

ORDINANCE NO. 19-56

AN ORDINANCE AMENDING SECTIONS 18.01.020, 18.20.020, 18.20.050, 18.20.200, 18.20.500, 18.40.190, 18.40.220, 18.50.033, 18.50.040, 18.50.050, 18.50.180, 18.50.225, 18.90.020, AND 18.94.040 OF THE OLATHE MUNICIPAL CODE PERTAINING TO THE UNIFIED DEVELOPMENT ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

WHEREAS, on June 17, 2014, the Governing Body of the City of Olathe adopted Ordinance No. 14-39, the *Unified Development Ordinance*; and

WHEREAS, the Governing Body directed staff and the Planning Commission to proceed with consideration of amendments to the Unified Development Ordinance on an annual basis; and

WHEREAS, proposed amendments (UDO19-0003A) to the *Unified Development Ordinance* were reviewed at a planning session with the Governing Body on January 8, 2019; and

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

WHEREAS, on July 22, 2018 the Planning Commission held a public hearing and recommended approval of the amendments as presented; and

WHEREAS, on August 20, 2019 the Governing Body reviewed and discussed UDO19-0003A, the proposed amendments to Chapters 18.20, 18.40, 18.50, 18.90, and 18.94;

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

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 18.01.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.01.020 Marked Copies of Ordinance on File. There shall not be less than three (3) copies of the Unified Development Ordinance, adopted by reference in Section 18.01.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, marked or stamped “Official Copies as Incorporated by Ordinance No. 14-39, as amended by Ordinance No. 15-16, Ordinance No. 16-20, Ordinance No. 16-51, Ordinance No. 17-01, Ordinance No. 17-52, Ordinance No. 18-48, Ordinance No. 19-26, Ordinance No. 19-40 and [Ordinance No. 19-56](#),” and open to inspection by the public at all reasonable hours. The police department, municipal judges, and all other departments of the City charged with the enforcement of the Unified Development Ordinance shall be supplied, at the cost of the City, with such number of official copies of such ordinance as may be deemed expedient.”

SECTION TWO: Section 18.20.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"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)	✓		
R-2 (Two-Family)	✓		
R-3 (Low-Density Multifamily)	✓		

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

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

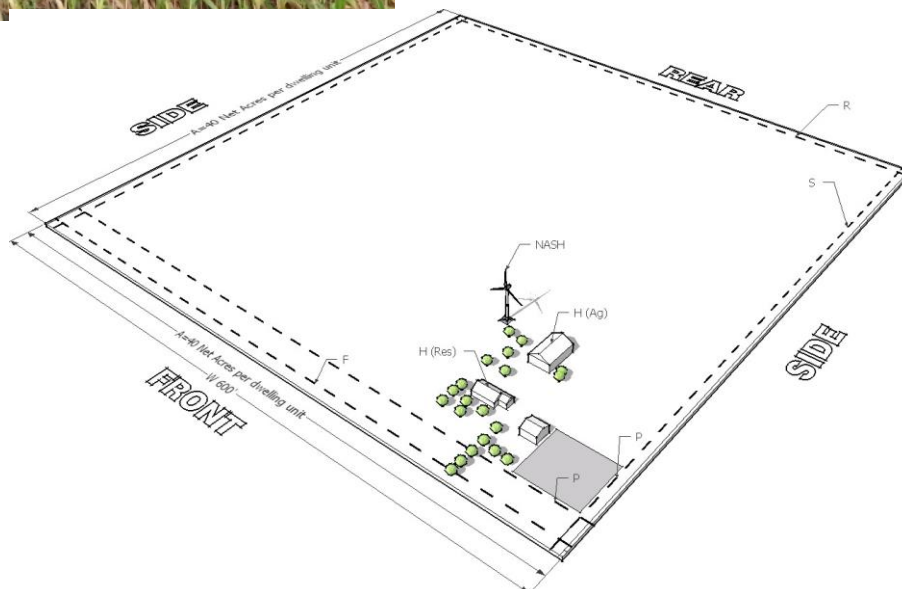
“ 18.20.050 AG (Agricultural)

Purpose: The AG (Agricultural) District:

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

This district implements the following policies of the Comprehensive Plan:

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



A. Permitted Uses

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 (<i>minimum</i>)		• 600 feet
Residences Agricultural and Nonresidential	Height (<i>maximum</i> <i>minimum</i>)	<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.
	structures/uses	
	Front, side and rear yards	• 50 feet
	(minimum)	
Setbacks for parking/paving		
(<i>minimum-nonagricultural uses</i>):		<ul style="list-style-type: none"> • 30 feet from street right-of-way. • 10 feet from property lines other than street right-of-way

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."

