

Chapter 18.100
GENERAL PROVISIONS

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18.100.010 Short title

This ordinance shall be known and may be cited as the Unified Development Ordinance, and may be cited and abbreviated as "U.D.O."

(History: Ord. ZRR-1725; ZRR-1637)

18.100.020 Authority

This ordinance is adopted pursuant to the authority contained in Article 7 of Chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and Article 12, Section 5 of the Kansas Constitution.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.030 Jurisdiction

This ordinance shall be effective throughout the corporate limits of the City. Provided, however, that nothing herein shall be construed to preclude the City from engaging in extraterritorial planning activities pursuant to K.S.A. 12-747, and amendments thereto.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.040 Relationship to other provisions of the Code

A. The use of buildings and land within the City shall be subject to all other applicable provisions of the Overland Park Municipal Code as well as this ordinance, whether or not such other provisions of the Code are specifically cross-referenced in this ordinance. Cross-references to other provisions of the Code in this ordinance are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the Code do not apply.

B. In interpreting and applying the provisions of this ordinance, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety or the general welfare. Whenever this ordinance requires a lower height of a building or lesser number of stories, or requires a greater percentage of the lot to be left unoccupied, or imposes more restrictive standards than are required pursuant to any other statute or local regulation, this ordinance shall govern.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.041 Adoption by reference of Overland Park Architectural Design Standards; Relationship to other provisions of the code.

A. There is incorporated by reference, for the purpose of adopting Overland Park Architectural Design Standards within the City, the Overland Park Architectural Design Standards, Final Draft, dated September 23, 2009, as prepared by the City of Overland Park, Kansas. Not less than three (3) copies of said Overland Park Architectural Design Standards shall be marked Official Copy as Adopted by Ordinance No. ZRR-2837, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in mixed use projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2837 §1, 2009)

18.100.042 Adoption by reference of Infill and Redevelopment Design Guidelines and Standards; Relationship to other provisions of the code.

- A. There is incorporated by reference, for the purpose of adopting commercial and residential infill and redevelopment guidelines and standards within the City, the Infill and Redevelopment Guidelines and Standards, Final Draft, dated February 11, 2004, as prepared by the City of Overland Park, Kansas. Not less than three (3) copies of said Infill and Redevelopment Guidelines and Standards shall be marked Official Copy as Adopted by Ordinance No. ZRR-2458, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in infill and redevelopment projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2458 §1, 2004, ZRR-2380 §1, 2002)

18.100.043 Adoption by reference of Overland Park Site Design Standards; Relationship to other provisions of the code.

- A. There is incorporated by reference, for the purpose of adopting Overland Park Site Design Standards within the City, the Overland Park Site Design Standards, Final Draft, dated September 23, 2009, as prepared by the City of Overland Park, Kansas. Not less than three (3) copies of said Overland Park Site Design Standards shall be marked Official Copy as Adopted by Ordinance No. ZRR-2837, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to

inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in mixed use projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2837 §2, 2009)

18.100.044 Adoption by reference of Commercial Design Guidelines and Standards; Relationship to other provisions of the code.

- A. There is incorporated by reference, for the purpose of adopting commercial design guidelines and standards within the City, the Commercial Design Guidelines and Standards, Final Draft, dated February 11, 2004, as prepared by the City of Overland Park, Kansas. Not less than three (3) copies of said Commercial Design Guidelines and Standards shall be marked Official Copy as Adopted by Ordinance No. ZRR-2458, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in commercial design projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them, where appropriate, in designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2458 §2, 2004, ZRR-2380 §2, 2002)

18.100.046 Adoption by reference of Multi-family Design Guidelines and Standards; Relationship to other provisions of the code.

- A. There is incorporated by reference, for the purpose of adopting multi-family design guidelines and standards within the City, the Multi-family Design Guidelines and Standards, Final Draft, dated February 11, 2004, as prepared by the City of Overland

Park, Kansas. Not less than three (3) copies of said Multi-family Design Guidelines and Standards shall be marked Official Copy as Adopted by Ordinance No. ZRR-2458, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in multi-family design projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them, where appropriate, in designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2458 §3, 2004, ZRR-2380 §3, 2002)

18.100.048 Adoption by reference of Overland Park Mixed Use Design Standards; Relationship to other provisions of the code.

