

Chapter 18.150
ZONING DISTRICTS

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18.150.010 Districts designated

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, altering, moving or use of buildings and structures, the corporate area of the City is divided into twenty conventional zoning districts enacted pursuant to K.S.A. 12-753, nineteen planned zoning districts enacted pursuant to K.S.A. 12-755, and a Special Flood Hazard Area enacted pursuant to K.S.A. 12-753 and K.S.A. 12-766.

A. The conventional zoning districts are designated as follows:

- District A -- Agricultural District;
- District RE -- Residential Estates District;
- District R-1 -- Single-Family Residential District;
- District R-1A -- Small-Lot Single-Family Residential District;
- District R-2 -- Two-Family Residential District;
- District R-3 -- Garden Apartment District;
- District C-O -- Office Building District;
- District C-1 -- Restricted Business District;
- District C-2 -- General Business District;
- District C-3 -- Commercial District;
- District M-1 -- Industrial Park District;
- District M-2 -- General Industrial District;
- District MHP -- Mobile Home Park District;
- District DD - Downtown District;
- District CBD - Central Business District;
- District MS-1 -- Main Street District 1;
- District MS-2 -- Main Street District 2;
- District SFD -- Santa Fe District;
- District DND - Downtown Neighborhood District;
- District MD - Metcalf District.

B. The planned zoning districts are designated as follows:

- District RP-OE -- Planned Open Space Estate Residential District;
- District RP-OS -- Planned Open Space Single-Family Residential District;
- District RP-1 -- Planned Single-Family Residential District;

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District RP-1A -- Planned Small-Lot Single-Family Residential District;
District RP-1N -- Planned Single-Family Infill Residential District;
District RP-2 -- Planned Two-Family Residential District;
District RP-3 -- Planned Garden Apartment District;
District RP-4 -- Planned Cluster Housing District;
District RP-5 -- Planned Apartment House District;
District RP-6 -- Planned High-Rise Apartment District;
District PRN -- Planned Residential Neighborhood District;
District CP-O -- Planned Office Building District;
District CP-1 -- Planned Restricted Business District;
District CP-2 -- Planned General Business District;
District MXD -- Planned Mixed Use District;
District CP-3 -- Planned Commercial District;
District BP -- Business Park District;
District MP-1 -- Planned Industrial Park District;
District MP-2 -- Planned General Industrial District.

- C. The Special Flood Hazard Area is designated in, and subject to the provisions of, Chapter 18.360. In addition to the regulations set forth in said Chapter 18.360, all property lying within the boundaries of the Special Flood Hazard Area shall also be subject to the regulations specified in Chapter 18.360.

(History: Ord. ZRR-2590 §4, 2005; ZRR-2507 §2, 2004; ZRR-2478 §2, 2004; ZRR-2450 §16, 2003; ZRR-2343 §39, 2002; ZRR-2345 §4 2002; ZRR-2025 §1, 97; ZRR-1725; ZRR-1636; ZRR-889 §18.04; ZRR-772)

18.150.015 Status of repealed zoning districts

All properties in the City which were zoned R-4, Cluster Dwelling District, prior to August 3, 1977, or REC, Recreational District, prior to June 27, 1990, shall remain so designated on the Zoning District Map but shall be limited to those uses permitted under the respective district regulations as they were in effect immediately prior to the date they were repealed. The existing structures on the properties may remain in place subject to the restrictions which apply to nonconforming structures as set out in Chapter 18.410. Existing signs, fences and accessory structures may be replaced and maintained, but shall not be increased in size or in number without rezoning the property to a district listed in Section 18.150.010 or receiving approval of a special use permit for the use of the property. The construction of any new structures or the redevelopment of existing structures not otherwise permitted under Chapter 18.410 shall be permitted only after the property is rezoned to a district listed in Section 18.150.010 or a special use permit is approved for the use of the property.