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

"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 ~~s~~ 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

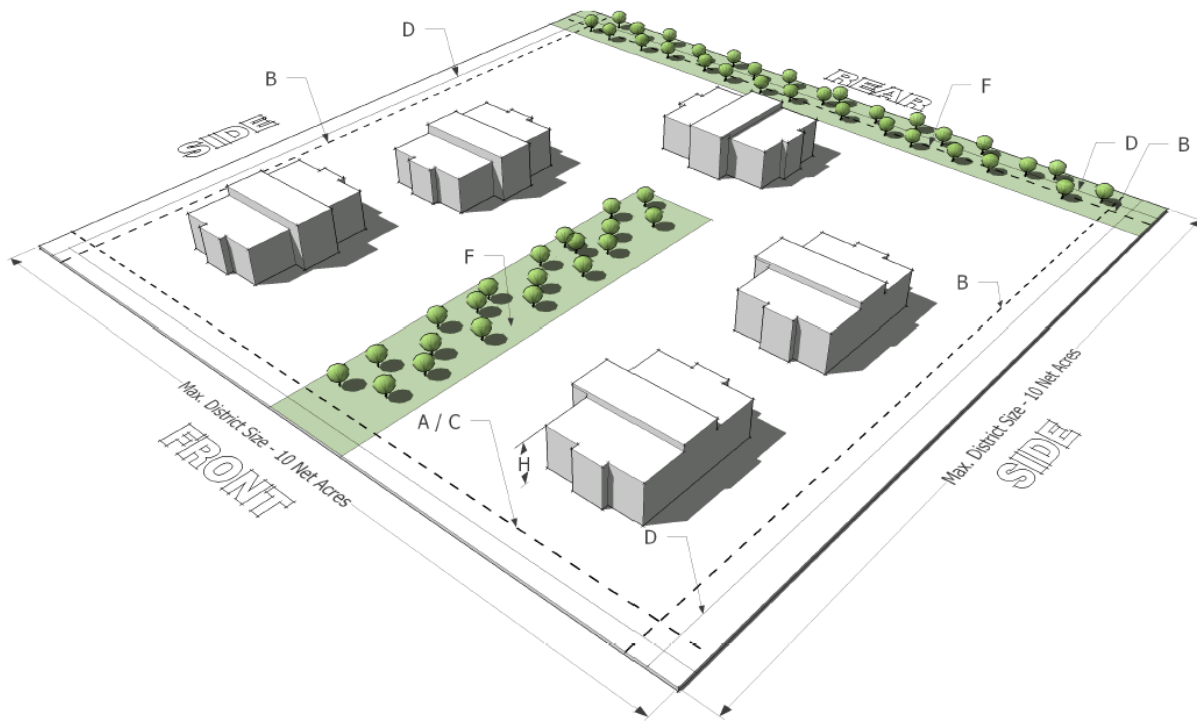


A. Permitted Uses

See § [18.20.500](#) (Use Matrix).

B. Dimensional Standards

Development in the M-~~2~~[2 and M-3](#) District is subject to the following dimensional standards:



Composite Standards →

Site 6-Building D, F

Site 5-Building D, E, F

Site 4 -Building C, D or E

Site 3-Building D

Site 6-Building C or E

Site 3 or 5-Building C or E

Height (*maximum*)

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

12 stories/144 feet

Front yard (*minimum*)

- 30 feet
- 20 feet

Side yard (*minimum*)

- 10 feet
- 10 feet

Rear yard (*minimum*)

- 10 feet
- 10 feet

Parking/paving location

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

	Site 6-Building D, F	
	Site 5-Building D, E, F	Site 6-Building C or E
Composite Standards →	Site 4 -Building C, D or E	Site 3 or 5-Building C or E
	Site 3-Building D	
	• 10 feet from property lines	7½ feet from property lines
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](#))”

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

“18.20.500 Use Matrix



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

The Use Table establishes the following categories of uses:

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 (quadrplex 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	S S										- S S	- S S	S S	1100	1122	814	A dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.
Residential Design Manufactured Home	P	P	P															1100	1150	814	See Chapter 18.50.
Townhouse				P	P											P	P	1100	1140	814	A building that has dwelling units erected in a row as a single building, each being separated from the adjoining unit or units by a fire wall constructed in accordance with the City's building code. A Townhouse is separated from other buildings by space on all sides.
Watchmen / caretakers																		1300			A dwelling located on premises with a principal nonresidential use and occupied only by a caretaker or guard employed on the premises.

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		62311 0, 6233	A building, or a group of buildings, where for compensation, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital. (Ord. 08-104 § 13, 2008)
Bed and breakfast	S S	S S			S S		P	P	P	P					P	P	P	1310		72119 1	An establishment operating primarily in a single family detached dwelling or a building designated on the National Register of Historic Places and originally devoted to another use that supplies temporary accommodations to overnight guests for a fee.
Day-Care & Child Care: Family Day-Care Home	P	P	P	P	P													6562 / 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 S	S S	S S	P	P		P	P	P							6562 / 6566		6244	See Chapter 18.50
Day-Care & Child Care: Adult Day-Care	S S	S S	S S	S S	S S	P	P	P	P	P	P							6566		62412 0	See Chapter 18.50
Community living facility, Mental Health / Substance Abuse, with on-site staff	S S	S S	S S	S S	S S													6520		62322 0	A "community living facility" means any dwelling or building defined as "group living" or "semi-independent living" by the Kansas Department of Social and Rehabilitation Services (see KAR 30-22-31). This category provides residential care and treatment for patients with mental health and substance abuse illnesses. These establishments provide room, board, supervision, and counseling services. Medical services may be provided if they are incidental to the counseling, mental rehabilitation, and support services offered.
Community living facility, Mental Health Convalescent	S S	S S	S S	S S			S S	S S							P	P	P	6520		62322 0	A community living facility, as defined above, where at least two persons afflicted with mental illness are housed or lodged, and furnished with nursing care.
Group boarding home for adults, minors	P	P	P	P	P										P	P	P			62399 0	A residential dwelling unit for six (6) or more unrelated persons, eighteen (18) years of age or over, except where it is a group home as defined by KSA 12-736. (Ord. 02-54 § 2, 2002)
Group boarding home for minors day-care homes	S P	S P	S P	S P	S P										S P	S P	S P			62399 0	A residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists under license of the Kansas Secretary of Health and Environment, except where it is a group home as defined by KSA 12-736. (Ord. 02-54 § 2, 2002)
Group home (up to 10	P	P	P	P	P										P	P	P	6520		62322	A dwelling occupied by not more than