- A. There is incorporated by reference, for the purpose of adopting Overland Park Mixed Use Design Standards within the City, the Overland Park Mixed Use Design Standards, Final Draft, dated July 1, 2009, as prepared by the City of Overland Park, Kansas. Not less than three (3) copies of said Overland Park Mixed Use Design Standards shall be marked Official Copy as Adopted by Ordinance No. ZRR-2813, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in mixed use projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2813 §1, 2009)

18.100.049 Adoption by reference of the Downtown Form-Based Code; Relationship to other provisions of the code.

- A. There is incorporated by reference, for the purpose of adopting the Downtown Form-Based Code within the City, the Downtown Form-Based Code, Final Draft, dated July 18, 2011, as prepared by the City of Overland Park, Kansas. Not less than three (3) copies of said Downtown Form-Based Code shall be marked Official Copy as Adopted by Ordinance No. ZRR-2922, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

- B. Where provisions of this adopted code are identified as standards, they shall be considered ordinance requirements, and where they are specifically applicable they shall prevail over any conflicting provisions elsewhere in the Unified Development Ordinance unless otherwise specified. Where provisions of this adopted code are identified as guidelines, those guidelines have been developed to identify quality elements that should be incorporated in downtown projects, and are to be used by applicants, architects, planners, developers, city staff, Planning Commission and Governing Body members to assist them in, where appropriate, designing, reviewing, evaluating, recommending and approving plans for such projects.

(History: Ord. ZRR-2922 §1, 2011; ZRR-2887 §1, 2011)

18.100.050 Relationship to Master Plan and other policies

It is the intention of the City that this ordinance implement the planning policies adopted for the City reflected in the Master Plan and other planning documents. While the City reaffirms its commitment that this ordinance and any amendment thereto be in conformity with adopted planning policies, the City hereby expresses its intent that neither this ordinance nor any amendment thereto may be challenged merely on the basis of an alleged nonconformity with the Master Plan or other planning policy.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.060 Relationship to private restrictions

The provisions of this ordinance are not intended to abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. Provided, that where the provisions of this ordinance are more restrictive or impose higher standards than any such private restriction, the requirements of this ordinance shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this ordinance, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions; private restrictions shall not be enforced by the City.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.070 Adequate public facilities and services

- A. At the time of submittal of a rezoning, special use permit or preliminary plat application, the applicant shall submit proof of having reviewed the development proposal with applicable water, sewer, fire, gas and electric utility officials. Proof of such review shall be provided on forms furnished by the Department of Planning and Development Services. Said forms shall provide an opportunity for applicable water, sewer, fire, gas and electric officials to provide comments on the existing and future availability and timing of services provided by their respective districts to the subject property.

- B. At the time of submittal of final development plan or final plat application, the applicant shall submit proof that adequate water, sewer, fire, gas and electric services are presently available to the subject property. If adequate public facilities and services are not presently available at the time of submittal of applications for final development plans or final plats, or are not planned for the near future to appropriately serve the proposed development, as determined by the affected utility company or agency, the final development plan or final plat may be denied.

(History: Ord. ZRR-2343 §1, 2002; ZRR-1725; ZRR-1637)

18.100.080 Zoning of annexed lands

Unless land is rezoned at the time of its annexation into the City, the land shall retain its zoning status under county or township zoning until such time as the property is rezoned pursuant to the provisions of this ordinance. The City shall have the authority to secure civil remedies for violations of such county or township regulations to the same extent that it may secure civil remedies for violations of this ordinance pursuant to Section 18.100.110. Land that retains its zoning status under county or township zoning shall nevertheless be allowed to choose to utilize the provisions for non-conforming single-family residences as contained in Sections 18.410.040E and 18.410.050B.

(History: Ord. ZRR-2860 §1, 2010; ZRR-1725; ZRR-1637)

18.100.090 Violations of prior regulations

All violations of prior zoning regulations of any township, Johnson County or the City that have accrued in the corporate area of the City as of the effective date of this ordinance, shall continue to be violations and shall not be considered to be legal nonconforming situations under this ordinance. The City shall have the same authority to secure civil remedies for violations of such regulations to the same extent that it may secure civil remedies for violations of this ordinance pursuant to Section 18.100.110.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.100 Severability

It is hereby declared to be the intention of the City that the sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any such section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, subsections,

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paragraphs, sentences, clauses or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.110 Penalty for violations and civil remedies

- A. The violation of any provision of this ordinance is hereby declared to be a public offense and, pursuant to the authority of K.S.A. 12-761, a misdemeanor, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation of this ordinance shall constitute a separate offense.
- B. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this ordinance and to abate nuisances maintained in violation thereof. In the event that any building or structure is or is proposed to be erected, constructed, altered, converted or maintained in violation of this ordinance, or any building, structure or land is proposed to be used in violation of this ordinance, the City Attorney, or other appropriate authority of the City, may, in addition to any other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

(History: Ord. ZRR-1725; ZRR-1637)

18.100.120 Incorporation.

The Johnson County, Kansas, Zoning & Subdivision Regulations, official copy incorporated by resolution of the Board of County Commissioners the 25th day of January, 2007, is adopted and incorporated in this chapter as if fully set forth herein excepting only such parts or portions thereof as are specifically omitted, added or changed in Overland Park Municipal Code Sections 18.100.130 through 18.100.230, inclusive.

