S					S	S	S	S	P	P	S			P	P	P	6221, 6310	7000-7500, 6600	92211, 928	Includes courts, major mail processing centers, military installations, vehicle emissions testing facilities, and other similar facilities.
Hospital						P	P	P	P	P	P				P	P	P	6530	4110	622	A state-licensed facility providing medical, surgical, psychiatric or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including drug and alcohol abuse programs as well as training, research and administrative services for patients and employees.
Library	P	S	S	S	S	P	P	P	P	P	P				P	P	P	4242	4300	519120	A facility engaged in maintaining collections of documents (e.g. books, journals, newspapers, and music) and facilitating the use of such documents as required to meet the informational, research, educational, or recreational needs of their user.
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;

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					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.
Religious Institution	P	P	P	P	P	S	P	P	P	P		S	S	S				6600	3500	813110	A building or structure used for public, religious activity and worship. This includes but not limited to churches, chapels, cathedrals, temples, synagogues and mosques.
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								6560-6568		624	Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and, developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons). These services do not include residential or accommodation services, temporary shelters or

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																					community housing (classified separately under Transitional Housing, above).
Transportation, Communication, Information, and Utilities																					
Airport landing strip (field or strip only)	S											S	S	S				4110-4114	5610	481	A landing area solely for takeoff and landing of aircrafts.
Airport	S											S	S	S				4110-4114	3920-5600-5650	481, 4881	An area of land or water that is used or designed for the landing and takeoff of aircraft, of any type, and includes its buildings and facilities, for the shelter, servicing or repair of aircraft. (Ord. 02-54 § 2, 2002)
Bus/Truck maintenance, including repair and storage												P	P	P					5400		A facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes governmentally owned construction yards, equipment service centers and similar facilities.
Cable networks and distribution								P	P	P	P	P	P	P	P		P	4232			
Environmental monitoring stations	S	S	S	S	S	P	P	P	P	P	P	S	S		S	S	S		6600		
Freight terminals & truck terminals												P	P	P				4122, 4140-4144	5700-5720	48211, 4841-4842	
Gas or electric generation distribution facilities, compressor stations, or substations	S												S	S				4180	6410-6422, 6440-6460	2211-2212, 486	Establishments primarily engaged in operating gas or hydroelectric power generation facilities. These facilities primarily transmit and distribute to transmission and distribution systems.
Hazardous waste storage or treatment facility													S	S				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.
Helicopter	S																		5640		Facilities intended solely for takeoff and landing of helicopters.
Incinerator, Commercial														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.
Media Production										P	P	P	P		P	P	P	4220-4223		51211, 51212, 51219, 5122	Establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, music, and sound recordings. This includes specialized motion picture or video postproduction services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios.
Parking lots, 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-	3900-3940,	485, 48211	Includes ground passenger transportation services such as bus, taxi, limousine, train or light rail depots, school bus, employee bus.

18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																		4135	5300		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 telecommunications	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 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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Agriculture																					
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 apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use does not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though the properties may produce or maintain some of those plants or animals listed in the foregoing definition. (Ord. 02-54 § 2, 2002)
Concentrated Animal Feeding Operations (CAFO's)	S																		8300-8450	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)

NEW SECTION [Eighteen Fifty Zero Thirty-Three]: Section 18.50.033 is hereby added to the Olathe Municipal Code to read as follows:

18.50.033 Crisis Care Network, Religious or Faith Based

A. Applicability

1. This section applies to Crisis Care Network, Religious or Faith-Based (Crisis Care Network), defined as a cross jurisdictional group of ten (10) or more of not-for-profit faith-based or not-for-profit religious institutions whose unified, coordinated, joint operation, through both host and support congregations, is focused on restoring families by providing stability and intervention programs, counseling, education, job training and other emergency services.

B. Definition

1. For purposes of this section, the following definitions apply:
 - a. Host Congregation is defined as a religious institution (see section 18.20.500) formally affiliated with a Crisis Care Network, whose classrooms are transformed into individual, private, temporary sleeping rooms for families.
 - b. Support Congregation is defined as a religious institution (see section 18.20.500) formally affiliated with a Crisis Care Network, which provides trained volunteers to assist families at a host congregation.
2. Terms, uses, definitions or activities identified herein do not apply to homeless shelters, emergency shelters, transitional living, and group boarding homes and other similar operations as identified in section 18.20.500.

C. Where Permitted

1. Crisis Care Network and Host Congregations are permitted as an accessory use located within a Religious Institution (defined in section 18.20.500).
2. Sleeping areas at a Host Congregation cannot comprise more than 50% of the existing structure.

D. Performance Standards

~~1.~~ Overnight accommodations at a Host Congregation are provided only to single women and families on a temporary basis. Overnight accommodations may not be provided at a Host Congregation to single men at any time.

12. Within the Crisis Care Network, each Host Congregation may host guests for up to five weeks per year.

23. Each Host Congregation location will provide the following:

- a. no more than six individual, private sleeping rooms; and
- b. a separate dining area, lounge area, restrooms, adequate exits and smoke alarm system; and
- c. a primary coordinator is provided at each host congregation site to supervise all trained volunteers and guests.

34. Accommodations, job training, food, and other support services are provided to guests during the day.

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.](#)

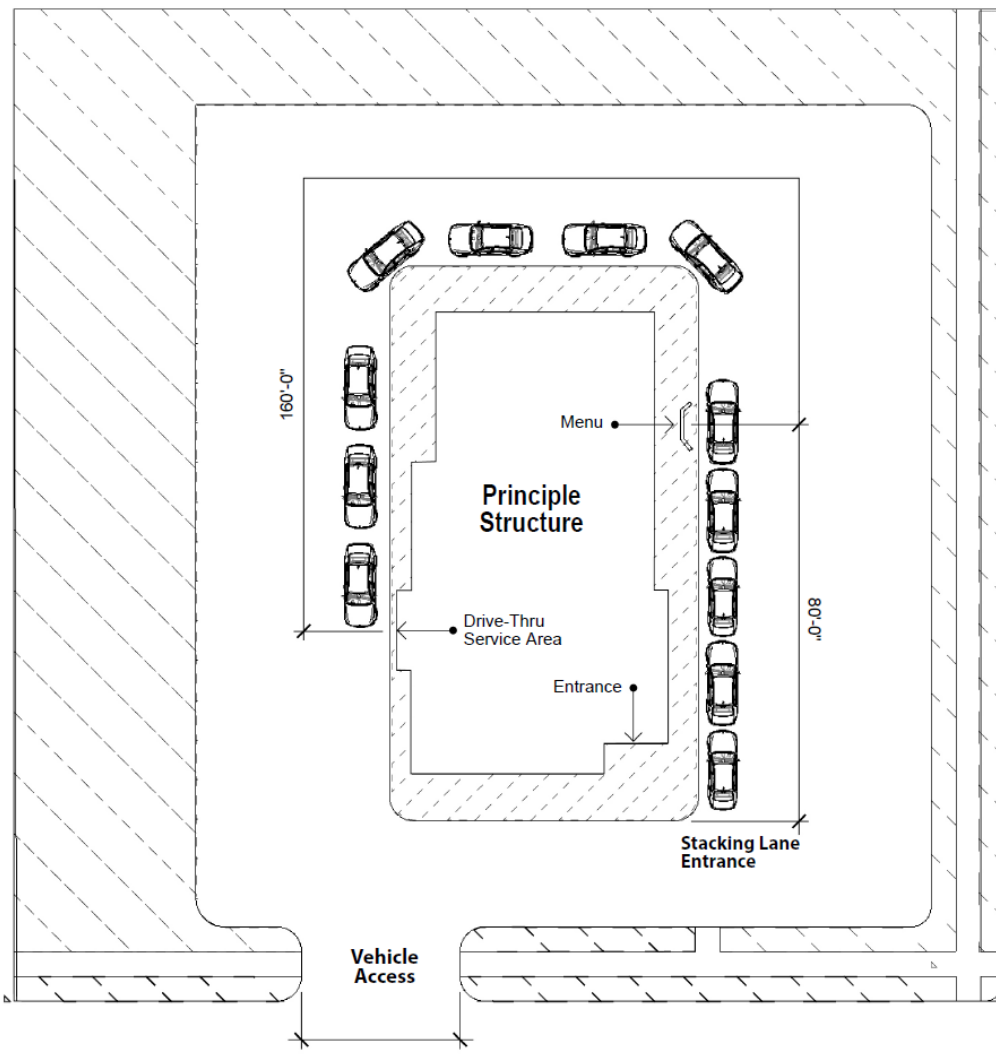
2. Drive-in and drive-through facilities shall provide a minimum stacking length as [illustrated provided](#) in Table 18.50.40-1 Drive-Through Stacking Length, [below](#). [A stacking lane is measured as the linear distance between the stacking lane entrance and the drive through service area.](#)

The stacking lengths provided below are in addition to any aisle or parking space.

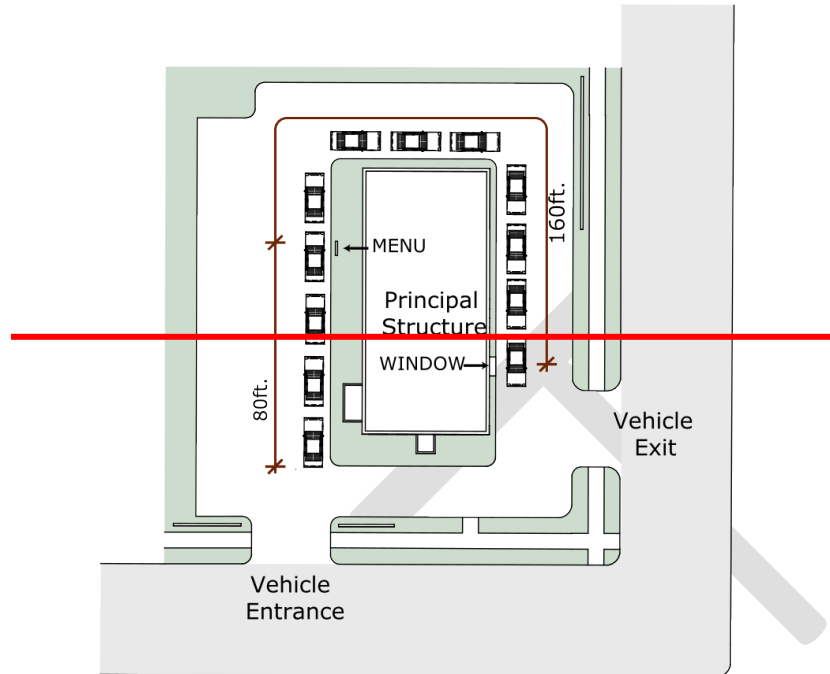
Table 18.50.40-1. Drive-Through Stacking Length

<u>Type of Operation</u>	<u>Minimum Stacking Length</u>
Car wash - self-service, automatic	80 feet/bay at entrance, 20 feet/bay at exit
Dry cleaning	40 feet/window
Eating places with drive-through service	80 feet to the menu board, 160 feet from the stacking lane entrance to the service area , first window
Financial Institution with drive-up ATM	40 feet/window or kiosk
Financial Institution with drive-up teller	80 feet/window or kiosk
Gas stations	40 feet/pump
Gated parking lot entrance	20 feet/gate
Gated unit or overhead door	20 feet/door
Pharmacy	80 feet/window

Vehicle Stacking for Eating Places with Drive-Through Service



2. Minimum pavement lane width shall be twelve (12) feet. This ~~length~~-width 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)

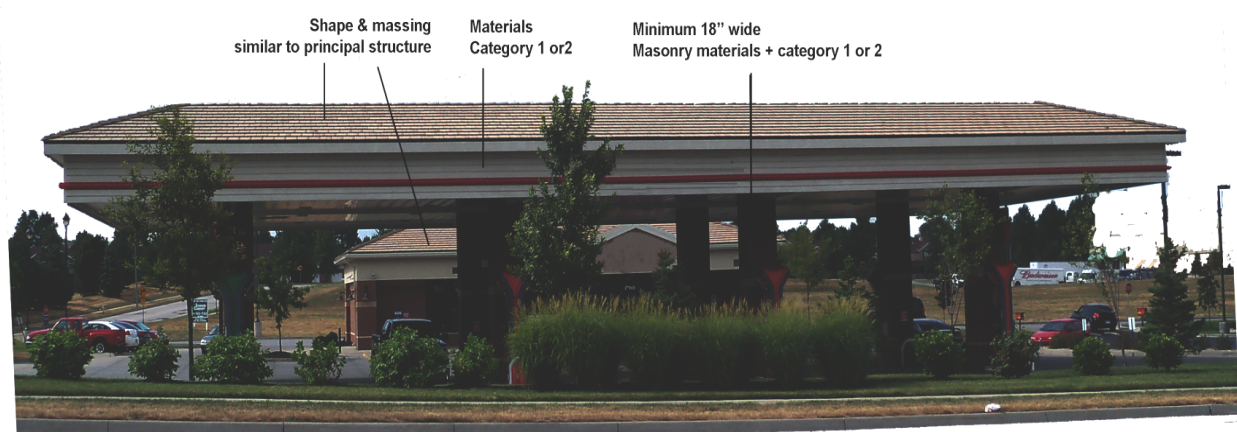
D. Drive-in and Drive-through Canopy Requirements

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

18.50.225 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](#).