Use																		LBCS Function	LBCS Structure	NAICS	Definition
	AG (Agriculture)	R-1 (Residential Single-Family)	R-2 (Residential Two-Family)	R-3 (Residential Low-Density MF)	R-4 (Residential Medium-Density MF)	O (Office)	C-1 (Neighborhood Center)	C-2 (Community Center)	C-3 (Regional Center)	C-4 (Corridor Commercial)	BP (Business Park)	M-1 (Light Industrial)	M-2 (Heavy General Industrial)	M-3 (Intense Heavy Industrial)	D (Downtown)-Core	D (Downtown)-Mixed Use	D (Downtown)-Santa Fe				
persons)																		0		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)	
Homeless Shelter				\$ S	\$ S							\$ S	\$ S						63422 1		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	72111 0	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	72111 0	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		72131 0	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	54194 0	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

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
																					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).
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

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									P	P			P	P				2126 2127		4441	such as lumberyards.
Building materials sales and storage													P	P							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	-	72251 4, 72251 5	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.
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	81119 2	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	44711 0	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	44512 0	A convenience store that includes Fuel Sales. Automotive repair is also allowed if it is listed as a permitted use in the applicable zoning district.
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	-	72251 2	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

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																					provide information on many lines of products.
Drive-in or Drive-Through Service (for retail, restaurant)	-	-	-	-	-									-				-	2140 2240	-	See Chapter 18.50.
Drive-Through Service (for financial institution)	-	-	-	-	-									-				-	2140 2210	-	See Chapter 18.50.
Elderly and disabled services							P	P	P	P					P	P	P			62412 0	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 S	P	P	P					P	P	P	2540		72241 0	This includes any establishment other than a restaurant where alcoholic beverages are served for consumption on the premises (such as lounges, or private clubs), or which offers live entertainment such as music or dance floors (such as nightclubs). This includes any warehouse entertainment club or teen entertainment club (see Chapter 5.10 of the Municipal Code).
Executive Suite Space (Non-retail, Non-Industrial)						P	P	P	P	P	P	P	P		P		P	2200 - 2455 51911, 51913, 523- 525, 531, 5411- 5418, 5611- 5616, 56192, 5140 - 5160 55, 6117, 4885, 6220 7113- 7115, 8132- 8133, 813, 923- 9210	2100	11511 5, 511, 51911, 51913, 523- 525, 531, 5411- 5418, 5611- 5616, 56192, 5140 - 5160 55, 6117, 4885, 6220 7113- 7115, 8132- 8133, 813, 923- 9210	A building where offices are rented either for businesses that operate from the building, or that use the building for mail collection, conferences, or similar business services (sometimes referred to as "virtual offices"), and where the proprietor provides furnishings, private mailbox, receptionist and secretarial services, faxing, photocopying, conference rooms and other support services. These are sometimes referred to as: open plan offices, serviced offices, office business centers, office suites, business centers, executive offices, furnished offices, flexible offices, managed offices, shared-office spaces, or office hotels. This does not include leasing for onsite retail or industrial purposes.
Farm / landscape / garden supply sales	S S						S 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 S	S S	P	P		S S	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

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																					individual booths.
Farm Supplies Merchant Wholesalers	S S									P		S S	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-packaged; 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.
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		P	P	S S	S S	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	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	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-

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																					operated); (2) providing laundering services (except linen and uniform supply or coin-operated); (3) providing drop-off and pickup sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises.
Laundry, coin operated							P	P	P	P					P		P			8123	Establishments primarily engaged in clean, dry clean, or supply (on a rental or contract basis) apparel, uniforms, garments and other textile items, linens, fur, leather, hats; draperies; and pillows. This includes industrial laundries that supply protective apparel (flame and heat resistant) and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels.
Leasing-office, residential	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	2300	-	531110	Establishments primarily engaged in acting as lessors of buildings used as residences or dwellings, such as single-family homes, apartment buildings, and town homes.
Leasing, Commercial and Industrial Machinery and Equipment										P		S	S		P	P	P	2334		5324	Establishments primarily engaged in renting or leasing machinery and equipment for use in business or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. Examples including the leasing of heavy equipment, office furniture or equipment, or off-highway transportation equipment.
Leasing/Rental - consumer or recreational goods							P	P	P	P		S	S		P	P	P	2333 - 2335		5322, 5323	Establishments that rent electronics, home health equipment, formal wear, furniture, party supplies, sporting goods, or similar consumer goods to the general public.
Leasing/Rental of Trucks, Trailers, RV's, 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.
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										P	P				P	P	P			44619	Establishments primarily engaged in retailing medical equipment and supplies