(History: Ord. ZRR-2691 §1, 2008; ZRR-2374 §1, 2002)

18.100.130 Article Omissions.

Article 3, Article 4, Article 22, Article 23, Article 25, Article 26, Article 27, Article 28, Article 29, Article 30, Article 31, Article 32 and Article 33 of the Johnson County, Kansas, Zoning & Subdivision Regulations, official copy incorporated by resolution of the Board of County Commissioners the 25th day of January, 2007, are hereby declared to be omitted in their entirety.

(History: Ord. ZRR-2691 §2, 2008; ZRR-2374 §2, 2002)

18.100.140 Sections and Subsections Omissions.

The following sections and subsections of the Johnson County, Kansas, Zoning & Subdivision Regulations, official copy incorporated by resolution of the Board of County Commissioners the 25th day of January, 2007, are hereby declared to be omitted in their entirety: Subsection 2.B of

Article 2; Subsection 2.D of Article 2; Section 1 of Article 5; Section 6 of Article 7; Section 3 of Article 8; and Section 4 of Article 8.

(History: Ord. ZRR-2691 §3, 2008; ZRR-2374 §3, 2002)

18.100.150 Definitions Omitted.

The following definitions contained in Section 3 of Article 2 of the Johnson County, Kansas, Zoning & Subdivision Regulations, official copy incorporated by resolution of the Board of County Commissioners the 25th day of January, 2007, are hereby declared to be omitted in their entirety: "A Zone"; "A99 Zone"; "Actuarial or Risk Premium Rates"; "AE Zone and A1-A30 Zones"; "AH Zone"; "AO Zone"; "Area of Future Conditions Flood Hazard"; "Areas of Shallow Flooding"; "Areas of Special Flood Hazard"; "Base Flood"; "Bond"; "Capital Budget"; "Capital Improvement Plan"; "Capital Improvement Program"; "Costs"; "D Zone"; "Environmental Overlay Analysis"; "Existing Construction"; "Flood" or "Flooding"; "Flood Damage Reduction System"; "Flood Elevation, Regulatory"; "Flood Hazard Area"; "Flood Insurance Study"; "Flood Plain, Regulatory"; "Flood Plain Development Permit"; "Flood Plain Management"; "Flood Plain Management Regulation"; "Flood Proofing"; "Flood Protection Elevation, Regulatory"; "Flood Protection System"; "Floodway" or "Regulatory Floodway"; "Floodway Encroachment Lines"; "Floodway Fringe"; "Flood Area, Gross"; "Flood Area, Main"; "Flood Area, Net"; "Freeboard"; "Future-Conditions Flood Hazard Area" or "Future-Conditions Flood Plain"; "Future-Conditions Hydrology"; "Johnson County Flood Insurance Rate Map (FIRM)"; "Major Street Plan"; "Major Subdivision"; "Mean Sea Level"; "Minor Subdivision"; "New Construction"; "One Hundred Year Frequency Flood"; "Other Areas in X Zone"; "Other Flood Areas in X Zone"; "Parkways"; "Plat, Final"; "Plat, Preliminary"; "Preliminary Plat"; "Preplatting Conference"; "Regulatory Flood Elevation"; "Regulatory Flood Protection Elevation"; "Road Classification"; "Rule Exception"; "Rural Policy Area"; "Sketch Plat"; "Subdivider's Agent"; "Subdivision, Major"; "Subdivision, Minor"; "Surety"; "Township Zoning Board"; "Urban Fringe Policy Area"; "Violation"; "Zone D"; "Zone X" and "Zoning Board." (History: Ord. ZRR-2691 §4, 2008; ZRR-2374 §4, 2002)

18.100.160 Definitions Amended.

The following definitions contained in Section 3 of Article 2 of the Johnson County, Kansas, Zoning & Subdivision Regulations, official copy incorporated by resolution of the Board of County Commissioners the 25th day of January, 2007, as adopted in Section 18.100.120 of the Overland Park Municipal Code, are hereby changed and amended to read as follows:

"Board" or "BOCC" or "Board of County Commissioners": all references to these terms shall be redefined to mean the Governing Body of the City of Overland Park, Kansas.