(History: Ord. ZRR-1725)

18.150.020 Official zoning map

The boundaries of the zoning districts enumerated in Section 18.150.010 and in Article 7 of the Johnson County, Kansas, Zoning & Subdivision Regulations adopted herein shall be shown on a map officially designated as the Zoning District Map, which map is hereby incorporated by reference. Such "Zoning District Map" shall be marked "official copy of zoning district map incorporated into the zoning regulations by adoption of a zoning ordinance by the Governing Body of the City on the ____ day of _____, 2007," and shall be filed in the office of the

Director of Planning and Development Services of the City of Overland Park, Kansas, to be open to inspection and available to the public at all reasonable business hours. Ordinances amending the boundaries of zoning districts shall order the "Zoning District Map" to be changed to reflect such amendment, shall amend this Section 18.150.020, and shall reincorporate such "Zoning District Map" as amended.

(History: Ord. ZRR-2691 §13, 2008; ZRR-2450 §17, 2003; ZRR-2374 §13, 2002; ZRR-2012; ZRR-1725; ZRR-1636; ZRR-889 §18.04)

18.150.030 Conformance to Master Plan

In the consideration of any application for a zoning amendment or a special use request, the Planning Commission and the Governing Body shall determine whether the proposal conforms to the adopted Master Plan and any other recognized plans, studies or policies normally utilized by the City in making land use decisions.

(History: Ord. ZRR-1725; ZRR-1636; ZRR-889 §18.04)

18.150.040 General requirements applicable to all zoning districts

- A. Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose other than is permitted in the chapter of this ordinance applicable to the zoning district in which such building, structure or land is situated.
- B. Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limits established in the chapter of this ordinance applicable to the zoning district in which such building or structure is situated.
- C. Except as otherwise specifically provided, no lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed, nor shall the density be increased in any manner, except in conformity with the area regulations in the chapter of this ordinance applicable to the zoning district in which the lot or property is situated.
- D. Except as otherwise specifically provided, all provisions of this ordinance applicable to a conventional zoning district shall be equally applicable to an equivalent planned zoning district. For such purposes, the following districts are considered to be equivalent: R-1 and RP-1; R-1A and RP-1A; R-2 and RP-2; R-3 and RP-3; R-5 and RP-5; R-6 and RP-6; C-0 and CP-0; C-1 and CP-1; C-2 and CP-2; C-3 and CP-3; M-1 and MP-1; and M-2 and MP-2.
- E. Except as otherwise specifically provided, no building, structure or site improvement shall be erected, constructed, reconstructed, moved or altered except in compliance with any applicable final development plans, site plans or other development plans approved by the Governing Body, the Planning Commission or the Planning and Development Services Department. For the purposes of this section, compliance with approved plans shall include both compliance with the content of the plan drawings and compliance with any conditions or stipulations attached to such approval.

(History: Ord. ZRR-2343 §40, 2002; ZRR-1925; ZRR-1725; ZRR-1637)

18.150.050 Performance standards; measurement

In some districts, performance standards capable of quantitative measurement are established. Except to the extent modified in the specific zoning district regulations, the following general provisions shall apply to measure compliance with such performance standards.

A. Smoke

For the purpose of determining the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.

B. Vibration

Vibrations are measured in particle velocity and are to be measured at the property line or other designated location. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. The vibration maximums indicated as the performance standard in certain zoning districts may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = particle velocity, inches-per-second

F = vibration frequency, cycles-per-second

D = single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three components recorded. Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the indicated performance standard.