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sales, rental or leasing									P												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 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			45399 8	Establishments that buy or sell finished monuments or tombstones, or semfinished 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		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.
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, 42511 0	Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and sales through portable stalls (e.g., street vendors).
Office supply and equipment store							P	P	P	P	P	S S	S S		P	P	P	2135		45321	Establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and

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																					office supplies; (2) retailing a combination of new office equipment, furniture, and supplies; and (3) retailing new office equipment, furniture, and supplies in combination with selling new computers.
Office						P	P	P	P	P	P	P	P		P	P	P	2310 - 2322 , 2336 - 2455 , 51911, 51913, 523- 4210 - 4212 , 4241 - 4243 5616, 5140 - 5160 , 54193, 54199, 55, 6117, 4885, 6220 , 6800 - 6820 , 9210	2100	11511 5, 23611 8, 511, 51791 1, 51911, 51913, 523- 4210 - 525, 531, 533, 5411- 5418, 5611- 5616, 56192, 54191, 54193, 54199, 55, 6117, 4885, 7113- 6800 - 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		44613 0	Establishments primarily engaged in one or more of the following: (1) retailing and fitting prescription eyeglasses and contact lenses; (2) retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; and (3) selling nonprescription eyeglasses.
Pawnshops								P	P						P	P	P	2145		4533, 52229 8	Includes any pawnbroker or precious metal dealer (see 5.42 of the Municipal Code).
Payday Loan Business or Title Loan Business									P	P											See Municipal Code § 5.43.010.
Personal services						P	P	P	P	P					P	P	P	2600		8121	The provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, nail salons, tanning salons, massage therapy (see Chapter 5.36 of the Municipal Code), electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), self-service laundries and photographic studios.
Pet store							P	P	P	P					P	P	P	2710		45391 0	Establishments primarily engaged in retailing pets, pet foods, and pet supplies.
Pharmacy and drugstore							P	P	P	P					P	P	P	2161		44611 0	Establishments known as pharmacies and drug stores engaged in retailing prescription or nonprescription drugs and medicines.
Real estate Services						P	P	P	P	P		P	P		P	P	P	2300 - 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

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																					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						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-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		72251 1, 72251 4	Establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating. These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment. This also includes establishments known as cafeterias, grill buffets, or buffets, primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment.
Restaurant, limited service or carry out, or fast food							P	P	P	P		S S	S S		P	P	P	2520		72251 3, 72251 5	Establishments primarily engaged in (1) providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating (food and drink may be consumed on premises, taken out, or delivered to the customer's location), (2) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn, or (3) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. See Chapter 18.50 for Drive-through requirements.
Retail sales, generally (not otherwise listed)							P	P	P	P		S S	S S		P	P	P	2000 , 2100 , 2121 , 2124 ,	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

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																		2125 2131 2135 2143			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, automated washes, restaurants, and motels; all as part of the facility.

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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

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																					bottling water.
Brewery/Tasting Rooms												P	P	P	S	S	S			312120	This industry comprises establishments primarily engaged in brewing beer, ale, malt liquors, and non-alcoholic beer.
Building contractor without outdoor storage												P	P	P	P	P	P	7110 - 7450		236	Establishments primarily responsible for the construction of buildings. The work performed may include new work, additions, alterations, or maintenance and repairs.
Carpentry, floor, and tile contractor												P	P	P	P	P	P	7310		2383	Establishments primarily engaged in the specialty trades needed to finish buildings. The work performed may include new work, additions, alterations, maintenance, and rep
Computer and Electronic Product Manufacturing											P	P	P	P				2613, 2614, 2620, 2621		334	Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.
Construction and contractors												P	P	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)

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																					manufacturing, engraving, chasing, or etching precious metal solid, precious metal clad, or pewter flatware and other hollowware; (4) stamping coins; (5) manufacturing unassembled jewelry parts and stock shop products, such as sheet, wire, and tubing; (6) cutting, stabbing, tumbling, carving, engraving, polishing, or faceting precious or semiprecious stones and gems; (7) recutting, repolishing, and setting gem stones; and (8) drilling, sawing, and peeling cultured and costume pearls.
Junk yards, salvage yards, and auto and scrap processing														S 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 S				6320 7000	6320	56221 2	An area used to dispose nonbiodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures.
Landfill, land clearing and inert debris														S S				6320	6320	56221 2	A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.
Landfill, sanitary														S S				4345	6320	56221 2, 56221 9	Any solid waste disposal area, as defined in KSA 65-3402.
Limited Sales in Industrial Districts/Uses On-site									P	P		P	P	P	P	P	P				Retail sales areas that occupy up 5,000 sf or 25% of the floor area of a principal industrial use, whichever is less.
Manufacturing, excluding other uses												S S	S S					3100 - 3230	2613, 2614, 2620,	31-33	Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the

