

Chapter 18.180
R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT and
RP-1 PLANNED SINGLE-FAMILY RESIDENTIAL DISTRICT

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18.180.010 Statement of intent

The zoning of property as R-1, Single-Family Residential District, or RP-1, Planned Single-Family Residential District, is intended to provide for standard low-density residential developments in areas where adequate public facilities and services exist for such development and such development is appropriate given the surrounding land uses and neighborhood. Property zoned R-1 or RP-1 shall be provided with public sanitary sewers, or suitable alternatives, prior to development.

(History: Ord. ZRR-1725; ZRR-1635)

18.180.020 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 18.180.070:

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

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- G. Golf courses and clubhouses appurtenant thereto (except miniature golf courses, driving ranges and other similar activities operated as a business);
- H. Agricultural uses;
- I. Residential real estate sales offices;
- J. Accessory uses as provided in Chapter 18.390;
- K. Communication towers designed as an architecturally compatible element to an existing non-residential use such as schools, churches, etc. and communication antennas mounted on existing non-residential structures and non-residential buildings;
- L. Utility structures.
- M. Roof-mounted wind turbine(s) on non-residential structures and non-residential buildings and wind turbines mounted on parking lot light poles located on property developed with a non-residential use.

(History: Ord. ZRR-2836 §4, 2010; ZRR-2262 §4, 2001; ZRR-2004 §3, 96; ZRR-1725; ZRR-1635; ZRR-1205; ZRR-889 §18.08)

18.180.030 Height and area regulations

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

- A. Maximum height:
 - 1. Residences -- two and one-half stories, not exceeding 35 feet.
 - 2. Accessory structures and uses, other than non-residential structures -- one story, not exceeding 20 feet and not exceeding the height of the main structure.
- B. Minimum front yard:
 - 1. 20 feet.
 - 2. 30 feet if the property has been preliminary platted prior to January 1, 2010.
 - 3. For Infill and Redevelopment the following shall apply:
 - a. The front setback shall not be less than the average existing setback along the same and facing block faces.
 - b. The front setback shall not be greater than 15 feet back from the average existing setback.

- C. Minimum side yard:
1. The total of both side yards shall be not less than 20% of the width of the lot, except that no side yard other than a street-side yard on a corner lot need be more than 15 feet.
 2. No side yard shall be less than 7 feet.
 3. The street-side yard on corner lots shall be not less than 20 feet; provided that where the lot backs up to another corner lot, the street-side yard shall be not less than 15 feet.
- D. Minimum rear yard -- 25 feet.
- E. Minimum lot width -- 70 feet.
- F. Average lot depth -- 115 feet.
- G. Minimum lot area per dwelling -- 8,000 square feet.
(History: Ord. ZRR-2848 §3, 2010; ZRR-1725; ZRR-1637; ZRR-889 §18.08)

18.180.040 Parking regulations

Two off-street parking spaces shall be provided for each single-family dwelling, at least one of which shall be in a garage or carport. See Chapter 18.430 for additional parking requirements.
(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.08)

18.180.050 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, §3, 99; ZRR-1725; ZRR-1637; ZRR-1399 §2; ZRR-889 §18.08)

18.180.060 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, §45, 2002; ZRR-1725; ZRR-1637)

18.180.070 Development and performance standards

- A. Detached accessory buildings shall not be located in any required front or side yard setback area, but may be located in the rear yard setback area provided that no such building may be closer than three (3) feet to any interior property line, closer than 20 feet from any street right-of-way line, or in front of any building setback line. The ground area of all detached accessory buildings in the rear yard shall not exceed thirty percent (30%) of the total land area in the rear yard setback. No more than two (2) detached accessory buildings shall be permitted for each residence.

- B. No single-family dwelling shall be constructed, reconstructed, altered or moved unless it conforms to the minimum dwelling size regulations set forth in Chapter 18.460.

- C. 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, with direct access to a thoroughfare, super-collector or a collector street.
 - 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 18.180.030 may be considered and increased.

- D. Residential real estate sales offices are subject to the following standards:
 - 1. There shall be only one (1) residential real estate sales office in any one (1) 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.
 8. A model home complex operated in conjunction with a residential sales office may include a decorative fence in the front yard enclosing or defining the extent of the complex. To qualify as a decorative fence, the surface of the fence must be at least 50 percent (50%) open, the fence cannot be constructed of chain link or other wire materials and cannot exceed four (4) feet in height. The front yard fence shall be removed upon the termination of the sales office.
- E. Residential-design manufactured homes are subject to the following architectural or aesthetic standards:
1. The roof shall be double-pitched and have a minimum vertical rise of four (4) feet for each 12 feet of horizontal run, and shall be covered with roofing material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roofs.
 2. All roof structures shall provide an eave projection of no less than nine (9) inches, which shall include a gutter.
 3. The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood, hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.

4. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (referred to as NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
5. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set out in Title 16 of the Overland Park Municipal Code, and shall be attached firmly to the primary structure and anchored securely to the ground.
6. All fuel supply systems shall be constructed and installed within the foundation wall or underground in compliance with all applicable building and safety codes, except that any bottled gas tanks may be located above ground and outside the foundation wall provided they are fenced so as not to be clearly visible from the street or abutting properties.
7. The moving hitch, transporting lights, and wheels and axles shall be removed.
8. The manufactured home shall be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the street, is no less than fifty percent (50%) of the unit's long dimension.
9. The lot shall be landscaped to ensure compatibility with surrounding properties. The lot shall be seeded, sodded or planted with other appropriate ground cover in compliance with Section 18.450.030.
10. The manufactured home shall have a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis. The minimum dimensions of the manufactured home shall be 22 feet in width and 40 feet in length.
11. A garage or carport, constructed in accordance with the requirements of Title 16 of the Overland Park Municipal Code, shall be provided.
12. If the manufactured home is located within a subdivision that has a minimum floor area classification established in compliance with Section 18.460.350, then the total livable floor area of the manufactured home shall comply with the minimum floor area required for that subdivision.

- F. Communication towers are subject to preliminary development plan approval. In addition, communication towers are subject to the same height and setback requirements as other structures within this district and the performance standards outlined in Section 18.395.070 G-O.
- G. Communication antennas may be installed on an existing structure located on property developed with a non-residential use or on a non-residential building subject to the performance standards in Section 18.250.050 H.
- H. Utility structures: Except as allowed by Section 18.180.070 H 4, utility structures may only be installed in a utility easement. Additional locations may be approved as allowed by Chapter 18.370. A right-of-way work permit shall be obtained for any work associated with the utility structure that will disturb the public right-of-way. Utility structures are subject to the following standards:
1. When placing utility structures, priority shall be given to finding available utility easements in preferred locations. Preferred locations, as listed in order of priority, are: 1) properties developed with non-residential uses; 2) thoroughfare or super-collector landscape easements; 3) rear yards; 4) street side yards on a corner lot behind the front yard setback; and 5) front yards within the required side yard setback. Unless approved by the City Engineer, no above ground utility structures shall be constructed, reconstructed or relocated in any portion of a utility easement that crosses over or is included in a drainage easement or a stormwater treatment facility. When requested, applicants shall provide the City with adequate documentation to establish that preferred locations, in order of priority, are not reasonably available.
 2. Size and Height - The structure is limited to 66 inches in height above average grade and shall be limited to a footprint no larger than 20 square feet in area, except as otherwise provided in this Section.
 3. Thoroughfare or super-collector landscape easements - If the structure is located within a thoroughfare or super-collector landscape easement, the structure is subject to site plan approval. The structure shall be limited to seven (7) feet in height above average grade and shall be limited to a footprint no larger than 42 square feet in area. Paved access to the structure from a thoroughfare or super-collector street may be considered, in which case an asphalt driveway meeting the requirements of Section 18.430.020 shall be constructed. The City Engineer may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes. The driveway shall be designed such that vehicles can turn around without backing onto the thoroughfare.

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4. Location in public right-of-way - Any structure located within the public right-of-way shall be located behind the sidewalk and is subject to approval by the City Engineer.
 5. Landscaping - Landscaping shall be provided for all structures with a footprint greater than two (2) square feet, where necessary to substantially screen the structure from public view and/or the view of adjacent homeowners. Where landscaping is used for screening, a landscape plan signed by a registered landscape architect shall be submitted with an application for a right-of-way work permit. If multiple locations of similar structures are proposed, then the utility may submit a minimum of two (2) typical landscape plans, prepared by a licensed landscape architect for review and approval by the City. As part of any right-of-way work permit, landscaping shall be installed in accordance with an approved plan. Maintenance of all landscaping shall be the responsibility of the utility, unless written acceptance of such responsibility is provided from the property owner or homes association.
 6. Noise - The structure shall comply with all noise requirements, established by the City.
 7. Non-residential uses - Utility structures that are located on property that has been approved for a non-residential use, are subject to the requirements set forth in Section 18.250.050 H and are exempt from the above standards.
 8. Abandonment - Any structure that is not operated for a continuous period of six (6) months shall be considered abandoned. The owner of said structure shall remove the structure and return the site to its original condition within 30 days following abandonment of the structure.
 9. Notwithstanding any provisions to the contrary, utility structures may continue to be installed upon the issuance of a special use permit under the applicable provisions of the UDO as they existed on January 1, 2001, and any applicant for approval of a utility structure may elect to follow those procedures and requirements or elect to comply with the amended provisions allowing a right-of-way work permit to be issued without a special use permit.
- I. Roof-mounted wind turbines may be installed on a structure located on property developed with a non-residential use or on a non-residential building subject to the performance standards in Section 18.250.050 J. Wind turbines may be installed on parking lot light poles located on property developed with a non-residential use subject to the performance standards in Section 18.250.050 K.

(History: Ord. ZRR-2836 §5, 2010; ZRR-2795 §1, 2009; ZRR-2748 §2, 2008; ZRR-2698 §6, 2007; ZRR-2626 §1, 2006; ZRR-2439 §1, 2003; ZRR-2262 §5, 2001; ZRR-2285 §3, 2001; ZRR-2004 §4, 96; ZRR-1725; ZRR-1637)

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