C. Glare

Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

(History: Ord. ZRR-2285 §1, 2001; ZRR-1725; ZRR-1637; ZRR-1314)

18.150.060 Planned zoning districts; statement of objectives

The zoning of land to one of the planned zoning districts designated in subsection B of Section 18.150.010 shall be for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found in projects developed under conventional zoning, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of the planned zoning districts:

- A. The conventional zoning districts should generally not be applied to the improvement of land by other than lot-by-lot development. Consequently, with the exception of standard single-family and two-family residential subdivisions, development proposals which are intended to be subdivided into multiple lots should generally be rezoned to one or more planned zoning districts to ensure the compatibility, coordination, timing and sequencing of development.
- B. Planned developments are groupings of buildings or building sites that are planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards, architectural quality, sign concepts and other conditions that were committed to at the time of the rezoning. The submittal by the developer and the approval by the City of development plans represents a firm commitment by the developer that development will indeed follow the approved plans in concept, intensity of use, aesthetic levels and quantities of open space.
- C. Planned residential developments should be designed in a manner that will produce more usable open space, better recreational opportunities, and safer and more attractive neighborhoods than under conventional zoning and development techniques.
- D. Planned commercial developments should be designed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns of developments. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse affects on the street system and other services of the community.
- E. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of conventional zoning requirements.
- F. Deviations from development requirements as provided for in Section 18.150.070 may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality development is produced.

(History: Ord. ZRR-2698 §3, 2007; ZRR-1725; ZRR-1637; ZRR-1217; ZRR-1117; ZRR-889 §18.04)

18.150.070 Planned zoning districts; standards of development

- A. The uses permitted in any planned zoning district shall be those set forth in the chapter applicable to that planned zoning district. Provided, however, where found to be reasonably necessary in the interest of the public health, safety and general welfare, the City may condition approval of a development plan by specifying that certain uses otherwise permitted in the district shall not be allowed in that particular development.
- B. At the time of preliminary development plan approval, the applicant may propose, or the City may require, that a phasing plan be submitted setting forth the timing and sequencing of development among various types of uses or subgroups of uses or buildings in the development.
- C. As a general rule, the density or intensity of residential land uses shall be as set forth in the chapter applicable to a particular planned zoning district. Provided, however, that as long as the overall density of the development does not exceed the density otherwise permitted for a parcel of that size, taking into consideration standard street patterns and right-of-way requirements, the density of portions of the development may vary from that otherwise applicable to that planned zoning district. In determining whether or not to allow the density of development to be varied, the Planning Commission and Governing Body shall give consideration to the following: (1) the amount, location and proposed use of common open space; (2) the location and physical characteristics of the site of the proposed development; and (3) the location, design and type of dwelling units and other uses.
- D. Any common open space resulting from the variance of standards for density or intensity of land shall be set aside for the use and benefit of the residents of such development. Several planned zoning districts contain minimum landscaped open space requirements; in other cases, the amount of common open space shall be determined at the time of preliminary development plan approval. As a condition of preliminary development plan approval, the Planning Commission or Governing Body may require that the developer provide for and establish an agency for the ownership and maintenance of any common open space and may require assurance of the financial and administrative ability of any such agency. Further, the Planning Commission or Governing Body may require that any such agency shall not be dissolved or permitted to dispose of any common open space by sale or otherwise (except to a new agency assuming all the duties and obligations of the original agency) without first offering to dedicate the same to the City or any other government agency. Failure of the agency to maintain the common open space shall be considered to be a violation of this Ordinance and subject to the penalties and/or remedies set forth in Section 18.100.110.
- E. Except as specifically provided in the chapters relating to particular planned zoning districts, there shall be no minimum number of dwelling units and no minimum acreage requirements for any planned development.