[h. Any other use not listed above may require a temporary special event permit as determined by the Planning Official.](#)

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

- a. The applicant shall 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, ~~or~~ 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 (\Leftrightarrow Section 18.30.220).
 - d. The proposed use shall not ~~be~~ operated after 12:00 midnight and before 8:00AM.
 - e. The proposed use shall 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. 4. Temporary ~~Commercial~~ ~~Sales~~ ~~Sale~~ of merchandise and services from a vehicle or temporary structure is prohibited, except as provided above.

D.C. 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.D. 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).

FE. 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.

GF. 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)

SECTION TWO: HOUSEKEEPING UPDATES

1. Section 18.20. Zoning Districts
2. Section 18.20.500 Zoning Districts - Use Matrix (Miscellaneous)
3. Section 18.40.190 Procedures - Vacating Plats, Streets or Reservations
4. Section 18.40.220 Procedures - Appeals
5. Section 18.50.050 Supplemental Use Regulations - Fences, Walls or Hedges
6. Section 18.90.020 Definitions
7. Section 18.94.040 Submittal - Submittal Requirements

18.20.020 Districts Established

A. Categories

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

Table 18.20-1. Zoning District Categories

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

B. Districts

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

Table 18.20-2. Zoning Districts Established

	Conventional (C=Composite)	Overlay	Planned
Residential & Agricultural Districts			
AG (Agricultural)	✓		
R-1 (Single-Family)	✓		

Ch. 18.20 Zoning Districts | Olathe Unified Development Ordinance

DRAFT: 07-22-2019

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

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	Conventional (C=Composite)	Overlay	Planned
Miscellaneous Districts			
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:

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

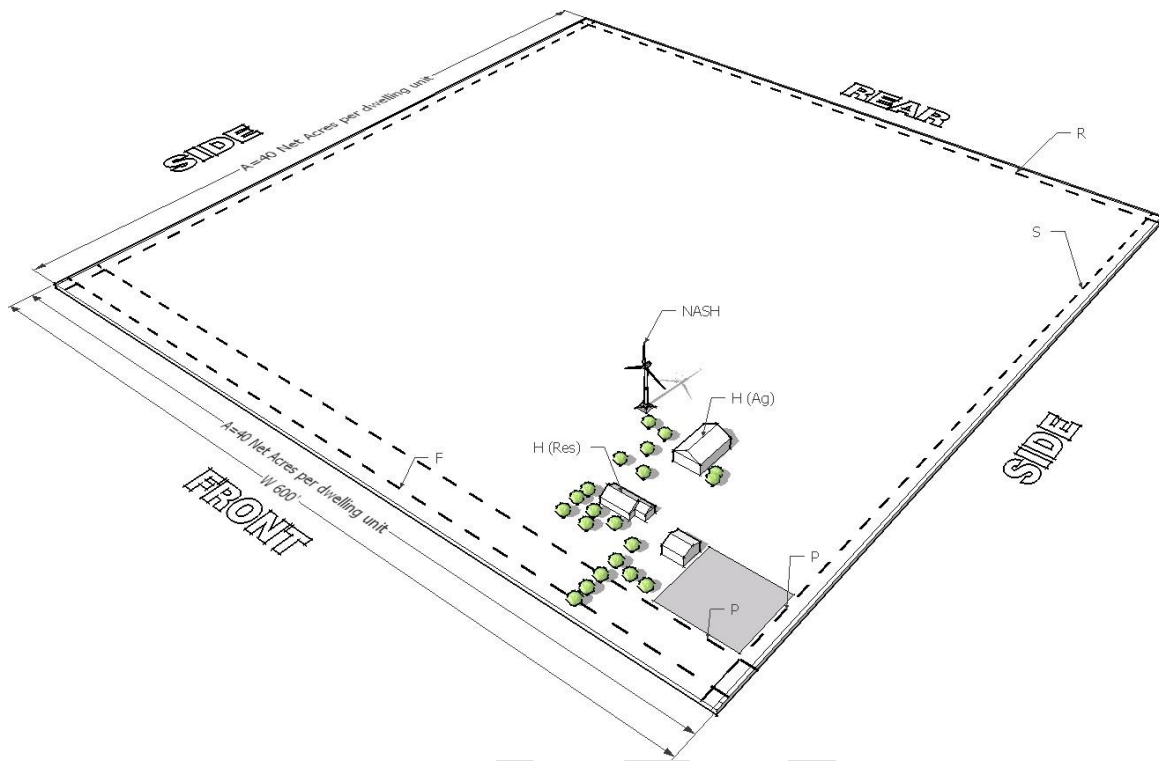


A. Permitted Uses

See § [18.20.500](#) (Use Matrix)

B. Dimensional Standards

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



Lot area	• 40 acres
(minimum-residences only)	
Lot width (minimum)	• 600 feet
Height (maximum- minimum)	<ul style="list-style-type: none"> • 2½ stories/35 feet • 35 feet, or 50 feet for agricultural structures. • 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.
Residences	
Agricultural and Nonresidential structures/uses	
Front, side and rear yards	• 50 feet:
(minimum)	<ul style="list-style-type: none"> • 30 feet from street right-of-way: • 10 feet from property lines other than street right-of-way
Setbacks for parking/paving	
(minimum-nonagricultural uses):	

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.

18.40.190 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](#)).

(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"> • Planning Commission • Governing Body, on appeal from the Planning Commission • City Manager, where specifically provided
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"> • definitions, • permitted uses, • height and area regulations, • development and performance standards, • parking and loading, • signs, • landscaping and screening, • storage, • accessory uses, • nonconforming situation and vested rights, 	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*)

18.50.050 Fences, walls or hedges

A. Applicability

This section applies to any fence, wall or hedge, defined as follows:

Fence or Wall A freestanding structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. (*Ord. 02-54 § 2, 2002*)

Hedge A dense row of shrubs or low trees that form a barrier or boundary.

B. Generally

1. Barbed wire, razor wire and electric fencing (above ground) are prohibited in residential (except AG) and commercial districts.
2. No fence, wall or hedge shall be constructed, planted, reconstructed or replaced in a manner which obstructs the intersection sight distance as defined in Section [18.30.220](#).

C. Height

Fences, walls, or hedges may be constructed or planted to a maximum height (as measured above the average grade level on the property line) of:

1. Six (6) feet in residential districts or the "N" district. Fences, walls or hedges in **front or corner side yards** (beyond the front of the house or structure), shall not exceed four (4) feet in height, shall be at least fifty (50) percent open, and shall not include chain-link or any other metal or wire type fencing.
2. Eight (8) feet in commercial and industrial districts.

D. Residential / Mixed-Use Districts

In residential districts or the "N" district:

1. Fences or walls shall be limited, or similar, to one of the following **types of construction**:
brick or stone walls or pillars, chain-link, wood stockade, split rail, wood rail, wrought iron, spaced picket fence, imitation vinyl or similar decorative material.
2. Fences, walls or hedges are allowed along arterials only when approved as part of the master fence/screening plan [in Section 18.30.130](#). ~~(Section 18.68.220).~~
3. Fences, walls or hedges shall be outside of the sight distance triangle.

E. Commercial / Industrial Districts

In commercial and industrial districts:

1. Fences, walls or hedges shall not be placed in the setback area from street rights-of-way or within the perimeter landscape area as provided in Section [18.30.130](#).
2. Retaining walls are permitted where the wall is reasonably necessary due to topography, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained. Any retaining wall above three (3) feet shall have fencing. Retaining wall construction is subject to approval by the City Engineer and Chief Building Inspector.

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.

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.

Restaurant

A building where food is prepared and served in ready-to-eat form to the public for human consumption. Restaurant includes café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house. (Ord. 02-54 § 2, 2002)

Resubdivision

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

Retail Sales, Accessory

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

Retention Basin

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

Rezoning

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

Right-of-Way or Rights-of-Way

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

Rule Exception

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

Runoff

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

Salvage Yard

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

Satellite Dish Antenna

See Section [18.50.180](#).

Screening

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

Sedimentation

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

Setback Line

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

- A.** Front setback line shall be parallel to the front lot line and shall extend from side lot line to side lot line.
- B.** Rear setback line shall be parallel to all rear lot lines and shall extend from side lot line to side lot line.
- C.** Side setback lines are parallel to any side lot line and extend from the front setback line to the rear setback line.
- D.** See 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.

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.

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:

	Material / Information ■ required ○ approving agency may require the information on a case-by-case basis							
		Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
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.							■
	Boundaries							
13	The boundary lines of the tract with approximate dimensions.						■	
14	The boundary lines of the area included in the application, including bearings, dimensions and reference to a section corner, quarter corner or point on a recorded plat.				■	■		
15	Location, elevation and description of the benchmark						■	

	controlling the vertical survey.							
16	Name and address of the architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.				■	■		
17	Date of preparation.	■	■	■	■	■	■	■
18	A statement clearly identifying the type of application (e.g., a preliminary plat).						■	
19	Name and address of landowner, architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plat.						■	
20	The proposed name of the subdivision, which shall not duplicate or 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>						■
	Ownership						
30	A title report by an abstracting or title insurance company, or an attorney's opinion of title, showing the name(s) of the landowner(s) and all other persons who have an interest in or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.						■
	Approvals						
31	Evidence showing that all taxes and special assessments due and payable have been paid in full. In the case of taxes which have been protested as provided by						■

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

	for a Site Plan, Four Hundred (400) Feet for a Preliminary Plat)							
36	Existing uses				■	■	■	
37	Existing zoning and land use of site and surrounding properties.				■	■		
38	The names of all adjacent subdivisions or, in the case of unplatted land, the names of the landowners of adjacent 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).				■	■	■	
	Site Development							
56	Land use allocation map, including a general designation of all mixed-use, residential, commercial, industrial, or other areas by general land use description.	■		■	■	■		
57	The proposed use of land, whether for single-family, multifamily, commercial, industrial, parks, schools or other 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 L , below).		■	■	■	■		
71	Location of all required building and parking setbacks.					■		
72	Building setback lines.						■	■
73	Location, dimensions, number of stories, and gross floor area in square feet of all proposed buildings.					■		
74	Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.					■		
75	Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.					■		
76	Location, size, type of material and message of all proposed monument or detached signs.					■		
77	For residential subdivisions in Districts R-1 through R-4 inclusive and N, a master fence/screening plan if required by Chapter 18.30 .							
78	Documentation assuring permanent responsibility for the maintenance and liability of the fence/screening tracts or easements; or private greenways, parks, or common open space areas.							■
79	Block numbers or letters continuing consecutively without omission or duplication							■

	throughout the 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.							
	Building Design							
89	Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. One (1) and two (2) family residential buildings may be shown in approximate location and general size and shape.				■	■		
90	Status of structures on the site (i.e., vacant, to be removed; good condition, interior remodel only; new, as is; etc.).				■	■		
91	Style, type and construction materials of buildings on adjoining properties (i.e., two (2) story, brown brick ranch residence; twenty (20) foot tall tinted concrete panel industrial building; etc.).				■	■		
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.				■	■	■
	Infrastructure						
97	Assurances of adequate public facilities as required by Section 18.30.040 .	■	■			■	■
98	All public streets and easements which are of record. Sufficient dimensions and information to indicate existing and proposed rights-of-way, pavement width and type, number of lanes, medians and median breaks, sidewalks, existing and proposed driveways (<i>to the degree that they appear on plans on file with the City</i>).				■	■	■
99	Calculation sheets containing the length and radii of all curved street and lot lines, bearings, length of all straight streets and lot lines, and the area in square feet of each lot.						■
100	All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition and 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 H.6 below).							■
	Technical Studies							
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.