"Board of Zoning Appeals" or "BZA": all references to these terms shall be redefined to mean the Board of Zoning Appeals of the City of Overland Park, Kansas.

"Code Enforcement Officer": all references to this term shall be redefined to mean the Director of Planning and Development Services of the City of Overland Park, Kansas, or his/her designee.

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"Comprehensive Plan": all references to this term shall be redefined to refer to the Master Plan of the City of Overland Park, Kansas, as the same may be updated and amended from time to time.

"County": all references to this term shall be redefined to refer to the City of Overland Park, Kansas.

"County's Attorney": all references to this term shall be redefined to mean the City Attorney of the City of Overland Park, Kansas, or a designated Assistant City Attorney.

"Datum": for the purpose of determining the height limits in the Airport Overlay District set forth in these regulations, the datum shall be mean sea level elevation unless otherwise specified.

"Director": all references to this term shall be redefined to mean the Director of Planning and Development Services of the City of Overland Park, Kansas, or his/her designee.

"Flood Plain": all references to this term shall have the same meaning as set forth in Section 18.110.250 of the Overland Park Municipal Code, and any amendments thereto. Such areas are subject to and regulated by Chapter 18.360 of the Overland Park Municipal Code.

"Governing Body": all references to this term shall be redefined to refer to the Mayor and City Council of the City of Overland Park, Kansas.

"Height": the vertical distance from the average ground elevation adjacent to a building or structure to the highest point of a building or highest point of any permanent part of the structure or building. Height, where not regulated in feet, shall be regulated by stories. A story shall be equal to twelve feet for purposes of measuring structures other than buildings. For purposes of the Airport Overlay District Zones, the datum for height measurement shall be mean sea level unless otherwise specified and the height limits in all Airport Overlay Zones shall be as established on the Airport Zoning Map.

"Long Range Road Network Plan": all references to this term shall be redefined to refer to the Official Street Map as defined in Section 18.110.445 of the Overland Park Municipal Code, as amended from time to time.

"Overlay District Zoning Map": the official map for the Airport Area Overlay District prepared by the Johnson County Planning Office on file with the Johnson County Planning Office and duly adopted by the Board of County Commissioners, and any amendments thereto.

"Planning Commission": this term shall be redefined to mean the Planning Commission of the City of Overland Park, Kansas.

"Regulations": this term shall be redefined to mean those portions of the Johnson County, Kansas, Zoning & Subdivision Regulations adopted by this ordinance and other applicable provisions of the Unified Development Ordinance as defined in Section 18.110.645 of the Overland Park Municipal Code, and any amendments thereto.

"Secretary of the Board of Zoning Appeals": this term shall be redefined to mean the person designated as the Secretary of the Board of Zoning Appeals of the City of Overland Park, Kansas.

"Structure": generally, anything more than three (3) feet in height constructed or erected by man which requires location on the ground, or attached to something having location on the ground.

"Subdivision Regulations": the official subdivision regulations of the City of Overland Park, Kansas, as set forth in Chapter 18.460 of the Overland Park Municipal Code, and any amendments thereto.

"Zoning Administrator": all references to this term shall be redefined to refer to the Director of Planning and Development Services of the City of Overland Park, Kansas, or his/her designee.

"Zoning Map": the zoning map(s) showing zoning districts for land subject to these zoning regulations as prepared by the Johnson County Planning Office and duly adopted by the Board of County Commissioners, and provided to the City of Overland Park, Kansas, following the annexation of land by the City by both Ordinance No. A-2367 and Ordinance No. A-2719.

"Zoning Permit": a document signed by the Director of Planning and Development Services, or his/her designee, to acknowledge that a tract has been satisfactorily developed in accordance with an approved development plan as provided in these regulations.

"Zoning Regulations": the official zoning regulations of Johnson County, Kansas, as adopted in this ordinance, and any amendments thereto.

(History: Ord. ZRR-2691 §5, 2008; ZRR-2374 §5, 2002)

18.100.170 Prohibited Acts and Conduct.

From and after the effective date of this ordinance, no person shall violate any of the provisions of the regulations adopted hereby, or fail to comply with any of the requirements of these regulations, including, but not limited to, any conditions or terms established in connection with grants of variances, nor use any property, building or structure in any way except as permitted and in the manner provided by these regulations, and any act, conduct or use which fails to comply with the provisions of these regulations and any codes, rules or standards adopted as a part of these regulations, shall be and hereby is declared to be unlawful as a violation of the Unified Development Ordinance of the City of Overland Park, Kansas.

