

Chapter 18.170
RE RESIDENTIAL ESTATES DISTRICT

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18.170.010 Statement of intent

The zoning of property as RE, Residential Estates District, is intended to provide for single-family detached dwellings at a density not to exceed one dwelling unit per acre and other selected uses which are compatible with the large-lot/low-density residential character of this district. Property zoned RE should include only those tracts which abut or are in close proximity to existing large-lot single-family development and which have an established neighborhood character of single-family dwellings on large lots containing a minimum of one acre. Land considered for the RE District should also include only that land which, due to its location or the conditions resulting from adjacent large-lot residential development, will not be provided public sanitary sewers within a reasonable period of time.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-1342)

18.170.020 Permitted uses

No building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses, subject to the development and performance standards set forth in Section 18.170.100:

- A. Agricultural uses;
- B. Dwellings, one family;
- C. Churches and publicly-owned and operated community buildings, public museums, public libraries;
- D. Public parks and playgrounds, including public recreation and service buildings and publicly-owned swimming pools;
- E. Private parks, playgrounds, swimming pools, tennis courts, clubhouses and other recreation facilities within a subdivision for the use of subdivision residents;

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- F. Public schools, and private schools with a curriculum equivalent to that of a public school, and institutions of higher learning, including stadiums and dormitories in conjunction therewith, if located on the campus;
- G. Golf courses and clubhouses appurtenant thereto (except miniature golf courses, driving ranges, and other similar activities operated as a business);
- H. Residential real estate sales offices;
- I. Accessory uses as provided in Chapter 18.390;
- J. Utility structures, subject to the provisions set forth in Section 18.180.070(H).
(History: Ord. ZRR-2262 §3, 2001; ZRR-1725; ZRR-1637; ZRR-1342)

18.170.030 Height and area regulations

The maximum height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per dwelling permitted on any lot shall be as follows, except as otherwise provided in Chapter 18.420:

- A. Maximum height:
 - 1. Residences -- two and one-half stories, not exceeding 35 feet.
 - 2. Non-residential structures -- 50 feet.
 - 3. Accessory structures and uses, other than non-residential structures -- one and one-half stories, not exceeding 20 feet.
- B. Minimum front yard -- 50 feet.
- C. Minimum side yard -- 25 feet.
- D. Minimum rear yard -- 75 feet.
- E. Minimum lot width -- 125 feet.
- F. Maximum lot depth to width ratio -- 3:1.
- G. Minimum Lot area per dwelling -- one acre (43,560 square feet).
(History: Ord. ZRR-1725; ZRR-1637; ZRR-1342)

18.170.040 Parking regulations

Two off-street parking spaces shall be provided for each single-family dwelling. Both required off-street parking spaces shall be located within garages attached to the main dwelling. (See Chapter 18.430 for additional parking requirements.)

(History: Ord. ZRR-1725; ZRR-1637; ZRR-1342)

18.170.050 District size

All parcels hereafter zoned RE shall contain a minimum of forty acres of land; provided that the Planning Commission and Governing Body may waive this requirement if the proposed tract abuts an existing large-lot development and the proposed tract will enable a compatible extension of existing development.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-1342)

18.170.060 Plan approval

For all uses and structures other than single-family residences and their accessory uses, preliminary development plans and final development plans shall be approved prior to the issuance of building permits. Preliminary development plan approvals given by the Planning Commission prior to September 1, 1985, are hereby deemed to have expired unless final development plans have also been approved prior to the effective date of this ordinance. The procedures applicable to all such preliminary and final development plans are set forth in Chapter 18.140. Once a preliminary or final development plan has been approved by the City, no development approvals shall be granted and no building permits shall be issued for any construction activity within the boundary of that plan that is not in compliance with the approved plan.