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

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

(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)



Staff Report

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0003A</u>: Unified Development Ordinance Amendments
Applicant:	City of Olathe, Public Works – Planning Services
Staff Contact:	Aimee Nassif, Chief Planning and Development Officer Shelby Ferguson, Planning Consultant

Over the past several months staff has been working on a host of UDO updates which involve several existing and proposed land uses, clarification of existing standards, and new development requirements to name a few. These areas for updating originated from items discovered during plan reviews, requests from members of our Development Review Committee, and when researching land uses for customers. As is the case here, staff presented identified areas for updating to the City Council earlier this year, who in turn authorized staff to work on preparing draft language. While preparing the draft for the identified chapters and sections, additional opportunities emerge which is not uncommon. The updates for UDO19-0003A help to improve customer experience and process efficiency through increased transparency and clarity to existing standards, upgraded graphics to illustrate requirements, and improved readability for the public user for the Use Matrix.

Below is a detailed summary of each updated UDO section prepared by staff. These updates were first presented to the Planning Commission during a workshop held on July 8, 2019. From that collaboration and discussion, staff performed further review and additional updates were made. The resulting language and recommendation are below for consideration before proceeding to City Council. A redline version of each update is also attached to this report.

UDO AMENDMENTS – SECTION ONE: UDO UPDATES PERTAINING TO USES AND DEVELOPMENT CRITERIA

The following updates are those addressing land uses and development standards. As mentioned previously, these updates will help to provide clear and transparent expectations for applicants and property owners. It will also aid staff in our reviews so that information is more readily accessible and improve the readability for the public. Multiple updates are also proposed specifically to chapter 18.50 Supplemental Use Regulations.

1. Section 18.20.200 Zoning Districts – Industrial

Recommendation: Update and clarify the purpose statement for industrial districts to more accurately reflect the land use and vision of the City.

Reason: Recent review of Section 18.20 staff identified the purpose statement for industrial zoning did not accurately reflect the vision and goals of the Comprehensive Plan *Plan Olathe*. Staff is recommending separating out the



purpose statement into two distinct statements for M-2 (General Industrial) and M-3 (Heavy Industrial) zoning districts. This update will clarify the expectations for each zoning district and assist staff in attaining the goals of *Plan Olathe*.

2. Section 18.20.500 Zoning Districts – Use Matrix (Restaurants, Religious Institutions, and Group Boarding Homes)

Recommendation: Update definitions and land use categories for restaurants, religious institutions, and group boarding homes.

Restaurant: Currently the land use matrix has multiple use categories pertaining to the sale of food and its services, yet the terminology does not reflect what is commonly used in practice and leads to difficulty in discerning between the categories. Staff is recommending updating the use classification for “Restaurant, Limited Service



or Carry Out” to “Restaurant, Carry Out or Fast Food” to more easily navigate the use matrix for both the public and staff. Development standards, criteria nor requirements are changing.

Religious Institutions: Currently churches are included in the land use category Civic Assemblies. However, the definition and terminology does not clearly define what constitutes as a church or place of worship. It also does not provide a clear category for religious institutions such as mosques or synagogues. Common practice and best planning practice is to have clearly defined and clearly recognizable terms and use categories in a land use matrix. This is reflective also in practice of the overwhelming majority of other cities both locally and nationally. Staff is recommending adding the use Religious Institution and definition to the Use Matrix to clearly define this use and where it is permitted. There is no change being proposed or made to the development standards, criteria nor to location of where these are permitted. Providing a recognizable and easy to locate land use category benefits the public, property owners, and applicants.

Group Boarding Homes: Lastly, the category names for Group Boarding Homes for Adults and Minors and Group Daycare Homes are being updated to reflect their definitions correctly. For instance, we discovered the existing category for group boarding home is not consistent with the associated definition for it. Staff is also recommending correcting this, and Group Boarding Daycare Homes (Group Boarding Homes for Minors) would be consistent with Group Boarding Homes for Adults. As with the other land use categories in this section of code, no changes to location, development standards, nor criteria are proposed. This simply clarifies the use category it falls under and corrects existing errors.

3. **Section 18.30.160 Development Standards – Parking and Loading**

Recommendation: Add a requirement for gated facilities to provide on-site parking areas for delivery vehicles and truck trailers.

Reason: The City has been experiencing higher volumes of truck trailers parking on public streets and highway ramps because distribution warehouses are commonly gated and provide limited access for deliveries. With drivers unable to park on-site and the hours of drive time restricted by the federal Department of Transportation (DOT), congestion and sight distance issues are rising in these areas because of where they are parking. The recommendation to add on-site parking areas for delivery vehicles and truck trailers is intended to park vehicles until loading and unloading can take place, to reduce or eliminate congestion on public streets and highway ramps.



4. **Section 18.50.033 Supplemental Use Regulations – Crisis Care Network, Religious or Faith-Based**

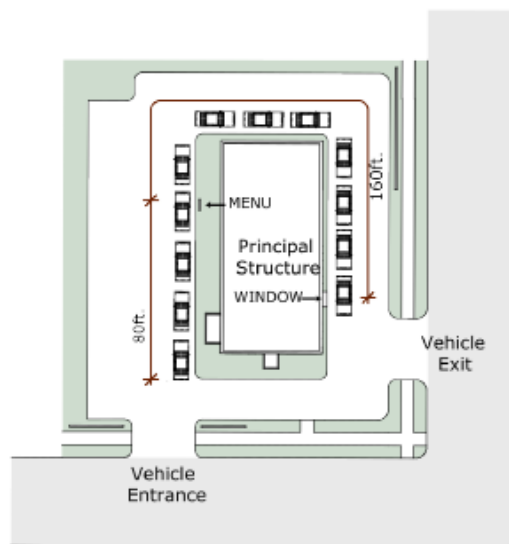
Recommendation: Create a land use category to identify religious networks who operate as an accessory use to religious institutions who focus on providing emergency services to families in crisis by a holistic approach to comprehensive care and support to families.

Reason: Johnson County Interfaith Hospitality Network is a network of host and support congregations who help families obtain stable jobs, find permanent housing, and provide a holistic, faith-based support services. As with other code updates, during research and review of the code it was discovered that an opportunity exists to provide a clear category and definition for this operation. This is an accessory use, located within religious institutions so it is found under chapter 18.50 Supplemental Use Regulations.

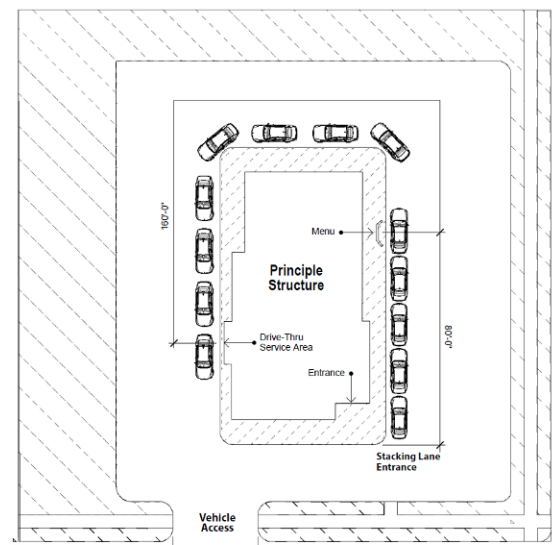
5. **Section 18.50.040 Supplemental Use Regulations – Drive-Through**

Recommendation: Clarify intent for stacking lane length requirements for drive-throughs and update current graphic.

Reason: The current language and illustration for drive-through lane length minimums is hard to understand. Staff is recommending updating the current drive through graphic and also defining both what is meant by a stacking lane and where the point of measurement begins for drive-throughs. Updates to this section are intended to improve internal site circulation and provide the reader a clear understanding of expectations. Below are illustrations showing the existing and proposed new graphic.



EXISTING



PROPOSED

UDO19-0003A (Staff Report)

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6. Section 18.50.180 Supplemental Use Regulations – Satellite Dish Antennas

Recommendation: Increase the maximum height for non-residential ground mounted satellite dish antennas from fifteen (15) to thirty (30) feet.

Reason: In 2018, staff received an application for the Board of Zoning (BZA) appeals requesting an increase in satellite dish antenna height. This request was approved by the BZA which led staff to research and review current satellite dish antenna height requirements for non-residential districts throughout the region. We discovered that our existing standards did not accurately reflect best practices nor was it consistent with other municipalities. Updating this requirement will align code requirements with surrounding communities Overland Park, and Lenexa. Other communities such as Leawood, Shawnee and Kansas City, KS do not specify a height requirement. It should be noted Shawnee previously permitted non-residential satellite dish antennas to a maximum height of thirty (30) feet before removing the height requirement all together.

1. Section 18.20 Zoning Districts

Reason: Through recent reviews staff identified the following areas of Chapter 18.20 Zoning Districts to be updated:

- ## 2. Section 18.20.500 Zoning Districts – Use Matrix (Miscellaneous)

Reason: Currently the Use Matrix includes areas where inconsistent zoning district headings and land use category titles are not accurately reflecting uses and their definitions (e.g. elderly housing to senior housing, and beer, wine and liquor store to liquor store). In addition, staff is recommending removing unnecessary land use category headings and definitions such as Multi-family and Restaurant (not all land use types have headings). This will all help the reader to more easily navigate and use the City's Use Matrix.

[illegible]

3. Section 18.40.190 Procedures – Vacating Plats, Streets or Reservations

Recommendation: Update language to reference correct city title.

Reason: Currently Section 18.40.190.D.2.B references the County Clerk rather than the City Clerk. This update corrects the formal title and clarifies the responsible party for approved city ordinances.

4. Section 18.40.220 Procedures – Appeals

Recommendation: Remove code reference to Development Service's Director

Reason: Section 18.40.220.D.1 references the Development Service's Director and the Planning Official. Previous updates to the UDO removed the title Development Service's Director and replaced it with Planning Official. This section of code was updated except both titles remained.

5. Section 18.50.050 Supplemental Use Regulations – Fences, Walls or Hedges

Recommendation: Update code reference to reflect the accurate section of code.

Reason: Section 18.50.050.D.2 references Section 18.68.220 for master fence/screening requirements. This is the incorrect section reference and staff is simply updating the section number to point the reader to the appropriate section of code.

6. Section 18.50.225 Supplemental Use Regulations – Temporary Uses (Temporary Sales and Events)

Recommendation: Updates to this section to accurately list all zoning districts which do allow temporary sales and clarify which section of code applicants are to adhere to.

Reason: Temporary Sales and Events (TSE) standards for where events are permitted are outlined in Section 18.50.225. Updates to this section include adding the C-4 district and the commercial portion of Planned Development (PD) districts as areas for TSE's to take place. In addition, staff is recommending clarifying that all Downtown districts (D) allow events. Currently TSE's are permitted in "downtown", which can be confusing to the reader because after the 2014 UDO update, the UDO now separates downtown into three (3) potential districts when zoning.



This section also currently directs the reader to Chapter 5.05 of the Municipal Code for Special Event Permit requirements. However, this section pertains to activities on city owned property, so is not applicable.

Lastly, staff is adding language to clarify that if there is a temporary use desired by the property owner which is not listed in subsection B.1 the Planning Official can review and determine allowance.

7. Section 18.90.020 Definitions

Recommendation: Add industry terms to the Definitions chapter to reflect UDO section updates.

Reason: Removal of unnecessary land use category titles and definitions from Section 18.20.500 (Use Matrix) require terms such as multi-family and restaurant to be located here.

8. Section 18.94.040 Submittal – Submittal Requirements

Recommendation: Clarify to the reader when Technical Studies may be required based upon the application type.

Reason: Currently the submittal requirements table only identifies rezonings and special use permits as applications which may require technical studies to be submitted. However, Section 18.94.020 of the UDO preliminary plans and preliminary plat applicants may be requested by the City to submit technical studies. Staff is simply correcting this inconsistency and adding the requirement to the table to improve readability and consistency between code sections.

Recommendation: Reduce the required number of paper submittal copies.

Reason: In line with the City's efforts to do more digitally and reduce paper copies, more work in the Planning Division is being performed electronically. As such, staff no longer needs nine (9) full sets of paper plan drawings. The submittal requirement can be reduced to two (2) within section 18.94.040.

