

**Chapter 18.420
HEIGHT AND AREA EXCEPTIONS**

Sections:

- 18.420.010 Generally
- 18.420.020 Height and yard exceptions - public or semi-public buildings
- 18.420.025 Yard exceptions - non-residential uses in residential districts
- 18.420.030 Yard exceptions - platted setback lines
- 18.420.040 Yard exceptions - residential districts; front yards
- 18.420.050 Yard exceptions - required yards
- 18.420.060 Yard exceptions - sight distance on corner lots
- 18.420.070 Yard exceptions - rear yards in commercial and industrial districts
- 18.420.080 Yard exceptions - rear yards adjoining alleys
- 18.420.090 Official Street Map – Adoption by Governing Body
- 18.420.100 Official Street Map - filing with Register of Deeds
- 18.420.110 Official Street Map - measurement of yard and lot areas
- 18.420.120 Official Street Map - building setbacks
- 18.420.130 Official Street Map - modification of building restrictions

18.420.010 Generally

The regulations and requirements relating to the height of buildings and structures and the area of lots and yards shall be subject to the following exceptions and additional regulations set forth in this chapter.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.020 Height and yard exceptions - public or semi-public buildings

In any district, public or semi-public buildings, such as hospitals, churches and schools, either public or private, may be erected to a height not exceeding 75 feet. In any district, where the height of a public or semi-public building exceeds the maximum height established for the district in which such building is located, such building shall have yards which shall be increased one foot on all sides for each additional foot that such buildings exceed the maximum height.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.025 Yard exceptions - non-residential uses in residential districts

With the exception of private recreation facilities within a subdivision for the use of subdivision residents, the required perimeter setbacks from adjacent property for all non-residential uses locating in a residential district shall be according to the following schedule:

MINIMUM PERIMETER SETBACKS BASED ON ADJACENT MASTER PLAN DESIGNATIONS			
	Very-Low & Low density residential	Medium-, Medium- High & High density residential	All other designations
Primary building, Accessory uses - net site area < 10 acres	50'	25'	15'
Primary building, Accessory uses - net site area > 10 acres	75'	25'	15'

(History: ZRR-2156, §9, 99)

18.420.030 Yard exceptions - platted setback lines

Where a setback line for a front yard, side yard or rear yard is established on any plat approved by the City, which platted setback is more restrictive than the yard requirements set forth in this title, such setbacks shall control and building permits shall not be issued for any building or structure outside of such platted setback which would not otherwise be allowed to be located in the yard pursuant to this title.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.040 Yard exceptions - residential districts; front yards

In residential districts where lots comprising 40% or more of the frontage on the same side of a street between two intersecting streets (excluding reverse corner lots) are developed with buildings having front yards with a variation of not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, but which is less than the established setback for the block as provided herein, such setback line shall control. Provided further that the Board of Zoning Appeals may establish a reasonable setback in case of hardship or where the configuration of the ground and buildings is such as to make conformity with the front yard requirements established pursuant to this section impractical.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.050 Yard exceptions - required yards

A. Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six inches nor into a minimum yard more than 30 inches; and provided further that canopies or open porches having a roof area not exceeding 60 square feet may project a maximum of six feet into the required front or rear yard. Unenclosed decks not more than 30 inches above natural grade may extend into the rear yard to the same extent as a detached accessory building. For purposes of this Section, the height above natural grade shall be measured along the perimeter of the deck and shall not exceed 30 inches at any point. Patios, pools or similar structures which are at or below grade may be located in any side or rear yard area provided they are at least three feet from any property line.

B. In the case of corner lots or double frontage lots, the rules stated in subsection A shall be modified as follows:

1. No accessory structure of any kind shall be built in any platted landscape easement.
2. In the case of a double frontage lot or corner lot whose rear yard abuts a super-collector, collector or local street, no accessory structure of any kind shall be built closer than 15 feet to the street right-of-way.