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listed in this table																		3400 - 3520	2621		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 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	31121 1	Establishments primarily engaged in (1) milling flour or meal from grains (except rice) or vegetables and/or (2) milling flour and preparing flour mixes or doughs.
Motor Vehicle Manufacturing													P	P				3370	2613, 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 S	S S				8100		211, 21311 1	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 S				3310	2613, 2620, 2630 - 2636	324	Establishments that transform crude petroleum and coal into usable products.
Printing / Publishing										P	P	P	P	P	P	P	P	2613, 2614, 2620, 2621	32311 1- 32312 0, 511		Establishments primarily engaged in: (1) printing on apparel and textile products, paper, metal, glass, plastics, and other materials, except fabric (grey goods); (2) performing prepress and post press services in support of printing activities, or (3) publishing newspapers, magazines, other periodicals, and books, as well as directory and mailing list and software publishing.
Process Plant-Chemicals														S 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 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.

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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	<u>S</u>												<u>S</u>	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	<u>S</u>								P	P			P	P				4346		562920	Establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.
Rendering and Meat Byproduct Processing													P	P				3110	2613, 2620	311613	Establishments primarily engaged in rendering animal fat, bones, and meat scraps.
Research and development						P	<u>S</u>	<u>S</u>	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	<u>S</u>												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	<u>S</u>												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

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																					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 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. ORWhen 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). ORWhen 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	S S		S S	S S	S S		3130, 6970		
Amusement parks	S S									P		S S	S S		S 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	S S		S S	S S		P	P	P	5320		713120	Includes game arcades.
Aquarium or Planetarium								S S	S S	P		S S	S S		P	P	P	4420 4430		712110	Establishments primarily engaged in preservation and exhibition of objects of historical, cultural, and/or educational value.
Art gallery							P	P	P	P		S S	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 S	P	P	P		S S	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

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																					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		71399 0	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		P	P		S	S	S	5370		71394	An indoor space that is used for fitness, tennis, racquetball, soccer, gyms, health spas, reducing salons, swimming pools/auditorium, racquet clubs or other athletic or fitness activities.
Museum / art gallery / cultural facility							P	P	P	P	S	S	S		P	P	P	5210 5220	4400	712	Establishments primarily engaged in preservation and exhibition of objects, of historical, cultural and/or educational value.
Parks and open space	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	5500		71219 0	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	3110 3140, 3300	7112, 7131, 71121 2, 71391 - 71392,	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,

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
																		5350		71399, 72121 1	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		71394 0	An establishment that provides facilities for participant skating.
Sports stadiums and arenas	S									S		S	S		S	S	S	5120	3300	71121 1	A large facility primarily used for professional, semiprofessional sports teams or clubs engaged in participating in live sporting events, such as but not limited to baseball, basketball, football, hockey, soccer, etc.
Theater, drive-in										P		S	S						3140	51213 2	An open lot devoted to primarily to showing motion pictures to patrons seated in vehicles.
Theater, Movie								P	P	P		S	S		P	P	P	5110	3120	51213 1	Establishments primarily engaged in operating motion picture theaters (except drive-ins) and/or exhibiting motion pictures. Said establishment can be comprised of one-single theater or a complex structure with multiple movie theaters.
Theaters, performing arts							P	P	P	P		S	S		P	P	P	5110	3110	7111	Establishments primarily engaged in producing live theatrical presentations such as musicals, operas, plays, comedy, dance presentations, and musical entertainment.
Education, Public Administration, Health Care, & Institutional																					
Cemetery	S	S							P										4700	81222 0	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		62421 0	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		62419 0	Includes family planning and outpatient care centers.
Correctional Facility												S	S		S	S	S	6222	4600	92214 0	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			92215 0	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 ,	4300, 4400,	71211, 71213	A nonprofit institution engaged primarily in the performing arts or in the display