Staff Recommendation:

These updates consist of amendments which will help to increase readability, provide transparency in requirements and assist in development reviews and research. Staff recommends approval of the proposed annual amendments to the Unified Development Ordinance (UDO), as detailed in the attached UDO Amendments Exhibit for the following Chapters and associated subsections herein: 18.20., 18.30., 18.40., 18.50., 18.90., and 18.94 as presented

UDO AMENDMENTS EXHIBIT

SECTION ONE: UDO UPDATES PERTAINING TO USES AND DEVELOPMENT CRITERIA

1. Section 18.20.200 Zoning Districts - Industrial
2. Section 18.20.500 Zoning Districts - Use Matrix
3. Section 18.30.160 Development Standards - Parking and Loading
4. Section 18.50.020 Supplemental Use Regulation - Accessory Uses
5. Section 18.50.033 Supplemental Use Regulations - Crisis Care Network, Religious or Faith-Based
6. Section 18.50.040 Supplemental Use Regulations - Drive-Through
7. Section 18.50.180 Supplemental Use Regulations - Satellite Dish Antennas

SECTION TWO: HOUSEKEEPING UPDATES

1. Section 18.20. Zoning Districts
2. Section 18.20.500 Zoning Districts - Use Matrix (Miscellaneous)
3. Section 18.40.190 Procedures - Vacating Plats, Streets or Reservations
4. Section 18.40.220 Procedures - Appeals
5. Section 18.50.050 Supplemental Use Regulations - Fences, Walls or Hedges
6. Section 18.50.225 Supplemental Use Regulations - Temporary Uses (Temporary Sales and Events)
7. Section 18.90.020 Definitions
8. Section 18.94.040 Submittal - Submittal Requirements

18.20.200 M-2 (General Industrial) and M-3 (Heavy Industrial)

Purpose: The M-2 (General Industrial) district is intended to provide for the development of a wide variety of light industrial uses, including warehousing, manufacture and assembly and some limited commercial uses. Most activities shall occur inside a building; however, outdoor storage is permitted. Due to the proximity of this district to residential areas or environmentally sensitive land, additional buffering, setbacks, and limitation of uses will be required.

The M-3 (Heavy Industrial) district manages the development of heavy and intensive industrial uses, including asphalt plants, feed lots, extractive industries and scrap and waste materials. Most activities will consist of manufacturing or outdoor storage yards. ~~These~~ This district ~~Districts~~ encourages 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

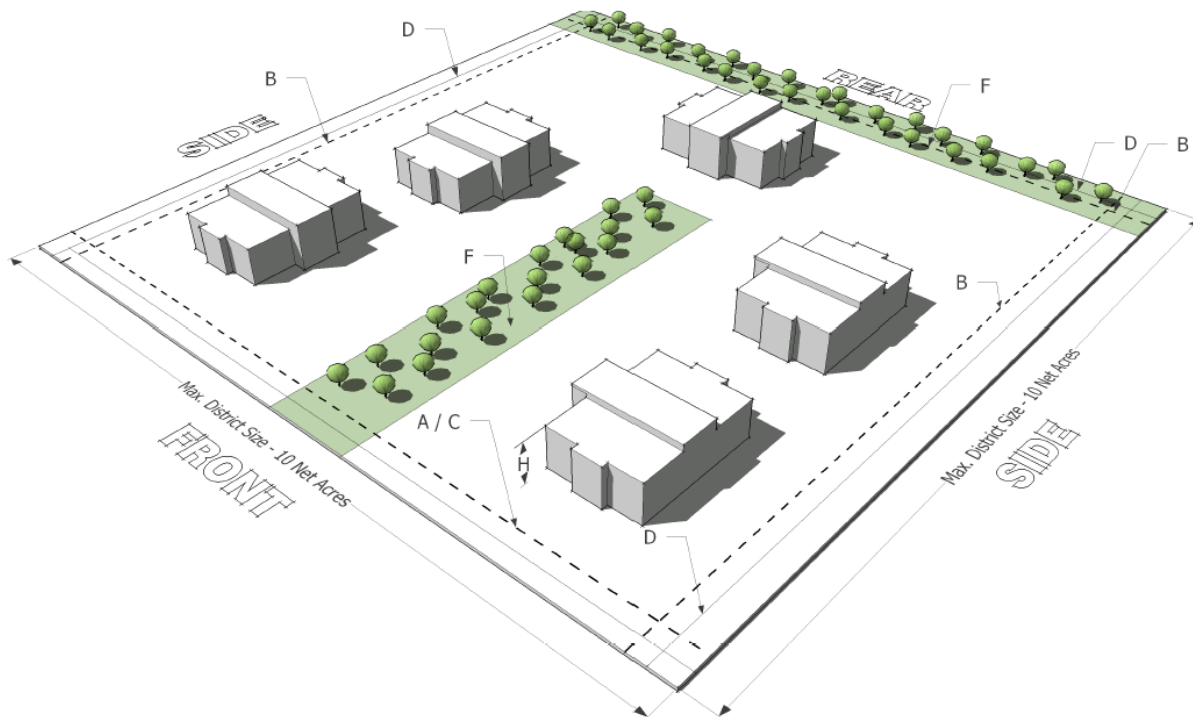


A. Permitted Uses

See § [18.20.500](#) (Use Matrix).

B. Dimensional Standards

Development in the M-~~1~~[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 6-Building C or E
	Site 4 -Building C, D or E	Site 3 or 5-Building C or E
	Site 3-Building D	

Height (*maximum*)

- Buildings: 55 feet 12 stories/144 feet
- Other Structures (including signs): 100 feet. The structure must be set back from all property lines a distance at least equal

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	
	to its height	
Front yard (<i>minimum</i>)	• 30 feet	20 feet
Side yard (<i>minimum</i>)	• 10 feet	10 feet
Rear yard (<i>minimum</i>)	• 10 feet	10 feet
Parking/paving location	• 30 feet from street right-of-way	20 feet from street right-of-way
	• 10 feet from property lines	7½ feet from property lines
Open space	15% of net site area	n/a
(see §18.30.170)		

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

18.20.500 Use Matrix



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

The Use Table establishes the following categories of uses:

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

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

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 General 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 5 or more 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	1100	1140	814	A building that has dwelling units erected in a row as a single building, each being separated from the adjoining unit or units by a fire wall constructed in accordance with the City's building code. A Townhouse is separated from other buildings by space on all sides.	
Watchmen / caretakers																			1300			A dwelling located on premises with a principal nonresidential use and occupied only by a caretaker or guard employed on the premises.

Use	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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Accommodations & Group Living																					
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		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, minors	P	P	P	P	P										P	P	P			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 boarding home for minors day-care homes	S P	S P	S P	S P	S P										S P	S P	S P			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)

18.20 Zoning Districts | 18.20.500 Use Matrix

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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 and 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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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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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	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, Photostatting, 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. See Chapter 18.50 for Drive-through requirements.

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Flex Space (office and warehouse building)										P	P	P	P		P	P	P	3600			A building that combines office with manufacturing, wholesale, warehousing, or training facilities that relate to the office uses. Retail or showroom uses that are accessory to those uses may occupy up to 25% of the gross floor area.
Florist or floral/gift shop							P	P	P	P					P	P	P	2141		453110	Establishments known as florists primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others. These establishments usually prepare the arrangements they sell.
Furniture Stores									P	P	P							2121		442110	This industry comprises establishments primarily engaged in retailing new furniture, such as household furniture (e.g. baby furniture, box springs and mattresses) and outdoor furniture; office furniture (except those sold in combination with office supplies and equipment); and/or furniture sold in combination with major appliances, home electronics, home furnishings, or floor coverings.
Gas Station								P	P	P	S	P	P	S	S	S	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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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, Boats, Motorcycle										P		P	P					2332		532120	Establishments primarily engaged in renting or leasing, without drivers, one or more of the following: trucks, truck tractors, buses, semitrailers, utility trailers, or RVs (recreational vehicles).
Leasing/Rental, Car and Passenger Vehicle									S	S		S	S					2331		53211	Establishments primarily engaged in renting or leasing passenger cars without drivers.
Light manufacturing accessory to retail use												S	S		P	P	P				The production of goods or products as a subordinate function of a retail establishment, where the activities generate no offsite noise, vibrations, odors, or other nuisance impacts.
Beer, wine, and Liquor sStore							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 (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 RV's, boats and similar equipment, include storage and incidental maintenance.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Motor Vehicles, internet sales, no outdoor display									P	P		P	P								Motor vehicles sold online with no display of vehicles outdoors and no on-site repair or refurbishing of the vehicles
Musical Instrument and Supplies Stores							P	P	P	P					P	P	P	2135		45114	Establishments primarily engaged in retailing new musical instruments, sheet music, and related supplies; or retailing these new products in combination with musical instrument repair, rental, or music instruction.
Nonstore retail / Internet Retail						P	P	P	P	P	P	P	P		P	P	P	2144, 2580		454, 425110	Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and sales through portable stalls (e.g., street vendors).
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, 236118, 511, 517911, 51911, 51913, 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).

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Payday Loan Business or Title Loan Business									P	P											See Municipal Code § 5.43.010.
Personal services						P	P	P	P	P					P	P	P	2600		8121	The provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, nail salons, tanning salons, massage therapy (see Chapter 5.36 of the Municipal Code), electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), self-service laundries and photographic studios.
Pet store							P	P	P	P					P	P	P	2710		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, 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 restaurants; and 2. Menu items are more expensive than traditional fast food restaurants; and 3. Menu items are made to order not pre-racked; and 4. Uses nondisposable dishware and flatware when dining in.
Restaurant, Full-Service Sit-Down						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, or fast food							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

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																					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 trucks, including parts, and equipment.
Sales and service, large vehicles										S		S	S					2114		441210, 441222, 441228, 441229, 532120	Establishments primarily engaged in retailing new and/or used recreational vehicles (commonly referred to as RVs), boats/marine, 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,

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Upholstery and furniture refinishing							P	P	P	P	P	P			P	P	P			811420	automated washes, restaurants, and motels; all as part of the facility. Establishments primarily engaged in one of more of the following: (1) reupholstering furniture; (2) refinishing furniture; (3) repairing furniture; and (4) repairing and restoring furniture (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).
Used merchandise stores (e.g., books, clothes, etc.)							P	P	P	P	P				P	P	P	2145		453310	Establishments primarily engaged in retailing or wholesaling used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes) from an enclosed building/storefront. Examples include antique stores, used book stores, and used clothing stores.
Vehicle painting and body shops									P	P			P	P				2110	2280	81112	Establishments primarily engaged in: (1) repairing or customizing bodies or interiors of automotive vehicles, such as passenger cars, trucks, and vans, and all trailer bodies and interiors; (2) painting automotive vehicle and trailer bodies; (3) replacing, repairing, and/or tinting automotive vehicle glass; or (4) customizing automobile, truck, and van interiors for the physically disabled or other customers with special requirements. No vehicles are sold on the premises.
Vehicle repair and restoration (generally)									P	P		P	P					2110	2280	81111	Establishments providing mechanical or electrical repair and maintenance services for motor vehicles. This includes (1) 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.
Industrial																					
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.

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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	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 services						P			P	P	P	P	P	P	P	P	P	4240	2613, 2620, 2621	518	Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. An example is a data center.
Explosives manufacturing/storage														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.

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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.
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

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Motor Vehicle Manufacturing													P	P				3370	2613, 2620, 2621	336	preparing flour mixes or doughs. 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		2613, 2614, 2620, 2621	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 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.

18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
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, 2613, 2620, 2621	321	Establishments that manufacture wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings.
Warehousing & Storage																					
Mini-Warehouse									P	P		P	P	P				2700	2710 2720	53113	Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
Petroleum Bulk Stations and Terminals	S												P	P				3600	2780-2782	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"> When located within the Industrial Revenue Bond (IRB) Target Areas according to City Council Policy F-5, OR

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																					<ul style="list-style-type: none"> When located outside the IRB area and containing an existing building intended for a warehouse use, prior to the effective date of this ordinance (August 2017). OR When located outside of the IRB area with a Special Use Permit.
Arts, Recreation & Entertainment																					
Adult business establishments														P							See definition in Chapter 5.50. (Ord. 02-54 § 2, 2002, Ord. 08-20 § 6, 2008)
Amphitheater, outdoor stage, bandstand, or similar structure	S							S		S		S	S		S	S	S		3130, 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	4410	712110	Establishments primarily engaged in preservation and exhibition of objects of historical, cultural, and/or educational value.
Art gallery							P	P	P	P		S	S		P	P	P	2142	4410	453920	An establishment primarily engaged in retailing original and limited edition art works. Included in this category are establishments primarily engaged in displaying works of art for retail sale.
Artist Studio					P		S	P	P	P		S	S		P	P	P	5160	4410	711510	A facility used for independent individuals primarily engaged in performing in artistic productions, in creating artistic and cultural works or productions, or in providing technical expertise necessary for these productions. Examples include: actors/actresses, producers, art restorers, recording technicians, artists (except musical, commercial or medical), cartoonists, theatrical costume designers, dancers, theatrical lighting technicians, journalists, and technical writers.
Club or Lodge, Membership	P	P	P				S	S	S	P		S	S		P	P	P	6830	3800	8134, 81399	A Class A or Class B Club. Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B club means premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. (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

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Indoor athletic facility	S						S	P	P	P	S	P	P		S	S	S	5370		71394	exhibition of livestock, farm products, etc., and/or for carnival-like entertainment providing recreational and amusement services.
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.
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.