(History: Ord. ZRR-2691 §6, 2008; ZRR-2374 §6, 2002)

18.100.180 Violations.

The failure of any person to comply with, or the violation of, any provision, requirement, standard or condition contained within or as a part of these regulations, shall be a public offense. The failure of any person to comply with, or the violation of, any order, directive or notice of the Director of Planning Development Services, or his/her designee, related to the provisions of these regulations, shall be a public offense.

(History: Ord. ZRR-2691 §7, 2008; ZRR-2374 §7, 2002)

18.100.190 Penalties and Fines.

Any person violating the provisions of the Johnson County, Kansas, Zoning & Subdivision Regulations, official copy incorporated by resolution of the Board of County Commissioners the 25th day of January, 2007, as incorporated herein and as amended, shall be subject to the penalties, fines, and civil remedies as set forth in Section 18.100.110 of the Overland Park Municipal Code.

(History: Ord. ZRR-2691 §8, 2008; ZRR-2374 §8, 2002)

18.100.200 Prosecution Of Actions.

The City Attorney, or his/her designee, shall have the duty of prosecuting all actions for the enforcement of these regulations and shall be vested with all of the discretion with respect to the prosecution of these regulations as may be vested in any other prosecuting attorney with statutory authority to prosecute actions for the enforcement of zoning regulations.

(History: Ord. ZRR-2691 §9, 2008; ZRR-2374 §9, 2002)

18.100.210 Zoning Map.

The properties annexed into the City of Overland Park by Ordinance No. A-2367, effective upon publication on May 8, 2002, shall retain the Johnson County zoning district classifications in effect prior to annexation, as shown on the "Zoning Map of Johnson County, Kansas," in effect on May 8, 2002, together with all explanatory matter thereon. The properties annexed into the City of Overland Park by Ordinance No. A-2719, effective upon publication on March 13, 2008, shall retain the Johnson County zoning district classifications in effect prior to annexation, as shown on the "Zoning Map of Johnson County, Kansas," in effect on March 13, 2008, together with all explanatory matter thereon. Said properties shall be added to the Official Zoning Map of the City incorporated by reference in Section 18.150.020 of the Overland Park Municipal Code, and the Johnson County zoning district boundaries shall be reflected thereon.

(History: Ord. ZRR-2691 §10, 2008; ZRR-2374 §10, 2002)

18.100.220 Applicability.

The provisions of this Article govern the size, placement, use and structural quality of outdoor signs and other advertising and identification devices together with their appurtenant and auxiliary apparatus. No sign shall be erected, enlarged, constructed, reconstructed, relocated, refaced, or structurally or otherwise altered, without first obtaining a separate sign permit as set forth in this Article. Any sign for which a permit is required is allowed to maintain noncommercial speech in addition to or in lieu of any other speech.

(History: Ord. ZRR-2691 §11, 2008; ZRR-2374 §11, 2002)

18.100.230 Application of Johnson County, Kansas, Zoning & Subdivision Regulations; Procedures.

The Johnson County, Kansas, Zoning & Subdivision Regulations incorporated by this ordinance, as amended, are adopted in order to assure the stability and continuity of zoning for properties zoned pursuant to such regulations prior to the annexation of such properties into the City of Overland Park by both Ordinance No. A-2367, effective May 8, 2002, and Ordinance No. A-2719, effective March 13, 2008. All properties zoned pursuant to such regulations shall be entitled to develop under the uses and regulations set forth therein. Appeals or requests for variances from the provisions of such regulations shall be made to the Overland Park Board of Zoning Appeals in accordance with the provisions of Title 18 of the Overland Park Municipal Code. The provisions of Chapter 18.140 of the Overland Park Municipal Code shall apply to plan approvals and any other action, as applicable. No property may be rezoned to a Johnson County, Kansas, zoning district or be granted a conditional use permit pursuant to the Johnson County, Kansas, Zoning & Subdivision Regulations after the effective date of this ordinance. In the case of conflicts between the applicable provisions of the Johnson County, Kansas, Zoning & Subdivision Regulations and other provisions of the Unified Development Ordinance, the provisions of the Johnson County, Kansas, Zoning & Subdivision Regulations shall control. (History: Ord. ZRR-2691 §12, 2008; ZRR-2374 §12, 2002)

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