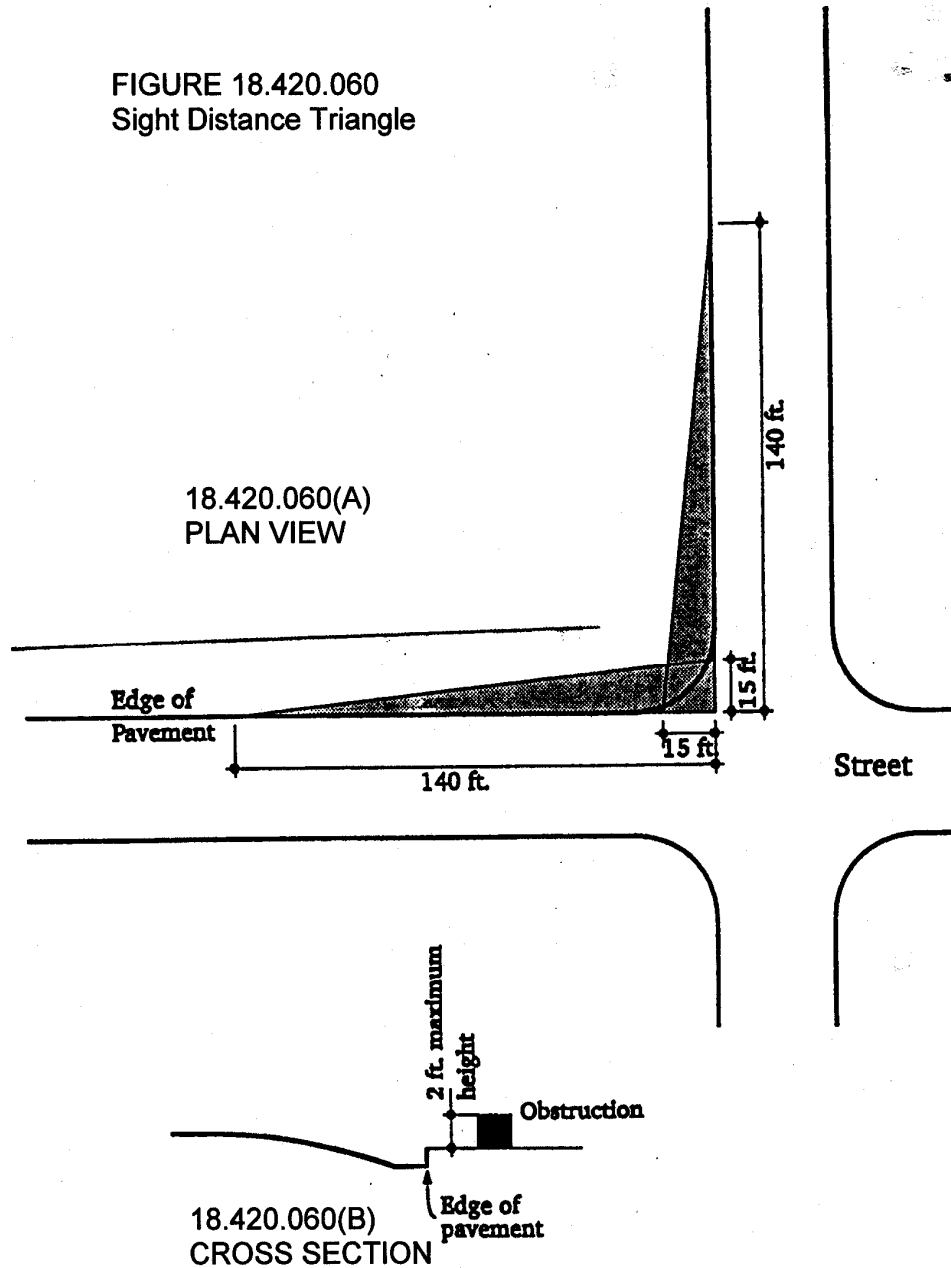
(History: Ord. ZRR-2698 §15, 2007; ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.060 Yard exceptions - sight distance on corner lots

All corner lots shall provide two sight distance triangles, the short leg of which shall be 15 feet, and the long leg of which shall be 140 feet measured along the edge of the pavement as depicted in Figure 18.420.060A. Such area within the triangles depicted in Figure 18.420.060B shall be and remain free of shrubbery, fences or other obstructions to vision more than 2 feet in height measured above the edge of pavement at a point nearest the obstruction.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

**FIGURE 18.420.060
Sight Distance Triangle**



18.420.070 Yard exceptions - rear yards in commercial and industrial districts

No rear yard shall be required in commercial or industrial districts on any lot used for business or industrial purposes, the rear line of which adjoins a railroad right-of-way or which has a rear railway track connection.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.080 Yard exceptions - rear yards adjoining alleys

In computing the depth of a rear yard for any building where such yard adjoins an alley, one-half of such alley may be counted as a portion of the rear yard.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.48)

18.420.090 Official Street Map - Adoption by the Governing Body

For purposes of establishing building or setback lines on existing and proposed major streets within the City, and prohibiting any new building being located within such building or setback lines within the City, pursuant to the authority of K.S.A. 12-765, the Governing Body may adopt an ordinance establishing building or setback lines on such existing and proposed major streets or highways and to prohibit any new building being located within such building or setback lines, and, within such ordinance, to incorporate by reference the Official Street Map, including supplementary documents, which sets forth the major street plan for the City and shows, to the extent possible, the location and width of existing or proposed major streets or highways and building or setback lines. Not less than three (3) copies of the Official Street Map together with the adopting ordinance shall be on file and available for inspection in the offices of the Director of Planning and Development Services and the City Engineer and the City Clerk.

(History: Ord. ZRR-2343 §52, 2002; ZRR-1826 §1,93; ZRR-1725; ZRR-1637)

18.420.100 Official Street Map - filing with Register of Deeds

A certified copy of the Official Street Map and adopting ordinance shall be filed with the Register of Deeds of Johnson County.

(History: Ord. ZRR-1826 §2,93; ZRR-1725; ZRR-1637)

18.420.110 Official Street Map - measurement of yard and lot areas

In measuring any required yard or lot area, those portions of a lot which lie in an established or proposed street right-of-way as depicted on the Official Street Map and supplementary documents shall not be counted as part of any such required yard or lot area.

(History: Ord. ZRR-1826 §3,93; ZRR-1725; ZRR-1637)

18.420.120 Official Street Map - building setbacks

Notwithstanding any yard requirement, no building, parking area or other structure shall be located closer to a street right-of-way than a building setback established by the Official Street Map and supplementary documents.

(History: Ord. ZRR-1886 §1,94; ZRR-1826; ZRR-1725; ZRR-1637)

18.420.130 Official Street Map - modification of building restrictions

The Board of Zoning Appeals may modify or vary the building restrictions established by the Official Street Map in specific cases in order to avoid unwarranted hardship which constitutes a complete deprivation of use as distinguished from merely granting a privilege, provided that the intended purpose of the restrictions shall be strictly observed and the public welfare and public safety protected.

(History: Ord. ZRR-1826 §5,93; ZRR-1725; ZRR-1637)

18.420.140 Official Street Map - adoption of building and setback lines

The building and setback lines for existing and proposed major streets and highways shall be those building and setback lines established by the applicable provisions of the Unified Development Ordinance, Overland Park Municipal Code.

(History: Ord. ZRR-1826 §6,93)

[Next Page is 18-3400]