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Education, Public Administration, Health Care, & Institutional																					
Cemetery	S	S							P										4700	812220	Land used as a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services. Crematories are classified separately.
Civic Assemblies, including churches/religious assemblies	P	P	P	P	P	S	P	P	P	P		S	S	S				6600	3500	813	Includes religious assemblies such as churches or synagogues, clubs, lodges, meeting halls, recreation buildings, and community centers.
Community food and personal support services, non-residential	S	S	S	S	S		S	S	S	P					S	S	S	6563		624210	Establishments primarily engaged in collection, preparation, and delivery of food for the needy. These establishments may also distribute clothing and blankets. Food banks, meal delivery programs, and soup kitchens are included in this category.
Community Services, Counseling and Intervention							S	S	P	P		S	S		P	P	P	6512		624190	Includes family planning and outpatient care centers.
Correctional Facility												S	S		S	S	S	6222	4600	922140	A facility where persons are detained pending adjudication or confined under sentences of two years or less provided that the facility is operated by a Johnson County law enforcement agency or under contract with the Board of County Commissioners of Johnson County. Includes community correctional facilities, correctional facilities or juvenile detention facilities.
Correctional office, parole / probation												S	S		S	S	S			922150	A government facility engaged primarily in providing parole, probation, and pardon services.
Cultural facilities	S	S	S	S	S		S	S	P	P		S	S		P	P	P	5210, 5230	4300, 4400, 4450	71211, 71213	A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, zoos, aquariums and observatories.
Funeral home or mortuary	S	S						P		P		S	S		P	P	P	6710	4800	81221	An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, mortuaries or columbaria. A "cemetery" means a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services. Crematories are classified separately.
Government facilities, other than offices	S					S	S	S	S	P	P	S			P	P	P	6221, 6310	7000-7500, 6600	92211, 928	Includes courts, major mail processing centers, military installations, vehicle emissions testing facilities, and other similar facilities.
Hospital						P	P	P	P	P	P				P	P	P	6530	4110	622	A state-licensed facility providing medical, surgical, psychiatric or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including drug and alcohol abuse programs as well as training, research and administrative services for patients and employees.
Library	P	S	S	S	S	P	P	P	P	P	P				P	P	P	4242	4300	519120	A facility engaged in maintaining collections of documents (e.g. books, journals, newspapers, and music) and facilitating the use of such documents as required to meet the informational, research, educational, or recreational needs of their user.
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;

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																					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.
Religious Institution	P	P	P	P	P	S	P	P	P	P		S	S	S				6600	3500	813110	A building or structure used for public, religious activity and worship. This includes but not limited to churches, chapels, cathedrals, temples, synagogues and mosques.
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								6560-6568		624	Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and, developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons). These services do not include residential or accommodation services, temporary shelters or

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																					community housing (classified separately under Transitional Housing, above).
Transportation, Communication, Information, and Utilities																					
Airport landing strip (field or strip only)	S											S	S	S				4110-4114	5610	481	A landing area solely for takeoff and landing of aircrafts.
Airport	S											S	S	S				4110-4114	3920-5600-5650	481, 4881	An area of land or water that is used or designed for the landing and takeoff of aircraft, of any type, and includes its buildings and facilities, for the shelter, servicing or repair of aircraft. (Ord. 02-54 § 2, 2002)
Bus/Truck maintenance, including repair and storage												P	P	P					5400		A facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes governmentally owned construction yards, equipment service centers and similar facilities.
Cable networks and distribution								P	P	P	P	P	P	P	P		P	4232			
Environmental monitoring stations	S	S	S	S	S	P	P	P	P	P	P	S	S		S	S	S		6600		
Freight terminals & truck terminals												P	P	P				4122, 4140-4144	5700-5720	48211, 4841-4842	
Gas or electric generation distribution facilities, compressor stations, or substations	S												S	S				4180	6410-6422, 6440-6460	2211-2212, 486	Establishments primarily engaged in operating gas or hydroelectric power generation facilities. These facilities primarily transmit and distribute to transmission and distribution systems.
Hazardous waste storage or treatment facility													S	S				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.
Heliprot	S																		5640		Facilities intended solely for takeoff and landing of helicopters.
Incinerator, Commercial														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.
Media Production										P	P	P	P		P	P	P	4220-4223		51211, 51212, 51219, 5122	Establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, music, and sound recordings. This includes specialized motion picture or video postproduction services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios.
Parking lots, 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-	3900-3940,	485, 48211	Includes ground passenger transportation services such as bus, taxi, limousine, train or light rail depots, school bus, employee bus.

18.20 Zoning Districts | 18.20.500 Use Matrix

Key: P = By right S = Special Use

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) -Core	D (Downtown) -Mixed Use	D (Downtown) -Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
																		4135	5300		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 telecommunications	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 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.

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 General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown) - Core	D (Downtown) - Mixed Use	D (Downtown) - Santa Fe	LBCS Function	LBCS Structure	NAICS	Definition
Agriculture																					
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 apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use does not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though the properties may produce or maintain some of those plants or animals listed in the foregoing definition. (Ord. 02-54 § 2, 2002)
Concentrated Animal Feeding Operations (CAFO's)	S																		8300-8450	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)

18.30.160 Parking and Loading

A. Parking Required for All Structures

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

B. Improvement of Parking Areas

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

C. Access to Parking Areas

See Section [18.30.050](#).

D. Dimensions and Design of Parking Areas

1. Parking Stalls

Parking stall dimensions are as follows:

Table 18.30.160-1. Parking Space Dimensions

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

2. Parking Pods

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

3. Entrance Drives

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

4. Pedestrians

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

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

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

- (1)** Brick pavers with concrete borders;
- (2)** Concrete with brick borders; or
- (3)** Stamped and colored concrete.

5. Reserved Parking Areas

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

E. Parking Spaces for Persons with Disabilities

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

F. Parking and Paved Area Setbacks

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

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

G. Parking Lot and Building Lighting

See section [18.30.135](#).

H. Landscaping and Screening for Parking Areas

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

I. Deferred Construction of Parking Spaces

1. A portion of the parking area required for office, business park or industrial development may remain unimproved until it must be improved to adequately serve the parking demand. Delayed construction of parking is permitted only if:

- a. The initial occupancy of the premises is adequately served by the lesser number of spaces,
 - b. The final site development plan clearly indicates the location, pattern and circulation to and from the deferred parking spaces.
2. The land area delineated for future parking shall be brought to finished grade and landscaped, and shall not be used for building, storage, loading or other purposes.

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

1. No driveway serving 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>	Parking Spaces Required (minimum)
<i>Residential Uses</i>	
Accessory dwellings (carriage houses, granny flats, echo homes)	1 per dwelling unit
Cluster or conservation subdivisions	1 per dwelling unit
Elderly housing, 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
<i>Accommodations and Group Living</i>	
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
Community living facility, mental health/substance abuse, on-site staff	1 per 400 sf

<i>Use</i>	Parking Spaces Required (minimum)
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
Commercial, Services and Mixed Use	
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)
Book, magazine, or stationery store	1 per 300 sf

<i>Use</i>	Parking Spaces Required (minimum)
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
Flex space (office and warehouse building); may include call centers or mail order	1 per 800 sf

<i>Use</i>	Parking Spaces Required (minimum)
houses	
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
Motor vehicle sales	2 per 1,000 sf of indoor sales area plus 1 per 4,500 sf of outdoor sales area

<i>Use</i>	Parking Spaces Required (<i>minimum</i>)
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 5.43.010)	1 per 300 sf
Personal care service shops	1 per 300 sf
Pet care	1 per 1,500 sf
Pet store	1 per 1,500 sf
Pharmacy and drugstore	1 per 300 sf
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
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	1 per 500 sf

<i>Use</i>	Parking Spaces Required (minimum)
(including repair)	
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
Industrial Uses	
Automobile storage or towing (excluding wrecked and junked vehicles)	1 per 1,500 sf
Bottling works	1 per 1,500 sf
Building contractor	1 per 1,500 sf
Carpentry, floor, and tile contractor	1 per 1,500 sf
Computer and electronic product manufacturing	1 per 1,500 sf
Crematories	1 per 1,500 sf
Explosives manufacturing/storage	1 per 1,500 sf
Extractive industries	1 per 1,500 sf
Food and beverage manufacturing	1 per 1,500 sf
Fuel oil distribution	1 per 1,500 sf

<i>Use</i>	Parking Spaces Required (<i>minimum</i>)
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
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

<i>Use</i>	Parking Spaces Required (minimum)
Quarrying and stone cutting establishment	1 per 1,500 sf
Recycling centers	1 per 1,500 sf
Rendering and meat byproduct processing	1 per 1,500 sf
Research and development offices	1 per 1,500 sf
Sign makers	1 per 1,500 sf
Textiles	1 per 1,500 sf
Welding, tinsmithing and machine shop	1 per 1,500 sf
Wood or wood products manufacturing	1 per 1,500 sf
<i>Warehousing and Storage Uses</i>	
Construction equipment storage	n/a
Express and shipment facilities	1 per 1,500 sf
Mini-storage warehouse	3 spaces
Natural gas distribution, flammable liquid, petroleum, bulk stations and terminals and above-ground storage	n/a
Outdoor storage of construction equipment, generally	n/a
Refrigerated warehouse or cold storage	1 per 1,500 sf
Solar energy facility	1 per 1,500 sf
Warehousing, storage, wholesale, and distribution facilities	Parking analysis required
Wind energy conversion systems (WECS)	n/a
<i>Arts, Recreation & Entertainment</i>	
Adult business establishments	1 per 200 sf
Amphitheater, outdoor stage, bandstand, or similar structure	n/a
Amusement parks	Parking analysis required
Amusement, indoor	1 per 300 sf
Aquarium or planetarium	1 per 400 sf
Art gallery	1 per 400 sf

<i>Use</i>	Parking Spaces Required (minimum)
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
Education, Public Administration, Health Care, and Institutional	
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

<i>Use</i>	Parking Spaces Required (minimum)
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
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

<i>Use</i>	Parking Spaces Required (minimum)
Schools, nursery and preschool	1 per 500 sf
Social services	1 per 800 sf
Transportation, Communication, Information, and Utilities	
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
Utility Uses & Structures	
Commercial incinerator	n/a
Cable networks and distribution	1 per 800 sf
Commercial radio, television, broadcasting and/or receiving towers	n/a
Communication or telecommunication equipment attached to a building	n/a
Communication towers	n/a
Communication towers – Architecturally integrated	n/a
Environmental monitoring stations	n/a

<i>Use</i>	Parking Spaces Required (<i>minimum</i>)
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
Agriculture	
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
Livestock sales, and markets	n/a
Riding academies and/or stables (commercial)	1 per 1,500 sf
Stable, accessory to dwelling	n/a
Support functions for agriculture	n/a

<i>Use</i>	Parking Spaces Required (minimum)
Miscellaneous	
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
Institutional Uses		
Schools	10,000 to 100,000	1
Health/Medical, Recreational, Civic, Social, Religious	For each additional 200,000 or fraction thereof	1 – Additional
Business Uses		
Retail	5,000 to 25,000	1
	25,001 to 200,000	2
	For each additional 200,000	1 – Additional
Retail Services	5,000 to 10,000	1
	10,000 to 100,000	2
	For each additional 100,000 or fraction thereof.	1 – Additional
Service/ Trade	10,000 to 200,000	1
	For each additional 200,000 or fraction thereof	1
Service/Miscellaneous	5,000 to 25,000	1
	25,001 to 200,000	2
	200,001 to 400,000	3

Loading Category	Gross Floor Area in Square Feet	Required Number
	For each additional 100,000 over 400,000 or fraction thereof	1
Industrial Uses		
	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*)

18.50.020 Accessory Uses and Structures

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

⇒ Note: ~~this section lists accessory uses by zoning district. Accessory uses for specific types of uses are listed in other sections of this chapter.~~ *this section contains examples of accessory uses by zoning district or as associated with a primary use or structure.*

A. Applicability

1. This applies to uses and structures that are accessory to the principal use of the premises.
2. A use or structure is "accessory" when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use.
3. The lists provided in the following subsections provide examples of accessory type uses which may be permitted, upon review by the City, in the various district categories. These lists do not represent an exhaustive list of possible accessory uses.