(History: ZRR-2156 §2, 99; ZRR-1725; ZRR-1637; ZRR-1399; ZRR-1342)

18.170.070 Building on unplatted land

A building permit for a residential dwelling or any other structure in this district will not be issued until a plot plan showing the proposed building and the land areas to be set aside to accommodate it is submitted and approved by the Director of Planning and Development Services. Such plot plan may delineate a tract of land which is part of a larger ownership without the filing of a plat, provided the delineated tract is accurately tied to a section or quarter section corner and has access to a public street, road or highway. This delineated tract shall be entered on the official zoning map of the City and shall be considered the same as a platted lot for purposes of regulating permits on adjacent land. The owners of tracts abutting an existing road, street or highway which has less than the City standard right-of-way shall present a warranty deed acceptable to the City for that right-of-way necessary to comply with the City standards prior to the issuance of a building permit.

(History: Ord. ZRR-2343 §43, 2002; ZRR-1725; ZRR-1637; ZRR-1342)

18.170.080 Septic tank study required

At the time of filing an application for RE zoning, the applicant shall submit a septic tank suitability study for consideration by the Planning Commission and Governing Body. Such septic tank suitability study shall be conducted by a licensed engineer or competent professional testing company. The septic tank study shall include results of percolation tests on the ratio of

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one test hole per five acres, or fraction thereof, of land contained within the application. The required test holes shall be spaced evenly throughout the property so as to give a septic suitability analysis of the entire tract. The Planning Commission and Governing Body may require additional testing of the site pending review of the initial study results. Such septic tank study shall show that the use of septic tanks on the requested land will not endanger the public health, safety or general welfare. If the study indicates that septic tank usage would have an adverse effect on the public health, safety or general welfare, the applicant may submit a proposal to mitigate the problem in such a way as to permit the use of septic tanks in a safe manner. See Section 18.140.270.B.2 for additional requirements.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-1342)

18.170.090 Deed restrictions required

At the time of filing an application for RE zoning, the applicant shall submit deed restrictions which as a minimum shall contain provisions which cover conditions outlined in Sections 13.05.035, 13.08.025 and 15.08.100 of the Overland Park Municipal Code. Such deed restrictions shall apply to all of the land contained within the requested RE district, and shall run with the land. A copy of such deed restrictions recorded with the Johnson County Register of Deeds shall be furnished to the Director of Planning and Development Services prior to the publication of any rezoning ordinance for any RE district.

(History: Ord. ZRR-2343 §44, 2002; ZRR-1725; ZRR-1637; ZRR-1342)

18.170.100 Development and performance standards

- A. No detached accessory building shall be located within the front yard.
- B. All detached accessory buildings located within a side yard shall be set back a minimum of 10 feet from the side lot line in the case of an interior lot, or 25 feet in the case of a corner lot.
- C. All detached accessory buildings located in the rear yard shall be set back a minimum of 25 feet from the rear lot line.
- D. Approval or disapproval of proposed preliminary development plans for non-residential uses shall be based upon the following:
 1. The capability of the site to accommodate the building, parking and drives with appropriate open space and safe and easy ingress and egress.
 2. An appropriate degree of harmony will prevail between the architectural quality of the proposed building and the surrounding neighborhood.
 3. The appropriateness of the minimum dimensions and areas of lots and yards stated in Section 18.170.030 may be considered and increased; in the case of a church, the site shall be of not less than four acres in area, and shall have direct access to a thoroughfare, super-collector or collector street.

- E. Residential real estate sales offices are subject to the following standards:
1. There shall be only one residential real estate sales office in any one subdivision.
 2. All sales shall be limited to the sale of new properties located within that subdivision.
 3. Any sales office within a subdivision shall be located within a permanent residential structure with a minimum dwelling size classification equal to or greater than that of the approved subdivision. Manufactured homes, mobile homes and construction trailers shall not be permitted.
 4. No additional parking facilities other than adjacent on-street or customary driveway parking shall be permitted.
 5. Each residential real estate sales office shall obtain a Certificate of Occupancy from the Code Administrator or his designee prior to commencement of the sales office. Revocation of the Certificate of Occupancy may result if any of the above standards are violated.
 6. Upon issuance of any Certificate of Occupancy for 90% of the homes within the subdivision, the sales office shall be terminated.
 7. Any residential real estate sales office which meets the above standards will be exempt from the plan approval requirements set forth in Chapter 18.140.

(History: Ord. ZRR-2698 §5, 2007; ZRR-2285 §2, 2001; ZRR-1725; ZRR-1637; ZRR-1342)

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