

Chapter 18.322
MS2 MAIN STREET DISTRICT 2

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18.322.010 Statement of intent

The zoning of property as MS2 – Main Street District 2, is intended to provide development opportunities consistent with the existing character surrounding the core of Downtown Overland Park. The objectives for this district are similar to MS1, except residential and office uses are permitted on the ground floor level of mixed-use buildings, in order to support the businesses in the downtown area.

(History: Ord. ZRR-2343 §64, 2002)

18.322.020 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 18.322.050:

- A. Any use permitted in District MS1, subject to the applicable development and performance standards.
- B. Any use permitted in District C-O.
- C. Residential uses, as a part of a commercial or office building.
- D. Accessory uses as provided in Chapter 18.390.

(History: Ord. ZRR-2343 §64, 2002)

18.322.030 Height and area regulations

The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Chapter 18.420:

- A. Maximum height -- not exceeding three stories.
- B. Front build-to line –zero.
- C. Side yards:
 - 1. Where a side yard abuts a public street, the build-to line shall be zero.

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2. For side yards not adjacent to a public street, the build-to line shall be zero, at the front building line. Behind the front building line, there is no stated requirement.

D. Rear yards -- No rear yard is required.
(History: Ord. ZRR-2343 §64, 2002)

18.322.040 Parking regulations

- A. No parking is required, except where residential uses are proposed, in which case there shall be one parking space per dwelling unit.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within 6 six feet of a street line or lot line.
- C. All parking setback areas shall be graded and planted with appropriate ground cover and landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line, for the entire length of the lot.
- D. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-street parking shall be determined at the time of downtown development plan approval.
- E. Sections 18.430.105, Parking for specific uses, does not apply to this zoning district.
(History: Ord. ZRR-2343 §64, 2002)

18.322.050 Development and performance standards

- A. Drive-up, drive-thru, or drive-in service for any use is prohibited.
- B. Residential uses shall not consist of more than 35% of the ground level street frontage within any commercial or office building.
- C. Only retail merchandise designed for exterior use and made from weather-resistant materials may be displayed or stored outside a building. Such merchandise shall be kept off of the public sidewalks and the public rights-of-way, except that limited displays on the public sidewalk may be permitted as part of a temporary promotional event approved through a Special Event Permit issued by the City. All other merchandise, materials or equipment shall be stored inside a building.
- D. Sales and consumption of cereal malt beverages or alcoholic liquor shall be subject to the provisions set out in Section 18.260.050, and as required in Chapters 5.12, 5.20, and 5.48, as applicable.

- E. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case, the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- F. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- G. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
- H. Prior to the issuance of any building permit, downtown development plan approval shall be obtained as provided for in Chapter 18.140.

(History: Ord. ZRR-2343 §64, 2002)

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