B. Agricultural ("AG") District

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

1. All uses and/or structures as listed in subsection [C](#), below, (Residential Districts).
2. Artist studio.
3. Fish farms.
4. Home occupation.
5. Incidental dwelling.
6. Irrigation equipment.
7. Storage areas for equipment and materials for any agricultural operation.

8. Sheds, garages, barns, silos and other outbuildings.
9. Stable, accessory to dwelling.
10. Wells, ponds or lakes.
11. Warehousing, storage, wholesale and distribution facilities.
12. Utility facilities, accessory to permitted use.

C. Residential Districts

The following are accessory uses and structures in residential districts:

1. Child-care centers, preschools and Mother's Day Out programs, in accordance with Section [18.50.035](#) and all other applicable City and state regulations.
2. Decks, patios, retaining walls and terraces, in accordance with Section [18.50.050](#).
3. Fences or walls, in accordance with Section [18.50.050](#).
4. Flag poles, under sixty (60) feet in height.
5. Garages, carports and sheds, in accordance with Section [18.50.060](#).
6. Up to six (6) garage sales during any one (1) calendar year on any one (1) premises. Each garage sale may occur for no more than three (3) continuous days.
7. Gardens.
8. Gates or guard houses for subdivisions or multifamily projects.
9. Gazebos or trellises.
10. Greenhouses.
11. Hobby activities. A "hobby activity" means an activity undertaken solely for personal enjoyment, amusement or recreation. A hobby activity is allowed if:
 - a. It does not conflict with any City ordinance, and
 - b. Articles produced or constructed on the premises are not sold on the premises, unless the activity complies with the requirements for a home occupation.

12. Home automotive repair shall be limited to tenant's and/or occupant's vehicles only.
13. Home occupations in the R-1 or R-2 districts, or in single-family or two-family dwellings in any other district, in accordance with Section [18.50.070](#).
14. Keeping of animals, not for sale, in accordance with Section [18.50.030](#).
15. Play equipment.
16. Recreation areas and buildings.
17. Satellite dish antennas, in accordance with Section [18.50.180](#).
18. Solar collectors, in accordance with Section [18.50.200](#).
19. Swimming pools.
20. Tennis courts.
21. Television and radio antennas.
22. Accessory dwelling units, subject to Section [18.50.025](#).
23. Utility facilities, accessory to permitted use.

D. Commercial and Industrial Districts

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

1. Accessory structures as provided in subsection [F](#), below.
2. Automotive repair and maintenance shops, in conjunction with gasoline service stations.
3. Alternative vehicle recharging station.
4. Car washes in conjunction with gasoline service stations.
5. Cafeterias and snack bars.
6. Charitable donation/recycle containers.
7. Dwelling units for security, management or maintenance personnel.
8. Electric vehicle charging stations.

9. Fences or walls, in accordance with Section [18.50.050](#).
10. Flag poles, under sixty (60) feet in height.
11. Food service and vending machines for tenants.
12. Gate houses.
13. Parking and loading areas, in accordance with Section [18.30.160](#).
14. Private parking garages, excluding C-1 and industrial districts.
15. Recreational areas and facilities.
16. Retail sales, accessory.
17. Satellite dish antennas, in accordance with Section [18.50.180](#).
18. Signs, in accordance with Section [18.50.190](#).
19. Solar collectors, in accordance with Section [18.50.200](#).
20. Storage lots for vehicles awaiting repair, in accordance with Section [18.30.130](#).

E. Office ("O") and Business Park (BP) Districts

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

Accessory Use	Any Size	20,000 – 60,000 sf	> 60,000 sf
Accessory structures as provided in subsection F, below	✓		
Barber shops and hair salons	✓	✓	✓
Banks and financial institutions, excluding drive-in or drive-through establishments	✓	✓	✓
Banks and financial institutions, including drive-in or drive-through establishments	S	✓	✓
Blue printing, graphics and photostatting services	✓	✓	✓

Accessory Use	Any Size	20,000 – 60,000 sf	> 60,000 sf
Business equipment, marketing display and repair	S	✓	✓
Child day-care services	✓	✓	✓
Health clubs	S	✓	✓
Dry cleaning and laundry pickup and delivery	S	S	✓
Electric vehicle charging stations	✓		
Florists	S	S	✓
Gift shops	S	S	✓
Newsstands	✓	✓	✓
Pharmacies/drug stores	S	S	✓
Restaurants, excluding drive-through or drive-in service	S	✓	✓
Restaurants, including drive-through or drive-in service		S	S
Travel bureaus	S	✓	✓
Watchmen/caretakers	n/a	n/a	n/a
Cafeterias and snack bars	n/a	n/a	n/a
Laundry, coin operated	n/a	n/a	n/a
Restaurant, limited service or carry out	n/a	n/a	n/a
Utility facilities, accessory to permitted use	n/a	n/a	n/a

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

2. Accessory uses listed in subsection [E.1](#), above, located within the Business Park and/or O district, shall not have a separate building entrance to and from the accessory use unless:

- a. The use is part of a vertical mixed-use building, with retail uses limited to the ground floor and office or residential uses on the upper floors, or

- b. The entrance is integrated into the building façade in a way that does not change its appearance as an office building, and no separate freestanding sign or sign located above the ground floor is associated with the business.

F. Downtown Districts

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

1. Cafeterias and snack bars.
2. Commercial use in multifamily development.
3. Drive-in or drive-through service (for retail, restaurant).
4. Drive-through service (for financial institution).
5. Heliport.
6. Home occupation.
7. Laundry, coin operated.
8. Outdoor display and storage.
9. Retail sales, accessory.
10. Parking lots, surface, accessory to principal use.
11. Parking lots, underground or structure, as principal use.
12. Utility facilities, accessory to permitted use.
13. Watchmen/caretakers.

G. Religious Institutions

Crisis Care Network, Religious or Faith-based is permitted as an accessory use when located within and integrally related to a network of religious institutions as defined and regulated in Section 18.50.033.

GH. Accessory Structures

1. Trash, recycling containers, service and loading containers:

- a. Are subject to Section [18.30.130.I](#), (Screening), and
- b. Shall be located outside of any required parking space, in a location designated on the site plan, to the rear of the principal building.

2. Containers used to collect charitable or clothing donations, or publicly accessible recycling containers, are allowed in nonresidential districts or for education, public administration, health care, and institutional uses in residential districts. These containers are subject to the yard and location requirements of this subsection, and shall be located outside of designated parking spaces, traffic or fire lanes. Containers are also subject to the following:

- a. Donation boxes must be located at or behind the required building setback and be substantially screened from view from any adjacent residential properties.
- b. Where screening is required, screening shall be accomplished by the use of a solid fence, wall, or gate.
- c. Donation boxes must be placed on a paved or solid surface.
- d. No more than two (2) containers may be grouped at one (1) location on the property.
- e. Donation box locations shall not impede normal traffic.

H.I. Accessory Uses Permitted by Interpretation

Uses other than those listed above may be determined to be accessory uses in any district based upon an interpretation by the Planning Official.

I.J. Yard and Location Requirements

No accessory use or structure shall be located in any front yard, except as provided in Section [18.30.270.D](#) (Yard Encroachments). (*Ord. 17-52 §§ 28, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002*)

NEW SECTION [Eighteen Fifty Zero Thirty-Three]: Section 18.50.033 is hereby added to the Olathe Municipal Code to read as follows:

18.50.033 Crisis Care Network, Religious or Faith Based

A. Applicability

1. This section applies to Crisis Care Network, Religious or Faith-Based (Crisis Care Network), defined as a cross jurisdictional group of ten (10) or more of not-for-profit faith-based or not-for-profit religious institutions whose unified, coordinated, joint operation, through both host and support congregations, is focused on restoring families by providing stability and intervention programs, counseling, education, job training and other emergency services.

B. Definition

1. For purposes of this section, the following definitions apply:
 - a. Host Congregation is defined as a religious institution (see section 18.20.500) formally affiliated with a Crisis Care Network, whose classrooms are transformed into individual, private, temporary sleeping rooms for families.
 - b. Support Congregation is defined as a religious institution (see section 18.20.500) formally affiliated with a Crisis Care Network, which provides trained volunteers to assist families at a host congregation.
2. Terms, uses, definitions or activities identified herein do not apply to homeless shelters, emergency shelters, transitional living, and group boarding homes and other similar operations as identified in section 18.20.500.

C. Where Permitted

1. Crisis Care Network and Host Congregations are permitted as an accessory use located within a Religious Institution (defined in section 18.20.500).
2. Sleeping areas at a Host Congregation cannot comprise more than 50% of the existing structure.

D. Performance Standards

1. Overnight accommodations at a Host Congregation are provided only to single women and families on a temporary basis. Overnight accommodations may not be provided at a Host Congregation to single men at any time.
2. Within the Crisis Care Network, each Host Congregation may host guests for up to five weeks per year.
3. Each Host Congregation location will provide the following:
 - a. no more than six individual, private sleeping rooms; and
 - b. a separate dining area, lounge area, restrooms, adequate exits and smoke alarm system; and
 - c. a primary coordinator is provided at each host congregation site to supervise all trained volunteers and guests.
4. Accommodations, job training, food, and other support services are provided to guests during the day.

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.](#)

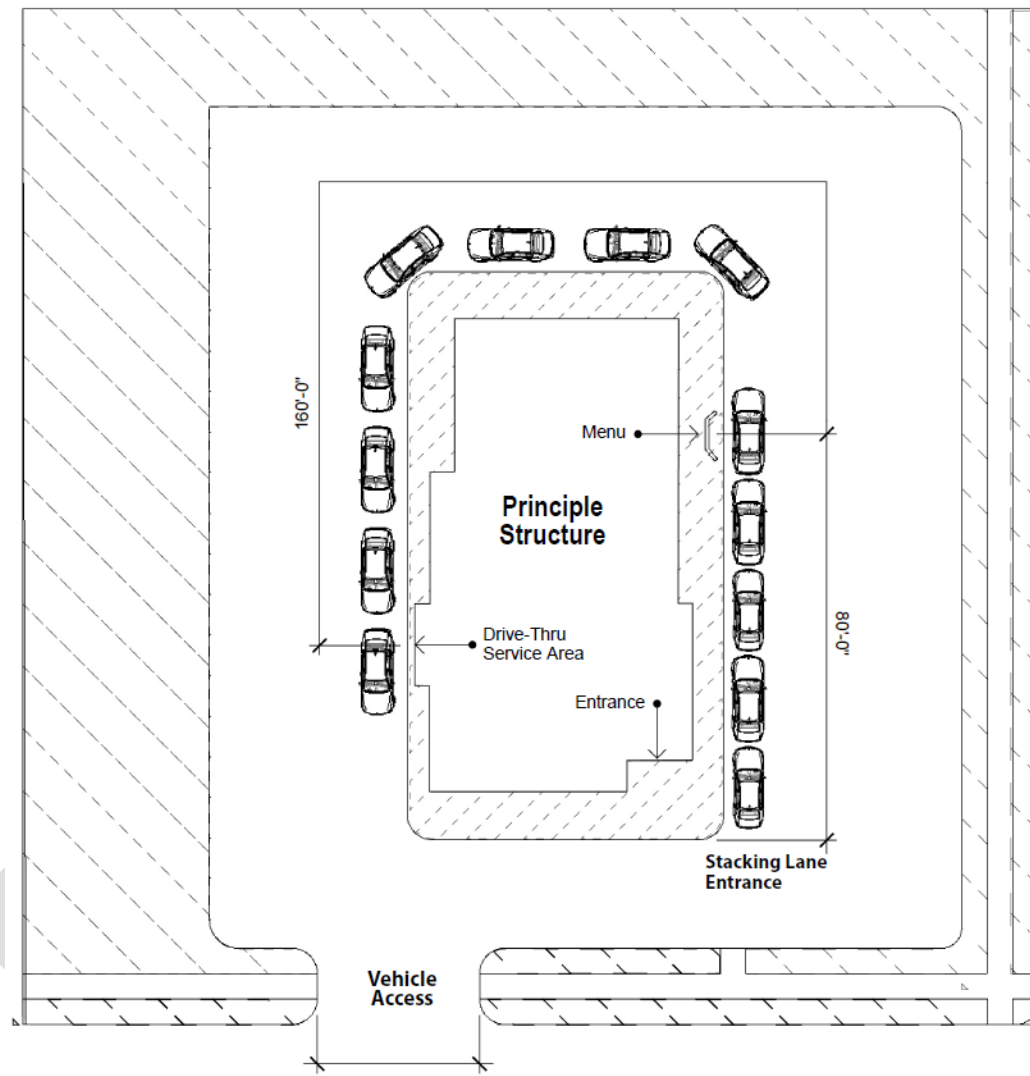
2. Drive-in and drive-through facilities shall provide a minimum stacking length as [illustrated provided](#) in Table 18.50.40-1 Drive-Through Stacking Length, [below](#). [A stacking lane is measured as the linear distance between the stacking lane entrance and the drive through service area.](#)

The stacking lengths provided below are in addition to any aisle or parking space.