- F. At the time of final development plan approval, the Planning Commission may apply the provisions of Chapters 18.460 and 18.470 to the planned development and, upon the acceptance of the Governing Body, the filing of the final development plan with the Johnson County Records and Tax Administration shall constitute the effective dedication of easements, rights-of-way, access control and the equivalent of and alternate for the platting of land prior to the issuance of buildings permits for the planned development. Rule exceptions to the standards set forth in Chapter 18.460 may be granted at the time of such final development plan approval under the same conditions applicable to plat approvals.
- G. Standards for the design, bulk and location of buildings and structures shall be as set forth in the chapters applicable to any planned zoning district. Provided, that the Planning Commission or Governing Body may, in the process of approving preliminary or final development plans, approve the following deviations from the minimum standards where there is ample evidence that the deviations will not adversely affect neighboring property and that such action will not constitute the mere granting of a privilege:
1. Setbacks of buildings and paved areas from a public street right-of-way may be reduced to 75% of the stated requirement.
 2. Setbacks of buildings from a property line other than a public street right-of-way may be reduced to 85% of the stated requirement and setbacks of paved areas from a property line other than a public street right-of-way may be reduced to zero, if existing or proposed development on said adjacent land justifies any such reduction.
 3. Side yards between buildings may be reduced to zero.
 4. Setbacks of buildings and paved areas from a freeway right-of-way may be reduced to five feet.
 5. A portion of the parking area required under this Title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately.
 6. In the RP-3, RP-5 and RP-6 districts, the required front, side and rear yards between abutting R-1 property, commercial streets, super-collectors and thoroughfares or rights-of-way for interstates, highways and freeways may be reduced in such circumstances where the project sufficiently mitigates negative impacts by the use of unique and innovative site planning, buffering or landscaping techniques.
 7. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project and shall be in keeping with good land use planning principles.

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- H. The Planning Commission or Governing Body may, in the process of approving preliminary or final development plans, approve deviations from applicable development standards other than those listed in subsection G of this Section only if it finds that all of the following conditions are met:
1. That the deviation requested arises from a condition which is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.
 2. That the granting of the deviation will not adversely affect the rights of adjacent landowners or residents.
 3. That the strict application of the provisions of this Ordinance would constitute unnecessary hardship upon the landowner represented in the application.
 4. That the deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
 5. That the granting of the deviation will not be opposed to the general spirit and intent of this Ordinance.
- I. The design of all planned developments shall be such that access and circulation by firefighting equipment and other emergency vehicles is assured and may not be retarded by steep grades, heavy landscaping or building spacing.