<i>Use</i>	<i>AG (Agriculture)</i>	<i>R-1 (Residential Single-Family)</i>	<i>R-2 (Residential Two-Family)</i>	<i>R-3 (Residential Low-Density MF)</i>	<i>R-4 (Residential Medium-Density MF)</i>	<i>O (Office)</i>	<i>C-1 (Neighborhood Center)</i>	<i>C-2 (Community Center)</i>	<i>C-3 (Regional Center)</i>	<i>C-4 (Corridor Commercial)</i>	<i>BP (Business Park)</i>	<i>M-1 (Light Industrial)</i>	<i>M-2 (Heavy General Industrial)</i>	<i>M-3 (Intense Heavy Industrial)</i>	<i>D (Downtown)-Core</i>	<i>D (Downtown)-Mixed Use</i>	<i>D (Downtown)-Santa Fe</i>	<i>LBCS Function</i>	<i>LBCS Structure</i>	<i>NAICS</i>	Definition
	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>				<u>S</u>	<u>S</u>					5230	4450		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	<u>S</u> <u>S</u>	<u>S</u> <u>S</u>						P		P		<u>S</u> <u>S</u>	<u>S</u> <u>S</u>		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	<u>S</u> <u>S</u>					<u>S</u> <u>S</u>	<u>S</u> <u>S</u>	<u>S</u> <u>S</u>	<u>S</u> <u>S</u>	P	P	<u>S</u> <u>S</u>			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	<u>S</u> <u>S</u>	<u>S</u> <u>S</u>	<u>S</u> <u>S</u>	<u>S</u> <u>S</u>	P	P	P	P	P	P				P	P	P	4242	4300	51912 0	A facility engaged in maintaining collections of documents (e.g. books, journals, newspapers, and music) and facilitating the use of such documents as required to meet the informational, research, educational, or recreational needs of their user.
Medical Office or Clinic						P	P	P	P	P	P				P		P	6510 - 6511 - 6512 - 6514	4120	621	A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: offices for physicians, dentists, chiropractors, or other health care professionals; outpatient care facilities; urgent care facilities; blood and organ banks; and allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative." Patients are not provided with room and board and are not kept overnight on the premises. Medical Services and medical clinics include medical and dental laboratories incidental to the medical office use.
Post office and postal substations	P	P	P	P	P	P	P	P	P	P	P	<u>S</u> <u>S</u>			P	P	P	4170		49111 0	These establishments provide and operate mail services under a universal service obligation. Mail services include the carriage of letters, printed matter, or mailable packages, including acceptance, collection processing and delivery.
Postal service receptacle pods designated on a plat or approved site plan	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	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.

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
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 - 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 community housing (classified separately under Transitional Housing-above).

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
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	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		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	S				4180 - 6422, 6440 - 6460	6410 - 6422, 6440 - 6460	2211-2212, 486	Establishments primarily engaged in operating gas or hydroelectric power generation facilities. These facilities primarily transmit and distribute to transmission and distribution systems.
Hazardous waste storage or treatment facility												S	S	S				4341 - 4342	6340	56211 2, 56221 1	Facilities that collect and/or haul hazardous waste within a local area and/or operating hazardous waste transfer stations. These facilities are responsible for the identification, treatment, packaging and labeling of waste for purpose of transport.
Heliport	S																		5640		Facilities intended solely for takeoff and landing of helicopters.
Incinerator, Commercial														P				4344	6330	56221 3	Facilities operating combustors and incinerators for the disposal of nonhazardous solid waste. These establishments may produce byproducts, such as electricity and steam.
Media Production									P	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	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						P	S	S	P	P	P	P	P		P	P	P		5230 - 5250	81293	A parking lot where all spaces are provided in a covered building.

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
structure, as principal use																					
Power generation plants	§ §											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	§ §				P	P	P	P	P	P	P	P	P		P	P	P	4121 - 4130 - 4135	3900 - 3940, 5300	485, 48211	Includes ground passenger transportation services such as bus, taxi, limousine, train or light rail depots, school bus, employee bus, charter bus, or similar service. This includes stations or dispatch facilities and any taxicab establishment subject to Chapter 5.24 of the Municipal Code.
Public utility storage and service yards	§ §	§ §										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	§ §											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	§ §	§ §	§ §	§ §	§ §	§ §	§ §	§ §	§ §	§ §	§ §	P	P	P	§ §	§ §	§ §		6460	22111 4	Facilities that convert energy from the sun into electric energy for distribution to electric power transmission systems or to electric power distribution systems. Including photovoltaic cell, solar collector, solar energy conversion system, or solar greenhouse as defined in Chapter 18.50.200
Waste collection	§ §	§ §	§ §	§ §	§ §					§ §		§ §	§ §		§ §	§ §	§ §	4343 - 4346		56211 1, 56211 9, 56292 0	A facility where waste material, other than hazardous or infectious waste, is received and temporarily stored in closed containers without processing or disposition, including but not limited to: recycling drop-off point, yard waste depot, charitable drive box and other similar uses limited in volume and means of storage and posing no nuisance by reason of odor, noise, runoff, underground seepage or unsightly conditions. This includes solid waste collection centers, solid waste transfer stations, recycling centers, yard waste collection drop-offs, and similar facilities.
Solid Waste Landfill														§ §				4345	6320	56221 2,	A facility operating landfills for disposal of nonhazardous solid waste or the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
Stormwater management / flood control facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6220 - 6240	23799 0		Any stormwater management technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such as but not limited to: storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.
Telecommunication (Wireless)	See § 18.50.210 -----																	4233	6500	5173, 5174	Depending upon the type of telecom facility, uses are permitted by right or special use. To further understand requirements, see Chapter 18.50.
Telephone and other wired telecommunications	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4234		51731 1	Establishments engaged in operating wired telecommunication network facilities. Providing a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband internet services.