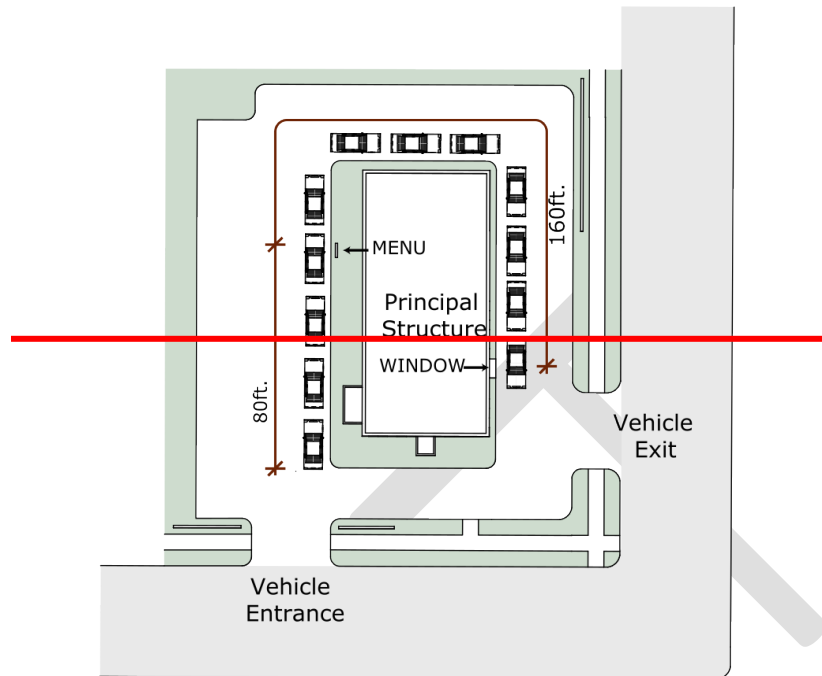
Table 18.50.40-1. Drive-Through Stacking Length

<u>Type of Operation</u>	<u>Minimum Stacking Length</u>
Car wash - self-service, automatic	80 feet/bay at entrance, 20 feet/bay at exit
Dry cleaning	40 feet/window
Eating places with drive-through service	80 feet to the menu board, 160 feet from the stacking lane entrance to the service area , first window
Financial Institution with drive-up ATM	40 feet/window or kiosk
Financial Institution with drive-up teller	80 feet/window or kiosk
Gas stations	40 feet/pump
Gated parking lot entrance	20 feet/gate
Gated unit or overhead door	20 feet/door
Pharmacy	80 feet/window

Vehicle Stacking for Eating Places with Drive-Through Service



2. Minimum pavement lane width shall be twelve (12) feet. This ~~length~~^{width} 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)

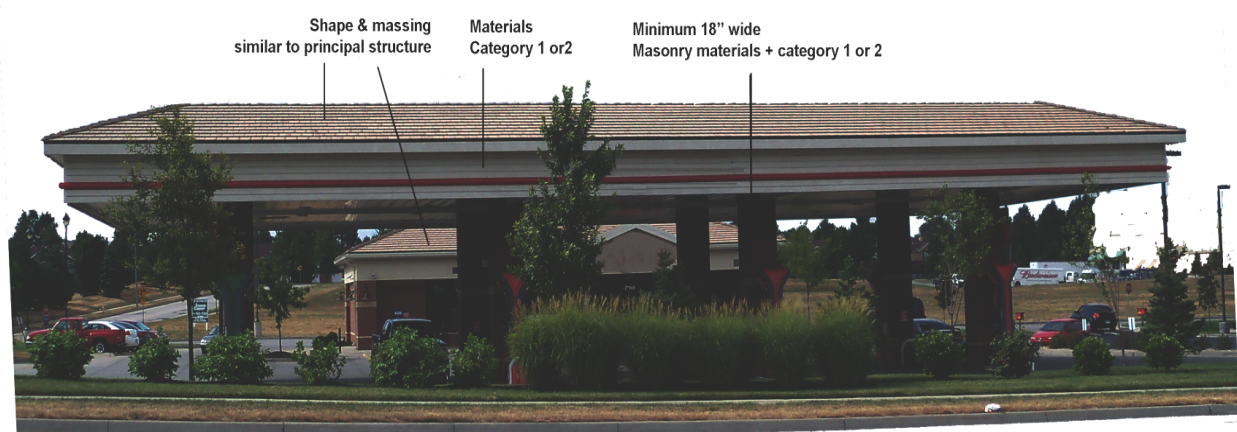
D. Drive-in and Drive-through Canopy Requirements

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](#).

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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](#).

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SECTION TWO: HOUSEKEEPING UPDATES

1. Section 18.20. Zoning Districts
2. Section 18.20.500 Zoning Districts - Use Matrix (Miscellaneous)
3. Section 18.40.190 Procedures - Vacating Plats, Streets or Reservations
4. Section 18.40.220 Procedures - Appeals
5. Section 18.50.050 Supplemental Use Regulations - Fences, Walls or Hedges
6. Section 18.50.225 Supplemental Use Regulations - Temporary Uses (Temporary Sales and Events)
7. Section 18.90.020 Definitions
8. Section 18.94.040 Submittal - Submittal Requirements

18.20.020 Districts Established

A. Categories

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

Table 18.20-1. Zoning District Categories

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

B. Districts

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

Table 18.20-2. Zoning Districts Established

	Conventional (C=Composite)	Overlay	Planned
Residential & Agricultural Districts			
AG (Agricultural)	✓		
R-1 (Single-Family)	✓		

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DRAFT: 07-22-2019

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

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	Conventional (C=Composite)	Overlay	Planned
Miscellaneous Districts			
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:

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

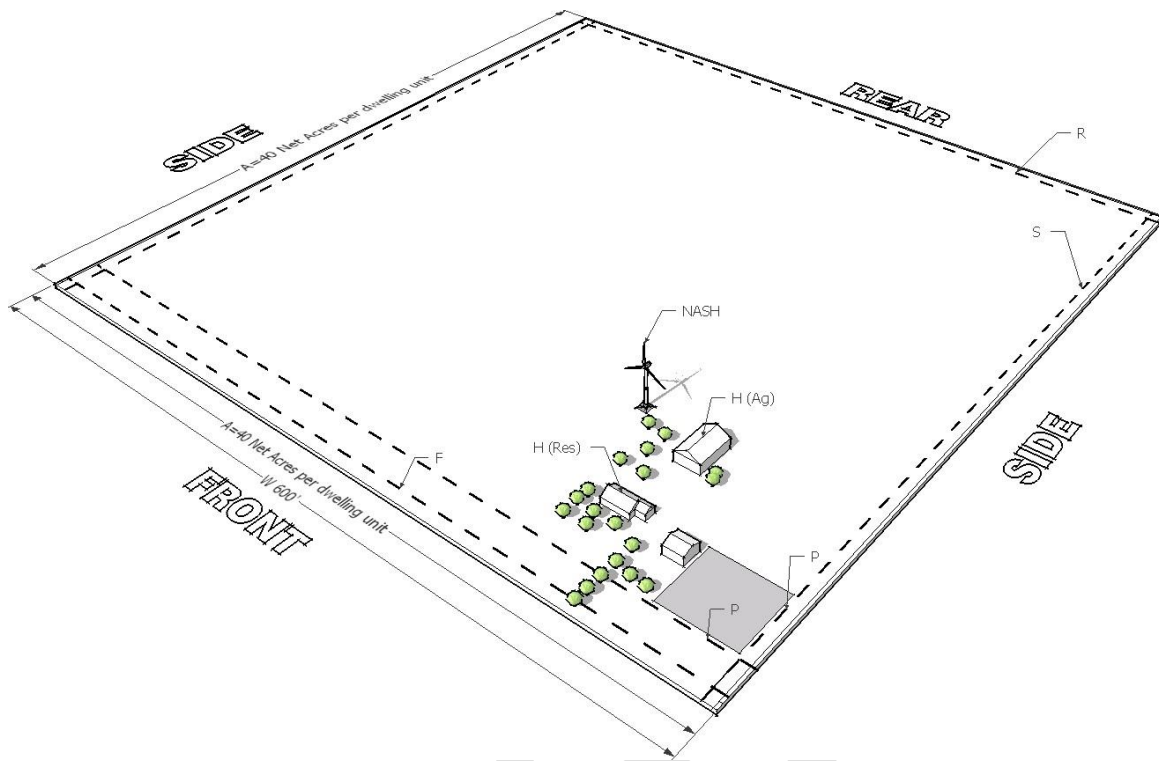


A. Permitted Uses

See § [18.20.500](#) (Use Matrix)

B. Dimensional Standards

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



Lot area	• 40 acres
(minimum-residences only)	
Lot width (minimum)	• 600 feet
Height (maximum- minimum)	<ul style="list-style-type: none"> • 2½ stories/35 feet • 35 feet, or 50 feet for agricultural structures. • 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.
Residences	
Agricultural and Nonresidential structures/uses	<ul style="list-style-type: none"> • 50 feet.
Front, side and rear yards	
(minimum)	<ul style="list-style-type: none"> • 30 feet from street right-of-way. • 10 feet from property lines other than street right-of-way
Setbacks for parking/paving	
(minimum-nonagricultural uses):	

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.

18.40.190 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](#)).

(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"> • Planning Commission • Governing Body, on appeal from the Planning Commission • City Manager, where specifically provided
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"> • definitions, • permitted uses, • height and area regulations, • development and performance standards, • parking and loading, • signs, • landscaping and screening, • storage, • accessory uses, • nonconforming situation and vested rights, 	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*)

18.50.050 Fences, walls or hedges

A. Applicability

This section applies to any fence, wall or hedge, defined as follows:

Fence or Wall A freestanding structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. (*Ord. 02-54 § 2, 2002*)

Hedge A dense row of shrubs or low trees that form a barrier or boundary.

B. Generally

1. Barbed wire, razor wire and electric fencing (above ground) are prohibited in residential (except AG) and commercial districts.
2. No fence, wall or hedge shall be constructed, planted, reconstructed or replaced in a manner which obstructs the intersection sight distance as defined in Section [18.30.220](#).

C. Height

Fences, walls, or hedges may be constructed or planted to a maximum height (as measured above the average grade level on the property line) of:

1. Six (6) feet in residential districts or the "N" district. Fences, walls or hedges in **front or corner side yards** (beyond the front of the house or structure), shall not exceed four (4) feet in height, shall be at least fifty (50) percent open, and shall not include chain-link or any other metal or wire type fencing.
2. Eight (8) feet in commercial and industrial districts.

D. Residential / Mixed-Use Districts

In residential districts or the "N" district:

1. Fences or walls shall be limited, or similar, to one of the following **types of construction**:
brick or stone walls or pillars, chain-link, wood stockade, split rail, wood rail, wrought iron, spaced picket fence, imitation vinyl or similar decorative material.
2. Fences, walls or hedges are allowed along arterials only when approved as part of the master fence/screening plan [in Section 18.30.130](#) ~~(Section 18.68.220)~~.
3. Fences, walls or hedges shall be outside of the sight distance triangle.

E. Commercial / Industrial Districts

In commercial and industrial districts:

1. Fences, walls or hedges shall not be placed in the setback area from street rights-of-way or within the perimeter landscape area as provided in Section [18.30.130](#).
2. Retaining walls are permitted where the wall is reasonably necessary due to topography, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained. Any retaining wall above three (3) feet shall have fencing. Retaining wall construction is subject to approval by the City Engineer and Chief Building Inspector.

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](#).

[h. Any other use not listed above may require a temporary sales and event permit as determined by the Planning Official.](#)

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

- a. The applicant shall 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, or 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 (\Leftrightarrow Section 18.30.220).
- d.** The proposed use shall not ~~be~~ operated after 12:00 midnight and before 8:00AM.
- e.** The proposed use shall 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. 4. Temporary ~~Commercial~~ ~~Sales~~ ~~Sale~~ of merchandise and services from a vehicle or temporary structure is prohibited, except as provided above.

D.C. 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.D. 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).

FE. 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.

GF. 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.

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.