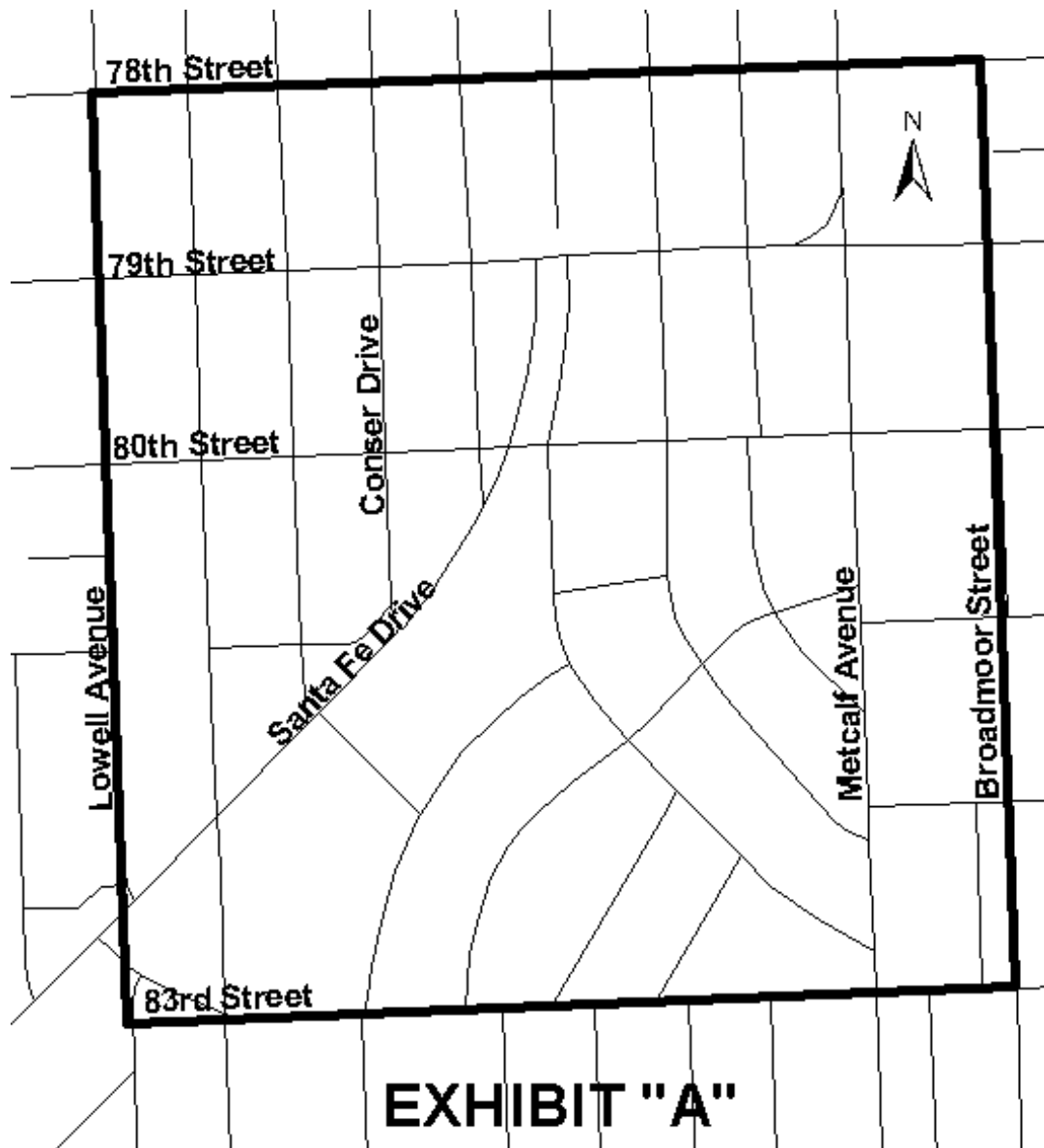
(History: Ord. ZRR-2698 §4, 2007; ZRR-1725; ZRR-1636; ZRR-889 §18.04)

18.150.080 Downtown districts; general requirements

- A. Districts MS1, MS2, SFD, DND, and MD are classified as downtown zoning districts.
- B. No property may be zoned into a downtown zoning district, unless such property falls within the boundary shown on Exhibit A of this section.
- C. Standards for the design, bulk and location of buildings and structures shall be as set forth in the chapters applicable to any downtown zoning district. Provided, that the Planning Commission or Governing Body may, in the process of approving downtown development plans, approve the following deviations from the minimum standards where there is ample evidence that the deviations will not adversely affect neighboring property and that such action will not constitute a mere granting of a privilege:
1. Setbacks of buildings and paved areas from a public street right-of-way may be reduced to 75% of the stated requirement.
 2. Setbacks of buildings from a property line other than a public street right-of-way may be reduced to 85% of the stated requirement and setbacks of paved areas

from a property line other than a public street right-of-way may be reduced to zero, if existing or proposed development on said adjacent land justifies any such reduction.

3. Side yards between buildings may be reduced to zero.
 4. A portion of the parking area required under this title may remain unimproved until such time as the Planning Commission or Governing Body deems it must be improved to serve parking demand adequately.
 5. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project and shall be in keeping with good land use planning principles.
 6. Any stated build-to line may be increased by not more than ten feet.
- D. The Planning Commission or Governing Body may, in the process of approving downtown development plans, approve deviations from applicable development standards other than those listed in subsection C of this section, only if it finds that all of the conditions outlined in 18.150.070(H) are met.
- E. Where a deviation is requested on property in any downtown zoning district, the process outlined in Section 18.140.490(A) shall be followed.



(History: Ord. ZRR-2343 §41, 2002)

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