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
Utility facilities, principal use	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	4310 - 4340 4343 6314, 6350 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						2211 5	A Wind Energy Conversion System (WECS) as defined in Chapter 18.50.
Agriculture																					
Agriculture and Agricultural Support Functions (including raising of crops and pasturing livestock)	P																	9100 - 9155 9230 - 8600, 9330 - 9350 - 9373 9500 - 9520 9380	8100 8210, 8230 - 8300, 8600, 8800 - 8900	111- 11133 9, 112- 11221 0, 113- 114 115	The use of land where that is devoted to the production of plants, animals or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use does not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though the properties may produce or maintain some of those plants or animals listed in the foregoing definition. (Ord. 02-54 § 2, 2002)
Concentrated Animal Feeding Operations (CAFO's)	S																	8300 - 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	71399 0	A structure or premises for the keeping of horses, ponies or mules. (Ord. 02-54 § 2, 2002)

SECTION SIX: Section 18.40.190 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“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](#))."

SECTION SEVEN: Section 18.40.220 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"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	Appeal of any decision of the Planning Official, building official, or other official that applies or interprets this title, except as provided above.	Board of Zoning Appeals (BZA)

Type of Appeal	Description	Appellate Agency
	<p>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, • 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."

SECTION EIGHT: Section 18.50.033 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

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

2. 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.

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

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

“18.50.040 Drive-Through

A. Applicability

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

- 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.

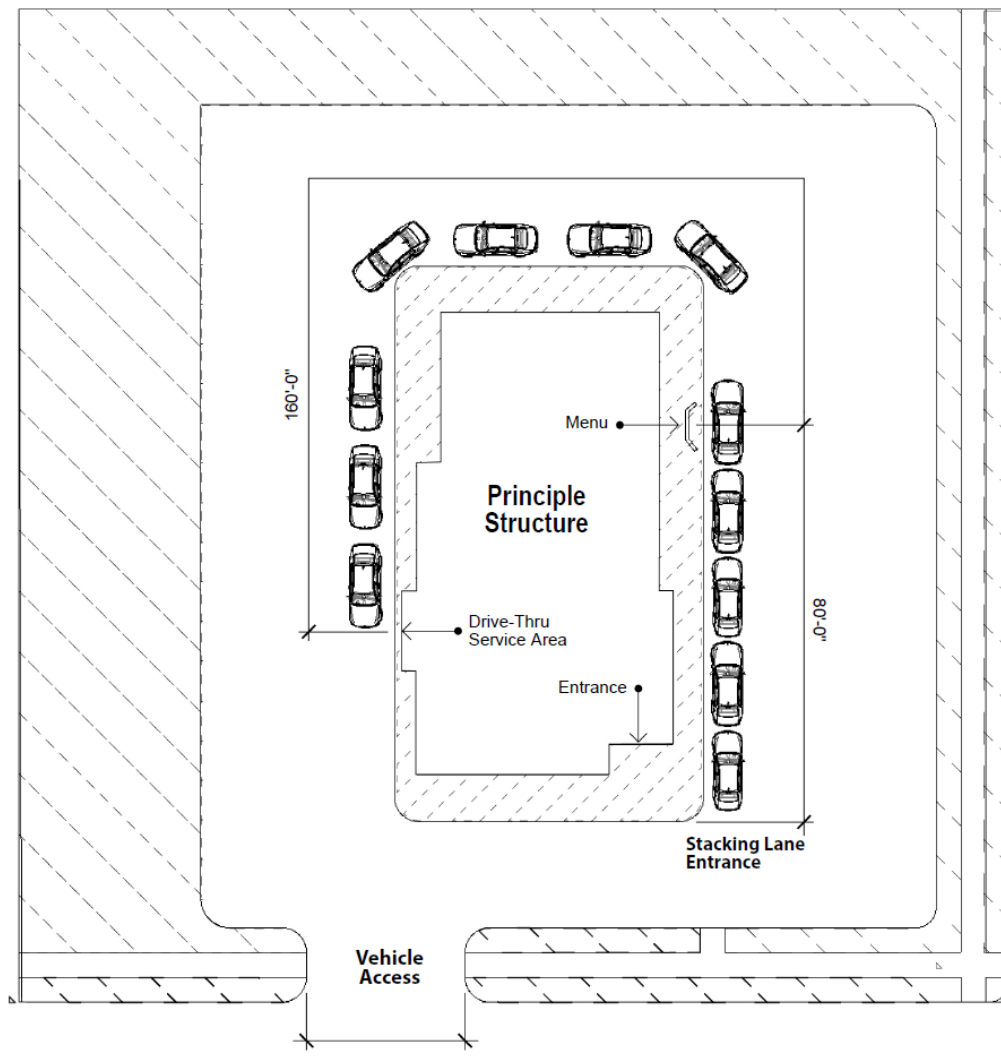
Table 18.50.40-1. Drive-Through Stacking Length

<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 <u>from the stacking lane entrance to the service area.</u> 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