Restaurant

A building where food is prepared and served in ready-to-eat form to the public for human consumption. Restaurant includes café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house. (Ord. 02-54 § 2, 2002)

Resubdivision

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

Retail Sales, Accessory

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

Retention Basin

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

Rezoning

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

Right-of-Way or Rights-of-Way

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

Rule Exception

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

Runoff

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

Salvage Yard

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

Satellite Dish Antenna

See Section [18.50.180](#).

Screening

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

Sedimentation

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

Setback Line

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

- A.** Front setback line shall be parallel to the front lot line and shall extend from side lot line to side lot line.
- B.** Rear setback line shall be parallel to all rear lot lines and shall extend from side lot line to side lot line.
- C.** Side setback lines are parallel to any side lot line and extend from the front setback line to the rear setback line.
- D.** See 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.

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.

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:

	Material / Information ■ required ○ approving agency may require the information on a case-by-case basis							
		Rezoning	Special Use Permit	Planned Development	Site Development Plan-Preliminary	Site Development Plan-Final	Plat-Preliminary	Plat-Final
	General							
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.							■
	Boundaries							
13	The boundary lines of the tract with approximate dimensions.						■	
14	The boundary lines of the area included in the application, including bearings, dimensions and reference to a section corner, quarter corner or point on a recorded plat.				■	■		
15	Location, elevation and description of the benchmark						■	

	controlling the vertical survey.							
16	Name and address of the architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.				■	■		
17	Date of preparation.	■	■	■	■	■	■	■
18	A statement clearly identifying the type of application (e.g., a preliminary plat).						■	
19	Name and address of landowner, architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plat.						■	
20	The proposed name of the subdivision, which shall not duplicate or 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>						■
	Ownership						
30	A title report by an abstracting or title insurance company, or an attorney's opinion of title, showing the name(s) of the landowner(s) and all other persons who have an interest in or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.						■
	Approvals						
31	Evidence showing that all taxes and special assessments due and payable have been paid in full. In the case of taxes which have been protested as provided by						■

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

	for a Site Plan, Four Hundred (400) Feet for a Preliminary Plat)							
36	Existing uses				■	■	■	
37	Existing zoning and land use of site and surrounding properties.				■	■		
38	The names of all adjacent subdivisions or, in the case of unplatted land, the names of the landowners of adjacent 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).				■	■	■	
	Site Development							
56	Land use allocation map, including a general designation of all mixed-use, residential, commercial, industrial, or other areas by general land use description.	■		■	■	■		
57	The proposed use of land, whether for single-family, multifamily, commercial, industrial, parks, schools or other 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 L , below).		■	■	■	■		
71	Location of all required building and parking setbacks.					■		
72	Building setback lines.						■	■
73	Location, dimensions, number of stories, and gross floor area in square feet of all proposed buildings.					■		
74	Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.					■		
75	Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.					■		
76	Location, size, type of material and message of all proposed monument or detached signs.					■		
77	For residential subdivisions in Districts R-1 through R-4 inclusive and N, a master fence/screening plan if required by Chapter 18.30 .							
78	Documentation assuring permanent responsibility for the maintenance and liability of the fence/screening tracts or easements; or private greenways, parks, or common open space areas.							■
79	Block numbers or letters continuing consecutively without omission or duplication							■

	throughout the 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.							
	Building Design							
89	Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. One (1) and two (2) family residential buildings may be shown in approximate location and general size and shape.				■	■		
90	Status of structures on the site (i.e., vacant, to be removed; good condition, interior remodel only; new, as is; etc.).				■	■		
91	Style, type and construction materials of buildings on adjoining properties (i.e., two (2) story, brown brick ranch residence; twenty (20) foot tall tinted concrete panel industrial building; etc.).				■	■		
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.				■	■	■
	Infrastructure						
97	Assurances of adequate public facilities as required by Section 18.30.040 .	■	■			■	■
98	All public streets and easements which are of record. Sufficient dimensions and information to indicate existing and proposed rights-of-way, pavement width and type, number of lanes, medians and median breaks, sidewalks, existing and proposed driveways (<i>to the degree that they appear on plans on file with the City</i>).				■	■	■
99	Calculation sheets containing the length and radii of all curved street and lot lines, bearings, length of all straight streets and lot lines, and the area in square feet of each lot.						■
100	All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition and 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 H.6 below).							■
	Technical Studies							
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.

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

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

(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)



MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0003A</u>: Unified Development Ordinance Amendments
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Aimee Nassif, Chief Planning and Development Officer, presented Application UDO19-0003A. Sections recommended for updates include a purpose statement for the M-2 District, correcting categories and definitions in the Use Matrix, establishing a new use, address drive thru requirements, increase height allowance for satellite dishes, and temporary sales and events permits. Other items are clean-up items, removing inconsistent verbiage and fixing typographical errors.

18.20.200: This section was updated by adding a purpose statement to the M-2 District, as well as cleaning up language.

18.20.500: Corrections were made to the Use Matrix to make it easier to navigate. No changes to how the uses operate..

18.50.033 and 18.50.020: This provides for a new use identified as Crisis Care Network, Religious or Faith Based. This is a new land use designed to accommodate groups who would like to fall under this category, giving them an opportunity to do so without needing to rezone or go through any other approval process. This is a voluntary land use category and does not remove or reduce any other use or activity in the Code. We are also recommending striking one area of this from the update as it can be confusing for the reader.

18.50.040: Supplemental uses for drive-throughs, both restaurants and financial institutions. The definition of stacking lane length was clarified. The existing graphic was also improved and updated.

18.50.180: Satellite Dish Antennas height was increased from 15 feet to 30 feet in commercial and industrial districts.

18.50.225: Temporary sales and events. This section was updated to list zoning districts that allow temporary sales, as well as clarified which section of codes applicants are to adhere to, and how to address activities not listed.

18.20, 18.20.500, 18.40.190, 18.40.220, 18.50.050, 18.90.020, 18.94 – Corrections, clean-up and updates to existing language.

In summary, staff recommends approval with the removal of Section 18.30.160 to continue reaching stakeholders and Section of 18.50.020, subsection G in response to stakeholders confusion to what services are allowed as accessory uses to religious institutions.

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Chair Vakas opened the public hearing. **Curt Petersen, 6201 College Boulevard, Overland Park**, approached the podium and requested a 60-day continuance of this item to allow time for City staff engagement with churches and other stakeholders. Mr. Petersen said churches and other stakeholder organizations were not engaged on this topic, nor were they advised of the Planning Commission workshop that was held earlier. He said City staff told him that they reached out to one volunteer at Interfaith Hospital Network, but did not contact anyone else. The group of people he represents are concerned and believes they deserve thoughtful discussion with staff. He does not understand why there is a rush to get this done.

Mr. Petersen concluded by saying his clients do care about this code revision and again requested continuance of this particular matter to allow further discussion. However, if this matter is moved on to City Council tonight, he asked that it be set out at least 60 days. **Chair Vakas** asked Mr. Petersen to specify which churches have retained him to represent them. Mr. Petersen declined to do so.

Aimee Nassif, Chief Planning and Development Officer responded that the addition of the new use is for anyone who may voluntarily like to use it. She said tonight's meeting does not preclude any other meetings with staff, and staff encourages feedback and engagement with the public. Ms. Nassif stated she has offered to meet with interested parties and there is not a date set for this item to move forward to City Council.

Radji Prakash, 15711 Cedar Street, Overland Park, approached the podium. She is a high school teacher, employed by the Blue Valley School District, and represents a Hindu religious organization. Many families in that congregation live in Olathe, and in order for it to expand, they need a permanent location, rather than the school they are operating from now. In July 2018, vacant land in Olathe was found to meet their needs. However, current zoning on the property does not allow for religious institutions. They were told by the City that they were looking at an amendment to the UDO and Use Matrix that would allow religious uses to be built on areas zoned Business Park. Based on such understanding, her organization signed a contract with the seller of the property in November 2018. Her organization is asking the Planning Commission to include business parks district in the Use Matrix for religious institutions, either permitted by right or through a special use permit.

Tim Suttle, 11434 South Northwood Circle, Olathe, approached the podium. He is a pastor at Redemption church, located at 515 South Ridgeview. He believes there may be unintended harmful consequences if the proposed changes are implemented to allow the new use. He also believes this would limit their ability to shelter and otherwise care for people in their congregation and community. He is concerned that clergy has not been consulted on this matter.

Aimee Nassif, Chief Planning and Development Officer, clarified that this is not a "worship" regulation, nor a prohibition against men in need, or a regulation on individual churches. Individual churches worshiping or providing community services are not uses that are being changed nor are they now being regulated. Ms. Nassif again offered to meet with individuals to assist with this clarification. **Mr. Suttle** asked if they would be put under these new regulations; Ms. Nassif said they would not because it's a voluntary use option that people can choose to fall under; it does not apply to individual churches. **Lee Josa, 14704 South Navaho, Olathe**, approached the podium, directing his comments to 18.50.033, Crisis Network, Religious or Faith-based. He believes the proposed changes read in such a way that the City could restrict congregations in the way it serves women and families, and specifically adult males. He said he comes to this meeting with misunderstanding, as do others, which is an indicator that further dialog is needed. He requests further discussion on this category so that everyone can have better understanding.

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Derek Varney, 2024 E. 151st Street, Olathe, approached the podium. He is Senior Pastor at First Baptist Church, wishing to comment on 18.50.033. He agrees that there has been a misunderstanding in verbiage. He read a statement and requested postponing a vote on this ordinance. **Comm. Fry** asked how the conclusion that they were being restricted came about. Mr. Varney said it came from the restriction of serving homeless males. **Ms. Nassif** again said this is adding a use to the code, not taking any away. It is not restricting any current use such as homeless shelter or group homes which do allow all clients. Mr. Varney would like to have continued dialog about this matter.

Marc McEver, 15617 Shannan Lane, Olathe, approached the podium. His wife started Project 1020 five years ago, which is the only low-barrier homeless shelter that allows everyone, including men. He is also opposed to any regulation that would bar men in shelters. **Chair Vakas** said comments tonight are to be specific to the UDO not on other uses or regulations that are not on the agenda.

Ameet Kapadia, 16679 West 155th Terrace, Olathe, approached the podium. He is opposed to the UDO because they would like to see the special use permit allow Business Park zoning for religious institutions.

Julie Brewer, 14552 Dearborn Street, Overland Park, approached the podium, speaking as the Executive Director of United Community Services. She notes that there is a fair amount of confusion around the language proposed in 18.50.033. She also requests that this matter be continued, and conversations continue around this topic. She recommends and supports the opportunity to bring the faith-based community and emergency services together with the City, to allow for clear understanding in creating language in the UDO moving forward.

Kathy Riggs, 12990 South Lakeshore Drive, Olathe, approached the podium. She is concerned about homelessness and requested the City have a plan.

Melissa Winn (sp?), 16211 West 141st Terrace, Olathe, approached the podium. As she reads the code, she feels it will restrict services to the homeless. **Chair Vakas** said again that homeless shelters are not a use being changed. **Ms. Nassif** agreed, and said the definition of homeless shelters are not being changed and are allowed through a special use permit. **Chair Vakas** believes individual churches could make decisions on housing an individual person on a case-by-case basis and this code does not hinder them from taking such action.

John Sweeney, Reece Commercial Real Estate, 8005 West 110th Street, Overland Park, approached the podium. He said they were hired by Chinmaya Mission to find a location south of 151st and Pflumm. They were informed by the City that ordinances were being updated regarding religious facilities. They believe their use is appropriate for this piece of property. If religious facilities are not approved in business park districts, they would have to decide whether to rezone, which would add delays and costs to the process.

There were no further comments; **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Fry, seconded by Vice Chair Rinke, to close the public hearing.

Motion passed 7-0.

Comm. Fry is concerned because there seems to be inaccurate information circulated through social media. He notes that this UDO is actually granting uses that are currently not in place for religious groups, giving them an option that is not currently available.. He supports the UDO amendments.

Comm. Nelson believes these changes supports collaboration and opportunity for organizations to come together and work toward a common goal, allowing permissions and protections for those interests. He believes these changes will help such groups move forward.

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Chair Vakas asked Ms. Nassif about next steps. **Ms. Nassif** said no specific date has been set for this to be heard by City Council. She encourages additional communication with anyone interested on the topic. .

Comm. Nelson said there are challenges with allowing religious organizations in business parks and is not recommending any amendments. **Comm. Freeman** agreed and looks forward to this matter moving forward. He is supportive of staff's recommendations. **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Freeman, to recommend approval of UDO19-003A as recommended by staff outlined in the staff report, with amendments to the following sections stricken: 18.30.160 and 18.50.020.G.

Aye: *Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)*

No: *(0)*

Motion was approved 7-0.