<u>Type of Operation</u>	<u>Minimum Stacking Length</u>
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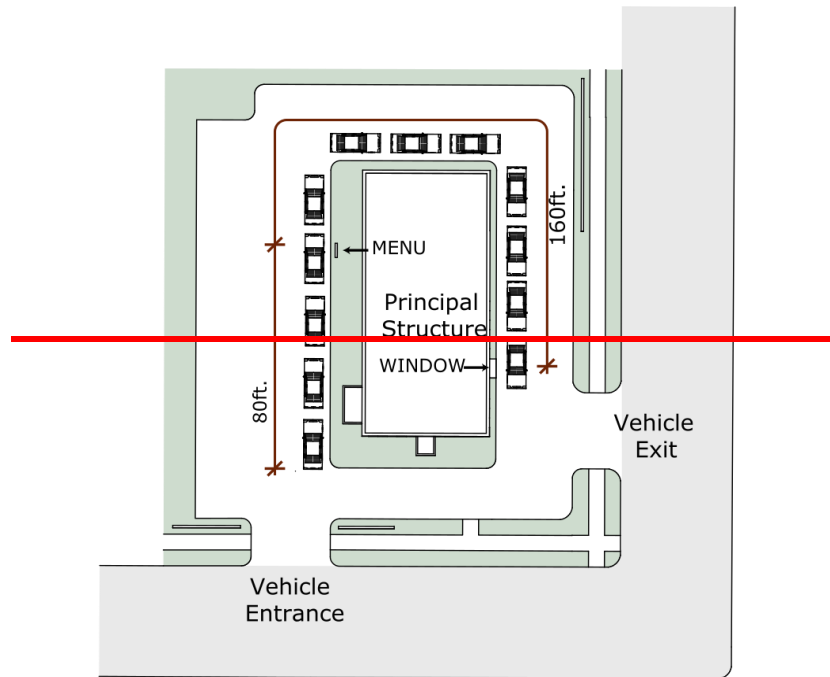
Pharmacy	80 feet/window
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Vehicle Stacking for Eating Places with Drive-Through Service



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)

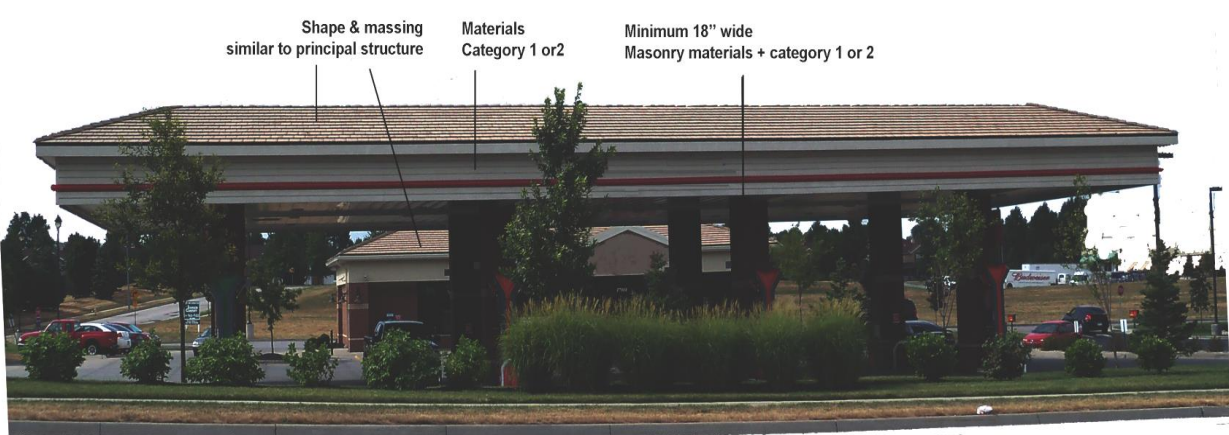
D. Drive-in and Drive-through Canopy Requirements

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



”

SECTION TEN: Section 18.50.050 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“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."

SECTION ELEVEN: Section 18.50.180 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"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.](#)"

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

“18.50.225 Temporary Uses

A. Applicability

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

B. Temporary Sales and Events Permit

1. The Planning Official may, upon application, issue a temporary sales and events permit to use a specified parcel of privately-owned land for the following temporary short term uses, in accordance with [this section](#). ~~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 (↔ Section [18.30.220](#)).
- d.** The proposed use [will](#) not ~~be operated~~ after 12:00 midnight and before 8:00AM.
- e.** The proposed use [will](#) 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.

ED. 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."

SECTION THIRTEEN: Section 18.90.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“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~~ [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](#) 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."

SECTION FOURTEEN: Section 18.94.040 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“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 <div><input checked="" type="checkbox"/> required <input type="checkbox"/> approving agency may require the information on a case-by-case basis</div>							
		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.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Names and addresses of owner,	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					

	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	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. 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.						
	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.	<input type="radio"/>	<input type="radio"/>		Q		Q
112	Market studies.	<input type="radio"/>	<input type="radio"/>		Q		Q
113	Economic impact reports.	<input type="radio"/>	<input type="radio"/>		Q		Q
114	Architectural surveys.	<input type="radio"/>	<input type="radio"/>		Q		Q

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."

SECTION FIFTEEN: Existing sections 18.01.020, 18.20.020, 18.20.050, 18.20.200, 18.20.500, 18.40.190, 18.40.220, 18.50.033, 18.50.040, 18.50.050, 18.50.180, 18.50.225, 18.90.020, AND 18.94.040 are hereby specifically repealed.

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

PASSED by the Governing Body this 17th day of September 2019.

SIGNED by the Mayor this 17th day of September 2019

Mayor

ATTEST:

City Clerk
(Seal)

APPROVED AS TO FORM:

City Attorney